



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: TERRY R. CLAYTON, BPR# 12392
CONTACT: RANDALL J. SPIVEY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 18, 2011

NASHVILLE LAWYER SUSPENDED

On January 12, 2011, Terry R. Clayton of Nashville, Tennessee, was suspended by the Tennessee Supreme Court for a period of seven (7) months pursuant to Supreme Court Rule 9, Section 4.2. However, pursuant to Supreme Court Rule 9, Section 8.5, Mr. Clayton's actual suspension shall be for a period of one (1) month with the remaining six (6) months to be served on probation. During the probationary period, Mr. Clayton must obtain three (3) hours of continuing legal education over and above the hours normally required and engage the services of a practice monitor.

Mr. Clayton violated disciplinary rules by failing to provide representation to a client, engaging in an inappropriate fee sharing arrangement with another lawyer, and neglecting the bankruptcy filing of a client. Mr. Clayton's actions violated Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5, (Fees), 5.1 (Responsibilities of Partners, Managers and Supervisory Lawyers) and 8.4 (Misconduct).

Mr. Clayton was furthered ordered to pay the expenses and costs of the disciplinary proceedings against him, pursuant to Rule 9, Section 4.7, of the Rules of the Supreme Court and fully comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, Section 18.1 of the Rules of the Supreme Court.

Clayton 1768-5 rel.doc.

PLEASE NOTE

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
2011 JAN 12 PM 12:23

IN RE: TERRY R. CLAYTON, BPR #12392
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

APPELLATE COURT CLERK
NASHVILLE

NO. M2010-01935-SC-R3-BP
BOPR No. 2008-1768-5-RS

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed on August 1, 2008 by the Board of Professional Responsibility ("Board") against Terry R. Clayton ("Respondent"); upon an Answer filed by Respondent on August 27, 2008; upon a hearing held May 19, 2009; upon Findings of Fact and Conclusions of Law and Judgment entered by the Hearing Panel on July 21, 2009; upon approval of the Board given on September 11, 2009; upon a Petition for Certiorari filed by Respondent on September 21, 2009; upon Order entered by the Chancery Court of Davidson County on July 23, 2010; upon Respondent's Notice of Appeal filed in this Court on September 13, 2010; upon this Court's Order of December 29, 2010, dismissing Respondent's appeal for a lack of subject matter jurisdiction; and upon the entire record in this cause.

From all of which pursuant to Supreme Court Rule 9, Section 8.4, the Court approves the Findings of Fact and Conclusions of Law and Judgment of the Hearing Panel and adopts the judgment of the Hearing Panel as the Court's Order.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court that:

1. The Respondent, Terry R. Clayton, shall be and hereby is suspended from the practice of law for seven (7) months pursuant to Supreme Court Rule 9, Section 4.2. However, pursuant to Supreme Court Rule 9, Section 8.5, the Respondent's actual suspension shall be for a period of one (1) month. The imposition of the remainder of the suspension is suspended, and the Respondent is thereafter placed on probation for the remainder of the seven (7) months subject to the following conditions.

2. During the probation period Respondent shall attend three (3) hours of Continuing Legal Education on the topic of legal ethics and three (3) hours of law office management. These hours shall be over and above the hours normally required by the Commission on Continuing Legal Education.

3. Respondent shall employ, at his own expense, a Law Practice Monitor, approved by Disciplinary Counsel. No later than the end of the first month of the probation period, the Law Practice Monitor will meet with Respondent to discuss good office management practices and make suggestions on improving Respondent's management of his law practice.

4. The Law Practice Monitor shall also meet at least monthly with Respondent during this suspension and probation to review Respondent's open files to ensure (1) that Respondent is meeting all deadlines in each case and (2) communicating candidly and timely with each of his clients. The Law Practice Monitor shall provide monthly reports to Disciplinary Counsel detailing Respondent's compliance with these conditions. The Law Practice Monitor may determine if more frequent meetings or reports are appropriate and if so each will be a term of this probation.

5. Failure to meet any of the above listed conditions or upon report to Disciplinary Counsel from the Law Practice Monitor that Respondent has failed to meet all deadlines in his cases or communicate candidly and timely with each of his clients will result in the revocation of Respondent's probation. Upon revocation of his probation, Respondent will be required to serve the entirety of the suspension beginning ten (10) days from the date of revocation.

6. This suspension shall become effective ten (10) days after the filing of this Order.

7. Respondent shall comply in all aspects with Supreme Court Rule 9, Sections 18 regarding the obligations and responsibilities of suspended attorneys.

8. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,645.25 and in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

9. The Board shall cause notice of this suspension to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark

CORNELIA A. CLARK
CHIEF JUSTICE

Michael J. Carabino, Clerk, hereby certify that this is a true and exact copy of the original

filed in the office

This

day of

2011

CLERK OF COURTS

By: *Michael J. Carabino*