

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B

IN RE: **WILLIAM KURT MORITZ**  
**ARKANSAS BAR ID No. 99021**  
**CPC Docket No. 2011-059**

**FILED**

FEB 17 2012

**CONSENT FINDINGS AND ORDER**

**LESLIE W. STEEN**  
**CLERK**

The formal charges of misconduct upon which this Consent Findings and Order is based arose from information provided in a grievance filed by Edith Stone of Blevins, Arkansas. The conduct related to representation of Ms. Stone in a bankruptcy matter in the United States Bankruptcy Court for the Western District of Arkansas.

William Kurt Moritz is an attorney licensed to practice law in the State of Arkansas and was practicing law in Hope, Arkansas, in 2009, when Edith Stone employed Mr. Moritz to represent her in a bankruptcy matter. Ms. Stone paid Mr. Moritz One Thousand Six Hundred Dollars (\$1,600.00) for the representation.

Mr. Moritz stated that Ms. Stone had come to his office seeking representation in a bankruptcy matter as a result of a garnishment action which had been served upon Ms. Stone. Mr. Moritz stated that he agreed to represent Ms. Stone and filed the bankruptcy petition on July 9, 2009, on her behalf. The following day, Mr. Moritz filed an amended Chapter 7 bankruptcy proceeding adding Ms. Stone's husband, Randy. Ms. Stone stated that she had wanted to file as a married person filing individually and did not know that Mr. Moritz had amended the bankruptcy petition.

On July 10, 2009, the Bankruptcy Court Clerk notified Mr. Moritz that there was a deficiency in the filing of the amended bankruptcy proceeding. The notice from the clerk stated

that failure to correct the deficiency within 48 hours of the date of the notice could result in dismissal of the case, the pleading being stricken or an order to show cause hearing set. On July 24, 2009, the Honorable James G. Mixon dismissed Ms. Stone's bankruptcy case. Mr. Moritz stated that the dismissal was predominantly caused by the Stones' failure to cooperate in the bankruptcy matter.

In August or September, 2009, Ms. Stone called Mr. Moritz to inquire about the bankruptcy case. Ms. Stone stated that Mr. Moritz never contacted her after that to let her know how things were going with her case. Ms. Stone was later advised by a third person that her bankruptcy case had been dismissed.

Following service of the formal complaint, Mr. Moritz entered into discussion with the Executive Director which resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011). Mr. Moritz refunded Ms. Stone the One Thousand Six Hundred Dollars (\$1,600.00) which had been paid by her to Mr. Moritz for representation in a bankruptcy case. Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. William Kurt Moritz violated Rule 1.3 when he failed to cure the deficiency in his client's bankruptcy case which he was notified of by Memorandum of Document Deficiency filed on July 10, 2009. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. William Kurt Moritz violated Rule 1.4(a)(3) when, despite calls and visits from his client, Edith Stone, Mr. Moritz failed to notify Ms. Stone that her bankruptcy case had been dismissed by the bankruptcy court on July 24, 2009, for his failure to cure the deficiency in the amended Chapter 7 bankruptcy petition. Rule 1.4(a)(3) requires that a lawyer keep the client informed about the status of the matter.

3. William Kurt Moritz violated Rule 8.4(d) when his failure to cure a deficiency in the bankruptcy case of his client, Edith Stone, resulted in the bankruptcy case being dismissed by order of the court on July 10, 2009. 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 No. 99021, be, and hereby is, CAUTIONED and assessed costs in the amount of FIFTY DOLLARS (\$50.00). All fines 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 B

By: Barry Deacon  
Barry Deacon, Chairman

Date: 2/17/12