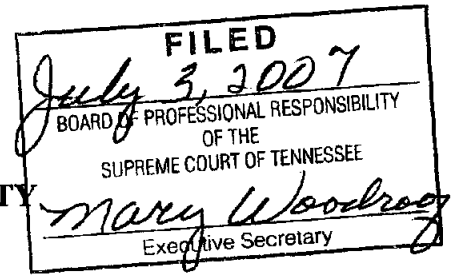


IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: **JAMES RICHARD McFALL, JR., BOPR #13882,
RESPONDENT. AN ATTORNEY LICENSED TO
PRACTICE LAW IN TENNESSEE
(SHELBY COUNTY)**

**FILE NOS.
22172-9-JJ / 22011-9-JJ
22173-9-JJ / 22409-9-JJ
22174-9-JJ / 22295-9-JJ
22197-9-JJ / 24998-9-JJ
22533-9-JJ**

PUBLIC CENSURE

These nine (9) complaint files were considered by the Board under Supreme Court Rule 9 at its June 2007 meeting, after these files were reactivated from retired status in June of 2006.

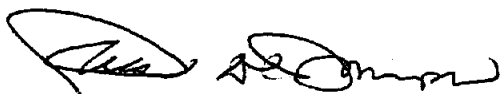
In each of the files, it appears that the respondent received fees and unearned costs from each complainant between 1997 and 1999 when he was impaired. Respondent admits he did not perform certain services in these nine (9) matters which were entrusted to him, before he was temporarily suspended in January 2000, and placed on disability inactive status in November, 2000. Respondent also admits he did not properly advise these clients of his temporary suspension and his later transfer to disability inactive status or return to them their case files to enable them to timely retain other counsel. These legal matters generally involved divorce, post-divorce, criminal defense, general civil and business litigation matters.

Between 2000 and the summer of 2005, respondent made restitution of \$10,450 to the Tennessee Lawyers Fund for Client Protection for these six (6) of the above former clients, representing all fees and unearned costs he received from them. Moreover, respondent has obtained treatment for the impairments which afflicted him and has complied fully with his treatment. In the summer of 2006, the respondent petitioned for reinstatement. In early June of this year, respondent made restitution of unearned fees and unexpended costs of \$575 to the complainants in the remaining three disciplinary files.

The Board finds there to be substantial mitigation in these files and is in agreement that the respondent should receive a Public Censure for his violations of DRs 1-101(A)(1)(4)(5)(6); 2-106 (B), 6-101 (A)(2)(3); 7-101 (A)(1)(2)(3) & 9-102 (A)(B).

Based thereon, respondent, James Richard McFall, Jr., is hereby **PUBLICLY CENSURED** and the captioned files are closed.

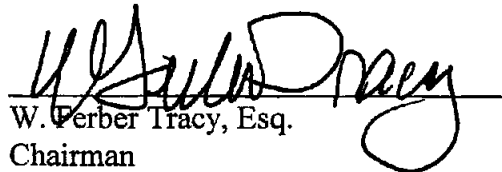
APPROVED FOR ENTRY:



Jesse D. Joseph, BOPR #10509
Disciplinary Counsel

Andrew C. Branham with
Andrew C. Branham, BOPR#9365 *permission*
Attorney for Respondent *by J.D.J.*

FOR THE BOARD:



W. Perber Tracy, Esq.
Chairman

DATED: June 23, 2007