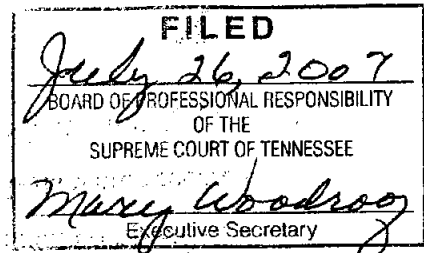


**IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



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

**FILE NO. 29598-5-SG
FILE NO. 29650c-5-SG**

PUBLIC CENSURE

The Board of Professional Responsibility considered two (2) complaints against the Respondent. In the first complaint, File No. 29598-5-SG, the Complainant retained the Respondent on July 22, 2004 regarding her personal injury case. The Complainant completed her treatment on October 8, 2004, and the Complainant's medical records and bills were received by the Respondent on December 10, 2004. The Complainant states the Respondent failed to accept or return her calls. The Respondent states he was not notified that the Complainant's case was set on August 11, 2006, and therefore the case was dismissed without prejudice for failing to appear. The Complainant states she learned from defense counsel and not from the Respondent that her case had been dismissed. In mitigation, the Respondent did file a Motion to Set Aside Dismissal in the Complainant's case on February 11, 2007.


In the second complaint, File No. 29650c-5-SG, the Respondent filed the Complainant's complaint for divorce on August 2, 2004. On October 26, 2005, the Court entered a Notice of Dismissal if the case was not set within thirty (30) days. On February 13, 2006, an Order was entered in the Complainant's divorce dismissing the case for lack of prosecution. The Complainant complains that the Respondent failed to advise the Complainant

that his divorce was dismissed until the Complainant went by the Respondent's office on August 22, 2006 (i.e., approximately six months after the Complainant's divorce was dismissed). The Respondent did re-file the Complainant's Complaint for Divorce on August 24, 2006.

The Respondent's neglect and failure to communicate with his clients violates Rules 1.3; 1.4; 3.2 and 8.4(a)(d) of the Rules of Professional Conduct. The Respondent's actions to renew his client's actions is a mitigating circumstance.

It is therefore **ORDERED, ADJUDGED and DECREED** by the Board of Professional Responsibility that the Respondent is **PUBLICLY CENSURED**.

FOR THE BOARD:



W. Forber Tracy, Chairman
Board of Professional Responsibility
of the Supreme Court of Tennessee

DATE: 