

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

IN RE: JAMES TODD FAULKNER, BPR #20070
Respondent, An Attorney
Licensed to Practice
Law in Tennessee
(Davidson County)

FILE NO. 29996c-5-SG

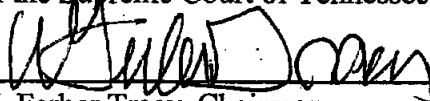
PUBLIC CENSURE

The Complainant retained the Respondent to represent her on her divorce on July 17, 2004. The Complainant complains that the Respondent failed to seek or obtain the Complainant's name change; failed to complete a QDRO and failed to file a counter-complaint. The Respondent acknowledges representing the Complainant in her divorce and states the divorce settled by agreement. The Respondent states that if the Complainant had brought to his attention his failure to include the Complainant's name change the Respondent would have corrected this omission for free but the Complainant failed to bring this problem to the Respondent's attention. In response to this assertion, the Complainant provided Disciplinary Counsel with a copy of her e-mail to the Respondent reflecting her question about the failure to include the name change and the Respondent's secretary's response advising the Complainant to

go to Probate Court to have her name changed. In response to the Complainant's assertion that the Respondent failed to prepare the Complainant's QDRO, the Respondent states it is his recollection that opposing counsel was going to prepare the QDRO but apparently never did. The Complainant's final decree provides "wife [Respondent's client] shall be responsible for generating the appropriate orders to effectuate this transfer of money." Complainant subsequently hired another attorney to prepare the QDRO. In the Respondent's March 20, 2006 letter to Disciplinary Counsel, the Respondent states "Mr. Halman did beat us to the filing but we filed her answer and counter petition immediately after that." Disciplinary Counsel asked the Respondent to provide a stamped filed copy of the counter complaint, the Respondent then advised Disciplinary Counsel that he was mistaken and he had never actually filed an answer and counter complaint.

The Respondent's misstatements to his client and to the Board violates Rules 8.4(c)(d) and 8.1(b) of the Tennessee Rules of Professional Conduct. The Respondent's failure to accurately communicate information to his client violates Rule 1.4. The Respondent's failure to address the Complainant's name change and failure to complete the QDRO violates Rule 1.3 of the Tennessee Rules of Professional Conduct. The Respondent is **censured** for these violations.

For the Board of Professional Responsibility
Of the Supreme Court of Tennessee



W. Ferber Tracy, Chairman

DATED: November 7, 2007