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IN DISCIPLINARY DISTRICT II
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

BOARD OF PROFESSIONAL
RESPONSIBILITY

Rw EXEC. SEC'Y

IN RE: CHARLES M. CLIFFORD, BPR NO. 1544
Respondent, an attorney licensed
to practice law in Tennessee
(Blount County)

FILE NO. 33246c-2-RW

PUBLIC CENSURE

The above complaint was filed against Charles M. Clifford, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on December 10, 2010.

Respondent's client first met with him in April 2008 to seek custody of his daughter, whom he believed was being abused at her mother's house. Respondent was retained and they met several more times in 2008 and in February, March and April 2009, but Respondent did not take action. Respondent asserts that his concerns were whether there was enough proof to win the case, not putting the child in a worse position, and having a minor testify. The client disputes that he had similar concerns. The client contends that it was Respondent who talked him out of proceeding, even though the client thought the situation warranted action.

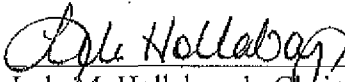
Thereafter, the client met with a counselor, who advised that his daughter's situation was an emergency. The counselor's opinion was based on the same information the client had conveyed to Respondent in February. With this knowledge, the client called Respondent's office several times, but never received a return call. The counselor referred the client to another attorney, who met with

him the day of the initial contact and, within 24 hours, filed a Petition for Custody and Emergency Order in Juvenile Court, which was granted the same day, April 28, 2009. The information relied on by the subsequent counsel and the Court is the same information conveyed to Respondent, who failed to take action. The child was subject to abuse in the period between when Respondent became involved and when subsequent counsel took action. Thereafter, a consent order transferred permanent custody to the client.

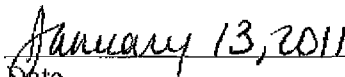
Subsequent counsel and the Judge recognized an emergency situation and took action. In this matter, Respondent was incompetent, failed to follow his client's wishes, lacked diligence and failed to reasonably communicate with his client. Respondent has past disciplinary history for lack of diligence and failing to reasonably communicate.

By the aforementioned facts, Charles M. Clifford, has violated Rules of Professional Conduct 1.1 (competence), 1.2 (scope of representation), 1.3 (diligence) and 1.4 (communication) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Lela M. Hollabaugh, Chair



Date