

James F. Fitzpatrick, lawyer and lobbyist at Arnold & Porter, dies at 88

By **Louie Estrada**

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James F. Fitzpatrick, a senior partner at Arnold & Porter who represented high-profile clients in congressional oversight hearings and argued at the U.S. Supreme Court and who also served on boards of civil rights and arts organizations, died Feb. 7 at his home in Washington. He was 88.

The cause was colon cancer, said a son, Ben Fitzpatrick.

Mr. Fitzpatrick, known as “Jim Fitz,” was on the national board of the American Civil Liberties Union in the 1980s and worked as a lawyer and lobbyist at Arnold & Porter for 42 years before retiring in 2003.

In one of his first cases at what was then Arnold, Fortas & Porter, Mr. Fitzpatrick was assigned to help partner Abe Fortas (the future Supreme Court justice) prepare for oral argument in the landmark 1963 Supreme Court case *Gideon v. Wainwright*.

The firm handled the appeal of Clarence Earl Gideon, a Florida drifter who had been forced to represent himself after being unable to afford a lawyer and was convicted of breaking into a pool hall. The case extended the right of legal representation to criminal defendants charged with state-level felonies.

In 1983, Mr. Fitzpatrick represented State Farm Mutual Automobile Insurance Co. when he successfully argued “the air bag” case before the Supreme Court, setting a precedent for the process by which federal agencies can change their regulations. The court found that the Reagan administration, amid its push for deregulation, had improperly reversed a federal agency’s decision that new cars be equipped with air bags or automatic seat belts.

At the firm, Mr. Fitzgerald was involved briefly in the defense of Sen. Bob Packwood (R-Ore.) when the senator was under scrutiny by the Senate Ethics Committee over allegations sexual misconduct toward his staffers and other women, and he was an attorney for businesswoman and television host Martha Stewart while she was investigated over allegations of insider stock trading.

James Franklin Fitzpatrick was born in Bluffton, Ind., on Jan. 18, 1933. His mother was, for a time, a teacher on Montana’s Pine Ridge Indian Reservation, and his father was a banker.

After graduating from Indiana University in 1955, he received a Rotary International Fellowship to study economics at the University of Cambridge in England. He returned home in 1956 and graduated from Indiana University’s law school three years later.

As an impresario of modern art, he persuaded Arnold & Porter to start an arts collection and decorated the office walls

with paintings by artists of the Washington Color School. He gave legal advice to artists and art groups as a board member of the Washington Lawyers for the Arts.

He served as board chairman of the Phillips Collection and as president of the nonprofit Washington Project for the Arts. In 1989, he arranged to have the arts organization host a retrospective of Robert Mapplethorpe's artwork, which included explicitly homoerotic photographs, after the Corcoran Gallery of Art canceled the show.

In retirement, he taught constitutional law and cultural property law at Georgetown Law and the University of New Mexico law school in Albuquerque.

In addition to his son, survivors include his wife of 59 years, Sandra McNear Fitzpatrick, of Washington; two other sons, Michael Fitzpatrick of Washington and David Fitzpatrick of Denver; and six grandchildren.

Mr. Fitzpatrick, who fancied Stetson hats, a leather vest and cowboy boots, organized annual weekend camping trips at his farm near Romney, W.Va., for family, friends and colleagues.

“He was an unconventional, fun-loving guy, not your normal button-down lawyer,” Michael Fitzpatrick said. “He had a persuasiveness of character about him. He was always looking for that sweet spot between the needs and role of Congress and putting his client in the best possible position.”

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