

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

IN RE: WILLIAM KURT MORITZ
ARKANSAS BAR ID No. 99021
CPC Docket No. 2011-060

FILED

FEB 17 2012

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Consent Findings and Order is based arose from information provided in a grievance filed by Virginia Huckabee of Hope, Arkansas. The conduct related to representation of Ms. Huckabee in a matter involving property located in Hempstead County, Arkansas.

William Kurt Moritz is an attorney licensed to practice law in the State of Arkansas and was practicing law in Hope, Arkansas, when Virginia Huckabee employed Mr. Moritz to assist her with property titled in the name of her deceased father, Bill York. Mr. York had owned property in Hempstead County, Arkansas, and died intestate in 1969. The property remained in Mr. York's name after his death and there was no probate proceeding.

On September 18, 2008, Virginia Huckabee paid Mr. Moritz Three Thousand Five Hundred Dollars (\$3,500) to obtain title to property which had remained in her father's name since his death in 1969. Mr. Moritz prepared a Petition for Appointment of Administrator and Estate as well as a waiver for the heirs at law of Bill York to sign. Ms. Huckabee obtained the signatures of the necessary family members and provided the signed documents to Mr. Moritz. Mr. Moritz thereafter employed a surveyor to survey the property and paid the \$800 fee.

In November, 2009, Mr. Moritz called Ms. Huckabee and asked her to meet him at the Hempstead County Courthouse. Mr. Moritz told Ms. Huckabee he met with the judge and

obtained a quitclaim deed. Ms. Huckabee was advised that she would receive the deeds in a few days. After not receiving the deeds, Ms. Huckabee began contacting Mr. Moritz for information with little result.

In a letter dated March 9, 2010, Ms. Huckabee wrote Mr. Moritz and demanded that he return his file to her along with an itemized statement and a refund of unearned advanced fees. Mr. Moritz failed to respond to Ms. Huckabee's letter. In his response to the Committee, Mr. Moritz stated that he did not respond in writing but did speak to Ms. Huckabee before and after the March 9, 2010, letter.

Ms. Huckabee employed new counsel at a cost of Six Hundred Dollars (\$600.00). Within six weeks of his employment, the new counsel was able to obtain the results Ms. Huckabee sought. Ms. Huckabee wrote Mr. Moritz on May 26, 2010, and again asked him to refund the unearned fee. No response was received from Mr. Moritz.

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 reimbursed Ms. Huckabee Two Thousand Dollars (\$2,000) in this matter. 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 promptly pursue the object of the representation of Virginia Huckabee. 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 he failed to provide Ms. Huckabee with a response to requests for information about the status of her legal matter; when he failed to respond to Ms. Huckabee's March 9, 2010, letter; and when he failed to respond to Ms. Huckabee's May 26, 2010, letter. Rule 1.4(a)(3) requires that a lawyer promptly comply with reasonable requests for information.

3. William Kurt Moritz violated Rule 1.16(d) when he failed to provide Ms. Huckabee with the return of her file in a timely manner following receipt of her March 9, 2010, letter; when he failed to return to Ms. Huckabee any advance payment of fee or expense that had not been earned or incurred following receipt of her March 9, 2010, letter; and, when he failed to return to Ms. Huckabee any advance payment of fee or expense that had not been earned or incurred following receipt of her May 26, 2010, letter. Rule 1.16(d) requires that a lawyer take steps to the extent reasonably practicable to protect a client's interest, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

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, REPRIMANDED, assessed costs in the amount of FIFTY DOLLARS (\$50.00); and ordered to pay restitution in the amount of TWO THOUSAND DOLLARS (\$2,000.00) for his conduct in this matter. All fines, costs, and restitution 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, Chairman

Date: 2/17/12