

STATE OF MINNESOTA

IN SUPREME COURT

A11-2071

In re Petition for Disciplinary Action against
Shannon M. Fitzpatrick, a Minnesota Attorney,
Registration No. 345349.

O R D E R

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent Shannon M. Fitzpatrick committed professional misconduct, namely, failing to maintain the required trust account books, resulting in shortages in her trust account and the unintentional misappropriation of client funds, and depositing client funds into her business account, and on occasion, failing to promptly transfer those funds into her trust account, in violation of Minn. R. Prof. Conduct 1.15(a), (c)(3), (c)(5), and (h), and Appendix 1 thereto.

Respondent waives her procedural rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR), and unconditionally admits the allegations of the petition. The parties jointly recommend that the appropriate discipline is a public reprimand and two years of probation during which respondent's books and records will be available for the Director's review.

The court has independently reviewed the file and approves the recommended disposition.

Based upon all the files, records, and proceedings therein,

IT IS HEREBY ORDERED that respondent Shannon M. Fitzpatrick is publicly reprimanded and placed on two years of probation subject to the following terms and conditions:

(a) Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director's correspondence by the due date. Respondent shall provide the Director with a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent shall authorize the release of information and documentation to verify compliance with the terms of this probation.

(b) Respondent shall abide by the Minnesota Rules of Professional Conduct.

(c) Respondent shall maintain law office and trust account books and records in compliance with Minn. R. Prof. Conduct 1.15 and Appendix 1, Minn. R. Prof. Conduct. These books and records include the following: client subsidiary ledgers, checkbook register, monthly trial balances, monthly trust account reconciliation, bank statements, canceled checks, duplicate deposit slips, and bank reports of interest, service charges, and interest payments to the Minnesota IOLTA Program. Such books and records shall be made available to the Director within 30 days from the filing of this order and thereafter at such intervals as the Director deems necessary to determine compliance.

(d) If at any time during the period of probation, after giving respondent an opportunity to be heard by the Director, the Director concludes that respondent has violated the conditions of the probation or engaged in further misconduct, the Director may file a petition for disciplinary action against respondent in the Minnesota Supreme Court without the necessity of submitting the matter to a Panel or Panel Chair.

Respondent shall pay \$900 in costs pursuant to Rule 24, RLRP.

Dated: December 20, 2011

BY THE COURT:

/s/

Alan C. Page
Associate Justice