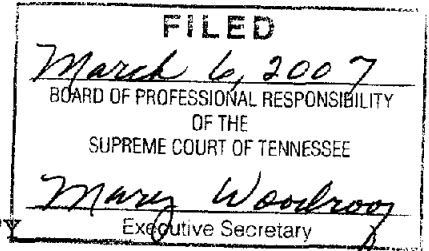


IN DISCIPLINARY DISTRICT II  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE



IN RE:        RAYMOND A. SHIRLEY, JR.  
              BPR No. 5784

FILE NO. 28667c-2 (K) -TC

---

PUBLIC CENSURE

---


The above complaint was filed against Raymond A. Shirley, 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 this matter at its meeting on September 8, 2006.

Mr. Shirley was retained in January, 2001, to represent the Complainant against the other driver and his insurance company relating to an automobile accident which occurred in December, 2000. The Complainant repeatedly called the Respondent, but the Respondent generally did not return the Complainant's calls. The Respondent assured the Complainant that he had filed suit and that her case would be settled before January, 2004. On May 5, 2005, the Respondent told the Complainant he would have to contact the insurance company, and that he had left previous messages for the adjustor that had not been returned. In September, 2005, the Complainant learned from the adjustor that the insurance company

was not aware of any suit ever having been filed on her behalf. While the Respondent filed suit on the Complainant's behalf on December 12, 2001, within the statute of limitations, the Respondent did not achieve service. The Respondent's subsequent re-issuance of the summons was legally inadequate because the savings statute did not apply because the Respondent had never made any attempt to serve the original summons. Moreover, the Respondent had attempted to re-issue the summons annually over several years. In at least one such attempt, the Respondent miscalculated the amount of time within which the summons was required to be re-issued and did so outside the one-year deadline. Due to the Respondent's negligence, the Complainant's claim was effectively extinguished. The Respondent failed to respond to requests from Disciplinary Counsel for additional information during the investigation of the complaint.

By the aforementioned facts, Raymond A. Shirley has violated Rules of Professional Conduct 1.1, 1.2, 1.3, 1.4, 8.1, and 8.4 and is hereby Publicly Censured for that violation.

FOR THE BOARD OF  
PROFESSIONAL RESPONSIBILITY

  
\_\_\_\_\_  
W. Erber Tracy, Chair  
3/5/07  
\_\_\_\_\_  
Date