

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: WILLIAM KURT MORITZ
ARKANSAS BAR ID No. 99021
CPC DOCKET NO. 2007-075

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Honorable Lynn T. Williams, Garland County District Court Judge. The information related to the representation of Gwindolyn Tressia Holland and Tacarra Nicole Hill by William Kurt Moritz, Attorney at Law, in Garland County District Court in 2007.

Gwindolyn Tressia Holland was arrested on February 18, 2007, for Driving While Intoxicated, First Offense; Driving Without a Valid License; Leaving the Scene of an Accident; and Refusing to Submit to Chemical Testing; all in violation of Arkansas law. Ms. Holland employed William Kurt Moritz to represent her in the charges which resulted from her arrest. According to the Garland County District Court docket, on March 19, 2007, Mr. Moritz called in a not guilty plea on behalf of Ms. Holland and trial was set for April 25, 2007. On April 25, 2007, neither Ms. Holland nor Mr. Moritz appeared for trial. Judge Williams issued a bench warrant for Ms. Holland and Ms. Holland was then scheduled to appear in court on May 10, 2007.

Mr. Moritz, advised of the situation by Ms. Holland's bailbondsman, stated that he could not be in court on May 10, 2007, as he had a matter in Sevier County Circuit Court. Ms. Holland appeared in court on May 10, 2007, and Mr. Moritz did not. Ms. Holland requested that Mr.

Moritz be removed as her attorney of record and the court granted the request. Trial was continued by the court to May 29, 2007.

Mr. Moritz stated that he had two hearings set at the same time in two different courts in two different counties. Mr. Moritz stated that he knew how both courts operated in a “cattle-call” style in which the easily resolved cases are handled first and then cases requiring a hearing are addressed. Mr. Moritz went to DeQueen first but the matter in Sevier County Circuit Court lasted longer than anticipated. As a result, Mr. Moritz was not able to return to Hot Springs before court there had concluded.

Mr. Moritz attributed the failure to appear to an honest mistake one in which solo practitioners with court appearances overlap in different courts at the same time. Mr. Moritz stated that he was usually able to handle both appearances without rescheduling but this time it simply did not work out.

Tacarra Nicole Hill was arrested on March 27, 2007, for Theft of Property and Failure to Appear. William Kurt Moritz was employed by Ms. Hill’s boyfriend, Dennis Dye, to represent Ms. Hill on the criminal charges. According to the Garland Count District Court docket sheets, Mr. Moritz entered on behalf of Ms. Hill a plea of not guilty on March 28, 2007. On April 10, 2007, Mr. Moritz appeared before the Honorable Ralph Ohm and requested a bond on behalf of Ms. Hill. Judge Ohm then set bond in the amount of \$1,000 on the Failure to Appear charge. Judge Ohm set trial in the matter for May 10, 2007. On May 10, 2007, Ms. Hill appeared for trial but her attorney, William Kurt Moritz, failed to appear.

Pursuant to Rule VII.A of the Arkansas Rules Governing Admission to the Bar, an annual license fee is imposed upon each attorney actively licensed to practice law in the State of

Arkansas and the fee shall be paid annually to the Clerk of the Arkansas Supreme Court from January 1 of each year and no later than March 1. Rule VII.C of the Arkansas Rules Governing Admission to the Bar states that failure to pay the annual license fee provide for in subsection A shall automatically suspend the delinquent lawyer from the practice of law in Arkansas.

According to records maintained in the Arkansas Supreme Court Clerk's Office, William Kurt Moritz paid his 2007 annual license fee on May 24, 2007. Prior to May 24, 2007, Mr. Moritz was suspended from the practice of law beginning March 2, 2007, continuing through May 24, 2007.

Mr. Moritz attributed the failure to pay his annual license fees to an oversight which had never occurred in his previous nine years as a licensed attorney. Mr. Moritz stated that when he received notice of the failure to pay and the interim suspension, he paid his license fee.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. William Kurt Moritz violated Rule 3.4(c) when he failed to appear in Garland County District Court on May 10, 2007, on behalf of his client, Gwindolyn Holland; when he failed to appear in Garland County District Court on May 10, 2007, on behalf of his client, Tacarra Hill; and when he failed to pay his 2007 annual license fees on or before March 1, 2007, and was suspended from the practice of law beginning March 2, 2007, until May 24, 2007. Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

2. William Kurt Moritz violated Rule 5.5(a) when he engaged in the practice of law on

March 19, 2007, by entering an appearance on behalf of his client, Gwindolyn Tressia Holland, in Garland County District Court, when his license to practice law was suspended for failure to comply with Rule VII.A of the Arkansas Rules Governing Admission to the Bar, and when he engaged in the practice of law on March 28, 2007, by entering a plea of not guilty on behalf of his client, Tacarra Nicole Hill, in the Garland County District Court, when his license to practice law was suspended for failure to comply with Rule VII.A of the Arkansas Rules Governing Admission to the Bar. Rule 5.5(a) requires that a lawyer not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction.

3. William Kurt Moritz violated Rule 8.4(d) when his failure to appear in Hot Springs District Court on May 10, 2007, on behalf of his client, Gwindolyn Holland, resulted in a delay in the orderly and timely resolution of criminal proceedings; when his failure to appear in Hot Springs District Court on May 10, 2007, on behalf of his client, Gwindolyn Holland, required the Hot Springs District Court to expend additional time and effort which would not have been necessary otherwise; when his failure to appear in Hot Springs District Court on May 10, 2007, on behalf of his client, Tacarra Hill, resulted in a delay in the orderly and timely resolution of criminal proceedings; and when his failure to appear on behalf of his client, Tacarra Hill, required the Hot Springs District Court to expend additional time and effort which would not have been necessary otherwise. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that WILLIAM KURT MORITZ, Arkansas Bar ID No. 99021, be, and hereby is, REPRIMANDED, fined the sum of FIVE

HUNDRED DOLLARS (\$500.00) and assessed costs in the sum of FIFTY DOLLARS (\$50.00) for his conduct in this matter. The fine and costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A

By: _____
Jerry D. Pinson, Chair, Panel A

Date: _____