

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

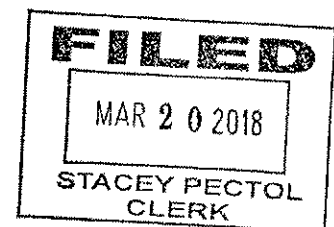
IN RE: WILLIAM KURT MORITZ
ARKANSAS BAR ID No. 99021
CPC DOCKET No. 2017-030

FINDINGS & ORDER

William Kurt "Billy" Moritz of Hope, Arkansas, is an attorney licensed to practice law in the State of Arkansas in 1999 and assigned Arkansas Bar Number 99021. Tommy (aka "Foot") Hamilton ("Hamilton") was charged with criminal offenses and in need of legal services.

On June 21, 2017, Hamilton was charged with Driving on Suspended or Revoked Driver's License in the case of *State of Arkansas v. Tommy F. Hamilton*, Hempstead County District Court Case No. CR-17-2761. Hamilton was also charged with Battery, Third Degree, on June 28, 2017, in the case of *State of Arkansas v. Tommy F. Hamilton*, Hempstead County District Court Case No. CR-17-3086. Both cases were scheduled to be heard on October 24, 2017.

On October 24, 2017, Hamilton appeared in court. Hamilton was found guilty of Driving on Suspended or Revoked Driver's License and sentenced to a term of 10 days in the Hempstead County Jail and was fined One Hundred Fifty-Five Dollars (\$155) and Seventy-Five Dollars (\$75) in court costs. The charge of Battery, Third Degree, was not proessed because the victim failed to appear. During his appearance in court, however, Hamilton engaged in conduct the court found to be contemptuous. As a result, the court sentenced Hamilton to a term of thirty days in the Hempstead County Jail. Hamilton continued to engage in the conduct and an additional thirty days was added to his sentence. The contempt case was styled as *State of Arkansas v. Tommy F. Hamilton*, Hempstead County District Court Case No CR-17-5051.



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Shunquíz Trotter ("Trotter") of Hope, Arkansas, is Hamilton's fiancée. After Hamilton's appearance in court on October 24, 2017, Trotter began searching for legal assistance. Trotter called the office of Billy Moritz. Trotter spoke to Moritz on the telephone and then met with him at his office. Moritz agreed to represent Hamilton and the fee would be Three Hundred Dollars (\$300). Trotter paid One Hundred Twenty-Six Dollars (\$126) on October 28, 2017, and Ninety-Five Dollars (\$95) on October 29, 2017. Moritz provided her with receipts for each payment.

Moritz provided Trotter with his mobile phone number and they exchanged text messages. On October 30, 2017, Moritz texted Trotter, "I think it's worked out." Later, on that same day, Moritz texted Trotter and told her, "I got some news. We'll talk when you get here." Trotter responded with "Ok I just called book in sheriff still isn't back bill ill be there when my ride come n just give you what I have right now." Moritz responded at with "Will you be here before 12? I usually close from 12-1" Later, Moritz sent a text asking "How long before we get this last part taken care of. Judge Yocum is waiting on us to check back in with him and we have to get this last payment made first." Trotter responded with "If u can give me a 30 25 mins n ill be there" Moritz texted with "Just meet me at 4:30. I've got a couple other things to do first." Trotter texted "Ok that will worj." Trotter then met with Moritz at his office and paid him Seventy-Nine Dollars (\$79) and he provided her with a receipt.

Later in the evening, Trotter texted Moritz and asked, "So is court tomorrow?" Moritz responded with "Tony's gonna call him up there. I don't know the exact time. I'd image it'll be the last thing he does."

The following morning Moritz texted Trotter and stated, "He is not gonna give him a chance to sit in the back and tell the other guys that the judge came off the 60 days. So he'll go last. Understand?" Trotter responded at 8:57 a.m. on October 31, 2017, with "Yes sir..."

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Understandable so ill just wait to hear from you are him to see what happened instead of coming up there." Moritz replied at 9:01 a.m. on October 31, 2017, with "That is best".

Trotter waited in court. Hamilton's case was never called. That evening, she texted Moritz, "Why haven't tony talk to him?? I would like to know whats goin on because I done paid the last payment in u didn't let me know if he had court or not lastnite like I said u would now its damn near six and still haven't heard from you.." Trotter demanded a refund of her money but Moritz stated that there were no refunds.

On November 1, 2017, Trotter sent a text to Moritz, "Well we you giving us no choice but to file for malpractice us didn't anyrhing you havent even went to see foot not once and these text message I have are proof so r still not going to give us are money." It wasn't until then that Trotter learned that Moritz's license to practice law was suspended as he never informed Trotter that his license to practice law had been suspended.

Moritz was the subject of a disciplinary complaint filed on November 1, 2016, styled as *In Re: William Kurt Moritz*, CPC File No. 2016-153, and a second disciplinary complaint filed on November 29, 2016, styled as *In Re: William Kurt Moritz*, CPC File No. 2016-161. Moritz failed to file a timely answer in both cases. In CPC Case No. 2016-153, Moritz was suspended from the practice of law for a period of six (6) months. In CPC File No. 2016-161, Moritz was suspended from the practice of law for a period of sixty (60) months. The Findings and Orders were filed with the Arkansas Supreme Court Clerk on June 12, 2017.

Section 21 of the Procedures requires an attorney who is disbarred, suspended or surrenders his license to: notify all of his clients and counsel of record in pending matters in writing he has been disbarred or suspended (§21.A); notify all clients in writing to make arrangement for other representation (§21.B); deliver to all clients being represented in pending matters all papers or

property to which they are entitled (§21.C); refund any part of the fees or costs paid in advance that have not been earned or expended (§21.D); file with the court before which any litigation is pending a copy of the notice to the opposing counsel, or adverse parties if no opposing counsel (§21.E); keep and maintain a record for each client the steps taken to accomplish the foregoing (§21.F); file with the Clerk and the Office of Professional Conduct a list of all other state, federal, and administrative jurisdictions to which the attorney is licensed or admitted to practice (§21.G); file an affidavit with the Committee that he has fully complied with the provision of the order and completely performed the foregoing or provide a full explanation of the reasons for his noncompliance (§21.H). Moritz did not comply with any of these requirements.

Section 22 of the Procedures defines a "former attorney" as any attorney who is disbarred, has surrendered a law license, is on suspension pursuant to these Procedures, or is on inactive status. Moritz's license to practice law was suspended on June 12, 2017. He was not reinstated and is, pursuant to Section 22, a "former attorney." Section 22 of the Procedures provides, among other things, that a former attorney shall not: "...occupy, share, or use office space in any office where the practice of law is conducted" (§22.B); "...engage in the practice of law, nor may a former attorney engage in any employment in, or related to the practice of law" (§22.C); and, "...have no contact with clients or prospective clients of any attorney or law firm in person, by telephone, in writing, by e-mail, or by any other form of communication, written electronic, or in person" (§22.G).

On November 17, 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") through his then-attorney Mark Hampton. Moritz had thirty days following the date of service to file a timely

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response. Moritz failed to file a response to the formal complaint though he did file an untimely response. His failure to file a timely response constituted an admission of the factual allegations of the complaint and extinguished his right to a public hearing, pursuant to §9.C(4) of the Procedures.

Upon consideration of the formal complaint and attached exhibit materials, Moritz's failure to file a timely response, 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 8.4(c) when he accepted money from Shunquiz Trotter to represent Tommy Hamilton in criminal matters in Hempstead County District Court knowing that his license to practice law was suspended upon the filing of two orders from the Committee on Professional Conduct dated June 12, 2017, CPC File No. 2016-153, where his license was suspended for a period of six months, and in CPC File No. 2016-161, where his license was suspended for a period of sixty months. Rule 8.4(c) states that it is professional misconduct to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

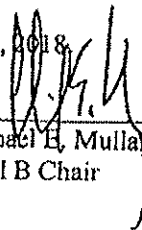
2. William Kurt Moritz's conduct violated Rule 8.4(d) when, following the filing of the two orders in CPC File Nos. 2016-153 and 2016-161 on June 12, 2017, he failed to provide the Office of Professional Conduct with proof of compliance with the requirements of §21 of the Procedures, when as a "former attorney" as defined in §22 of the Procedures, he occupied, shared, or used an office space in any office where the practice of law is conducted, when he engaged in the practice of law by agreeing to represent Tommy Hamilton in a matter pending in Hempstead County District Court, and when he engaged in in-person contact and electronic communication with Shunquiz Trotter who was seeking legal assistance for Tommy Hamilton. Rule 8.4(d) states

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that it is professional misconduct for a lawyer to 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 B, that WILLIAM KURT MORITZ, Arkansas Bar No. 99021 be, and hereby is, *SUSPENDED* for a period of *SIXTY MONTHS* and assessed a fine in the amount of *ONE THOUSAND DOLLARS (\$1,000)* and costs of *FIFTY DOLLARS (\$50.00)*. In making its determination as to sanction, Mr. Moritz's prior disciplinary record was a factor. §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 22nd day of February, 2018.



Michael E. Mullally
Panel B Chair