

**BEFORE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
FORREST R. CARLTON, II
STATE BAR CARD NO. 03819000**

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CAUSE NO. 32398

JUDGMENT OF DISBARMENT

On the 22nd day of July 2004, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared through the Chief Disciplinary Counsel and announced ready. Respondent, Forrest R. Carlton, II, although duly ordered to appear and show cause, and having been duly notified of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, received evidence, and heard the argument of counsel, the Board of Disciplinary Appeals finds as follows:

- (1) As of August 18, 2003, Respondent, Forrest R. Carlton, II, State Bar Card number 03819000, has claimed an exemption from the Minimum Continuing Legal Education requirements based on non-practicing status and is not currently authorized by the Supreme Court of Texas to practice law.
- (2) On March 4, 2002, the Supreme Court of the State of New Mexico entered an Order disbaring Forrest R. Carlton, II from the practice of law in Case No. 25,895 styled *In the Matter of Forrest R. Carlton, II, Esquire, an Attorney Suspended from Practice Before the Courts of the State of New Mexico*.
- (3) On May 5, 2004, this Board ordered Respondent to show cause, within thirty (30) days of the date of mailing, why the imposition of the identical discipline in Texas pursuant to TEXAS RULES OF DISCIPLINARY PROCEDURE § 9.02 would be unwarranted.
- (4) The show cause order, which contained a hearing setting, was mailed to Respondent at his last known address at 1890 Fort Union Drive, Santa Fe, New

Mexico 87505 by certified mail, return receipt requested, on May 12, 2004, as evidenced by the certified mail receipt filed with this Board on June 30, 2004.

- (5) Respondent received the show cause order as evidenced by his signature on the return receipt which was filed with this Board on June 30, 2004.
- (6) Respondent did not answer or otherwise respond to the show cause order within thirty (30) days of May 12, 2004 or as of the hearing on July 22, 2004.
- (7) Respondent, Forrest R. Carlton, II, is the same person as the Forrest R. Carlton, II, who is the subject of the Order of disbarment described above.

Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TRDP 7.08H.
- (2) Reciprocal discipline identical to that imposed by the Supreme Court of the State of New Mexico in the Order dated March 4, 2002, is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, Forrest R. Carlton, II, State Bar Card No. 03819000, be and is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby **REVOKED**.

It is further **ORDERED, ADJUDGED AND DECREED** that Respondent, Forrest R. Carlton, II, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Forrest R. Carlton, II, not later than thirty (30) days from the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Forrest R. Carlton, II, has any legal matter pending of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Forrest R. Carlton, II, shall immediately notify each of his current clients, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit

and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Forrest R. Carlton, II, immediately surrender his Texas law license and permanent State Bar Card to the Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 28 day of July, 2004.



CHAIRMAN PRESIDING