

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: WILLIAM KURT MORITZ
ARKANSAS BAR ID No. 99021
CPC Docket No. 2016-153

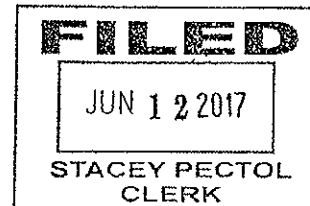
FINDINGS AND ORDER

William Kurt Moritz is an attorney licensed in 1999 to practice law in the State of Arkansas and assigned Arkansas Bar Number 99021. Michael Ray Bair ("Bair") is a resident of McCaskill, Arkansas, and a former client of Mr. Moritz ("Moritz").

In 2004, Bair cosigned a student loan for his then-stepson to attend college. Bair and his then-wife divorced, and Bair was represented by Moritz. Bair's stepson defaulted on his student loan, and Bair was named as a defendant in a lawsuit filed in Hempstead County Circuit Court. Bair did not seek representation in the matter, and a default judgment was entered against him in June 2012. In November 2015, Bair was served with an Order to Show Cause directing him to appear in court on December 10, 2015.

On December 10, 2015, Bair appeared in Hempstead County Circuit Court. Bair saw Moritz at the courthouse and showed him the Order which had been served upon him. Bair asked Moritz if he would represent him in the matter. Moritz stated that he would represent Bair for Five Hundred Dollars (\$500). Bair agreed to pay Moritz following court. Moritz then represented Bair on the matter. The court found Bair in contempt but provided Bair with an opportunity to purge himself of the contempt by preparing an accurate and complete schedule of assets within ten days of the entry of the court's order. An order reflecting the decision was filed on April 18, 2016.

Following court, Bair wrote a check to Moritz for Five Hundred Dollars (\$500). Moritz told Bair that he would take care of everything and if he needed anything that he would call. Bair did not hear anything from Moritz thereafter.



On July 27, 2016, a deputy from the Hempstead County Sheriff's Office arrived at Bair's residence and took him to the Hempstead County Jail by order of the Hempstead County Circuit Court. Bair was provided with a May 11, 2016, court order which stated that Bair had not complied with order filed on April 18, 2016. Bair was held in jail until a cash bond of Five Thousand Dollars (\$5,000) was paid. A court date of August 9, 2016, was scheduled.

Upon release, Bair called Moritz at his office but was unable to speak to him. The following day, Bair went to Mr. Moritz's office, but Moritz was not there. Bair stated that he called Moritz's office and left messages. Bair reported that he did not receive any returned calls. Bair stated that he went to Moritz's office on several occasions but did not meet with Moritz. Bair became concerned about the upcoming court date and employed new counsel who filed the schedule of assets on Bair's behalf.

On January 6, 2017, William Kurt Moritz was served with a copy of the formal complaint in this matter as provided in §9.A(2)(b) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law ("Procedures"). Moritz had thirty days following the date of service to file a timely response. Moritz failed to file a response to the formal complaint which, pursuant to §9.C(4) of the Procedures, constituted an admission of the factual allegations of the complaint and extinguished his right to a public hearing.

Upon consideration of the formal complaint and attached exhibit materials, Moritz's failure to respond, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. William Kurt Moritz's conduct violated Rule 1.1 when he agreed to represent Michael Bair in a contempt matter in Hempstead County Circuit Court and failed to prepare a schedule of assets on behalf of Mr. Bair. Rule 1.1 states that a lawyer shall provide competent representation

to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. William Kurt Moritz's conduct violated Rule 1.3 when he failed to assist his client, Michael Bair, in the preparation of a schedule of assets after he and his client were ordered to do so within ten days of the April 18, 2016, filing of the court's order. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

3. William Kurt Moritz's conduct violated Rule 1.4(a)(3) when he failed to keep his client, Michael Bair, informed about the need to file a schedule of assets within ten days of the April 18, 2016, filing of the order of the Hempstead County Circuit Court. Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status.

4. William Kurt Moritz's conduct violated Rule 1.4(a)(4) when he failed to return numerous telephone calls of his client, Michael Bair, following Bair's release from the Hempstead County Jail in July 2016. Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable request for information.

In determining the appropriate sanction to be imposed, the Panel took into consideration the following factors:

1. §7.G of the Procedures allows the Panel to review information from prior disciplinary cases which is relevant for purposes of impeachment or probative of issues pending in the present matter, including, without limitation proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. In this matter, Moritz was alleged to have violated Rules 1.1, 1.3, 1.4(a)(3), and 1.4(a)(4) of the Arkansas Rules of Professional Conduct. Moritz had previously been found to have violated Rule 1.3 in CPC Docket No. 2011-060 when he failed to pursue the object of his client's representation in that matter. Moritz had previously

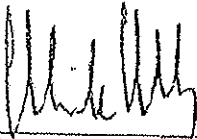
been found to have violated Rule 1.4(a)(3) in CPC Docket Nos. 2007-065, 2011-060, and 2012-020 when he failed to keep his clients in those cases updated with information about the status of those cases. Moritz had previously been found to have violated Rule 1.4(a)(4) in CPC Docket Nos. 2007-065 and 2011-061 when he failed to comply with requests from his clients for information relating to those cases. The specific instances listed in this section demonstrate a continued pattern of misconduct in conformity with the allegations contained in this formal complaint.

2. §19.A(12) and B(1) of the Procedures allows the Panel to consider Moritz's prior disciplinary record, including non-public warnings. Moritz had previously been sanctioned by the Committee on Professional Conduct. His entire prior disciplinary record was considered and was a factor in the sanction imposed in this Findings and Order.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that WILLIAM KURT MORITZ, Arkansas Bar No. 99021 be, and hereby is, SUSPENDED for a period of SIX MONTHS and assessed a fine in the amount of ONE THOUSAND DOLLARS (\$1,000) and costs of FIFTY DOLLARS (\$50.00). §9.C(3) of the Procedures provide that the failure to provide a written response to a formal complaint may result in the separate imposition of a sanction less than a suspension. The Panel imposes a sanction of REPRIMAND for Moritz's failure to respond to the formal complaint and assesses a fine of ONE THOUSAND DOLLARS (\$1,000). The fines and costs herein totaling TWO THOUSAND AND FIFTY DOLLARS (\$2,050) shall be payable by cashier's check or money order payable to "Clerk, Arkansas Supreme Court" and delivered to the Office of Professional Conduct, 2100 Riverfront Drive, Suite 200, Little Rock, AR 72202 within

thirty (30) days of the filing of this Findings and Order with the Clerk of the Arkansas Supreme Court.

IT IS SO ORDERED this 25th day of April, 2017.



Michael E. Mullally
Panel B Chair