

FILED

STATE OF NORTH CAROLINA | PM 2: 26 IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE WAKE COUNTY, C.S.C. SUPERIOR COURT DIVISION

15-R-455

IN RE:

BY 

ATTORNEY ALFRED P. CARLTON, JR.
(N.C. State Bar No. 6544)

**ORDER OF ATTORNEY DISCIPLINE
(PUBLIC REPRIMAND)**

This matter is before the Court upon a referral from the North Carolina State Bar requesting that this Court exercise its inherent authority and concurrent jurisdiction over reports alleging misconduct by Attorney Alfred P. Carlton, Jr.

Because Attorney Carlton was involved in representing parties in active litigation against the North Carolina State Bar at the time of the reports, the North Carolina State Bar referred the matter to the Honorable James L. Gale, Special Superior Court Judge for the North Carolina Business Court for review. Judge Gale appointed J. Gentry Caudill to conduct an investigation into matters related to allegations that attorney Alfred P. Carlton, Jr. violated Rule 1.15-2(a) of the North Carolina Rules of Professional Responsibility. Judge Gale referred this matter to this Court for a probable cause determination. The Court has accepted this referral under its inherent authority.

The parties have stipulated and the Court finds the following:

Mr. Carlton received ten payments that exceeded the amounts he had billed for work performed for his client World Law Group ("World Law"). The advance payments began with the first payment from World Law in July 2013 and continued through October 2014. Upon receipt, and in each instance, Mr. Carlton placed the whole payment into his firm's operating account.

Mr. Carlton's client was aware of and approved of this practice. The client suffered no financial loss and was not harmed or damaged by Mr. Carlton's actions as all advanced amounts were subsequently earned by Mr. Carlton within a relatively short period of time. The client has not complained, and is satisfied with the legal services provided by Mr. Carlton.

The payments from World Law in excess of amounts invoiced were advance payments. *See* 2000 Formal Ethics Opinion 5 & RPC 158 (April 15, 1994). Therefore, the excess money paid by the client remained "entrusted property" under NC RPC 1.15-1(e). Under NC RPC 1.15-2(a), Mr. Carlton was required to place all client entrusted property in his firm's trust account, which he did not do. Such actions constitute a violation of NC RPC 1.15-2(a).

The Court finds and concludes that Mr. Carlton violated NC RPC 1.15-2(a).

Attorney Carlton has no history of previous attorney misconduct resulting in disciplinary action.

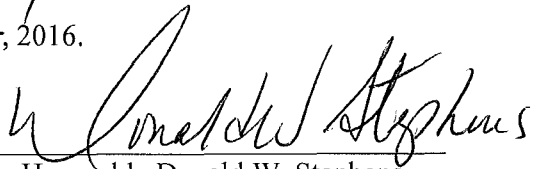
The Court has considered all available sanctions and finds that a Public Reprimand should be issued in this matter.

A Public Reprimand is a serious form of attorney discipline and is warranted for professional misconduct of this nature.

WHEREFORE, Attorney Alfred P. Carlton, Jr. is hereby publicly reprimanded by this Court for professional misconduct. This sanction shall serve as a strong reminder of the high ethical standards of the legal profession.

This Public Reprimand shall be forwarded to the North Carolina State Bar and maintained as a permanent record in the judgment book of the North Carolina State Bar and the Bar shall forward a copy of this Order to the parties who originated the inquiry. The attorneys who reported this matter are commended for bringing this matter to the attention of the Bar.

So ordered this, the 15th day of ~~January~~ ^{February}, 2016.


The Honorable Donald W. Stephens
Senior Resident Superior Court Judge
Tenth Judicial District