



BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: WILLIAM KURT MORITZ
ARKANSAS BAR ID No. 99021
CPC Docket No. 2017-004

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. Melissa Diane Hicks ("Hicks") was married to Billy Hicks in 1984. In June 2016, Hicks decided to seek legal assistance concerning a divorce.

On June 15, 2016, Hicks met with William "Billy" Moritz ("Moritz") at his office in Hope, Arkansas. During the discussion, Moritz informed Hicks that his fee for the divorce would be \$3,000. Hicks stated that her husband worked offshore and would be difficult to serve. Moritz stated that he would employ Curtis Haynes to serve Mr. Hicks. Ms. Hicks stated that Haynes and Mr. Hicks knew each other and she didn't feel comfortable having Mr. Haynes serve her husband with the Complaint. Hicks stated that Moritz offered to allow her to pay the fee out in installments. On June 16, Hicks returned to Moritz's office and paid him \$2,000 with the balance to be paid in installments. Moritz confirmed meeting with Ms. Hicks and receiving \$2,000.

Moritz filed a Complaint for Divorce in Hempstead County Circuit Court on July 11, 2016. Moritz employed Curtis Haynes to serve Billy Hicks with the summons and Complaint for Divorce. Mr. Haynes was unable to serve Mr. Hicks and Moritz had to employ the Hempstead County Sheriff's Office to obtain service. On September 5, 2016, Hicks advised Moritz that her husband had returned to Hope. Moritz and Hicks drove to the Hicks residence. At the residence, the two got out of the car, walked to the front door, and attempted to contact Mr. Hicks. There was no response. Moritz stated that he called Jesus Coronado of the Hope Police Department and advised him of the situation. Mr. Coronado obtained the summons and Complaint for Divorce and

then served the documents on Mr. Hicks on September 15, 2016. Mr. Hicks filed a response to the Complaint for Divorce on September 26, 2016. On October 10, 2016, Moritz mailed a copy of Mr. Hicks' response to Ms. Hicks.

Hicks reported to the Office of Professional Conduct ("OPC") that she had been unable to talk to Moritz since her September meeting. She stated that she had called to speak to Moritz at his office telephone number and his mobile telephone number. Hicks stated that she left messages at both telephone numbers but never received a return call. Moritz stated that he did not recall any attempt by Hicks to contact him between late October and through November and did not willfully avoid contact with her. On December 19, 2016, Hicks sent a letter to Moritz notifying him that she was terminating the representation and directing him to provide her with a refund and to return her client file. On January 2, 2017, Hicks stated that she received a telephone call from Moritz's office assistant who stated that Mr. Hicks' attorney had filed a copy of Requests for Interrogatories. Hicks went to Moritz's office and picked up the interrogatories. Moritz was not present and the assistant stated that it was her first day working there. Hicks left a copy of the letter of termination with the office assistant on January 2, 2017. Hicks' letter was delivered to Moritz on January 3, 2017.

Hicks reported the matter to OPC because there were issues of marital debts and property that needed to be discussed. Hicks stated that her husband had changed the locks to marital property and she was unable to access the property. Despite two letters providing notice of termination, Hicks stated that she had not received either a refund or a client file.

Moritz was charged with violation of Rule 1.3 by failing to provide his client with a copy of an Answer to Complaint for Divorce filed on September 25, 2016, until October 10, 2016. Moritz denied violating Rule 1.3.

Moritz was charged with violation of Rule 1.4(a)(2) by failing to communicate about the division of marital assets, debts, or property from the divorce proceeding. Moritz denied violating Rule 1.4(a)(2) and stated that he reasonably consulted with his client when called upon throughout the course of his representation.

Moritz was charged with violation of Rule 1.4(a)(3) by failing to provide information to his client about her legal matter after October 10, 2016, when he provided a copy of the Answer to Complaint for Divorce. Moritz stated in his response that he went with Ms. Hicks to personally serve her husband in the divorce proceedings, an event that occurred on September 5, 2016.

Moritz was charged with violation of Rule 1.4(a)(4) by failing to respond to calls to his client's calls to his office and her requests for appointments. Moritz stated in his response that he was aware Ms. Hicks had terminated his employment but was informed she was hiring other counsel.

Moritz was charged with violation of Rule 1.16(d) by failing to refund any unearned fees and by failing to return her client file following her termination of his representation in the divorce matter. Moritz stated in his response that he was aware Ms. Hicks had terminated his employment but was informed she was hiring other counsel.

Moritz was placed on notice that certain violations of the Arkansas Rules of Professional Conduct found in his disciplinary history relevant of issues in this matter would be provided to the Panel pursuant to §7G of the Procedures Regulating Professional Conduct. Moritz did not dispute the allegations and admitted that the particular disciplinary history is part of his disciplinary history.

Upon consideration of the formal complaint and attached exhibits, the response filed by Moritz, and the Arkansas Rules of Professional Conduct, Panel B of the Committee on Professional Conduct finds:

1. William Kurt Moritz did not violate Rule 1.3. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. William Kurt Moritz violated Rule 1.4(a)(2) when he had no communication with his client, Melissa Diane Hicks, about her expectations of the division of marital assets, debts, or property, from the divorce proceeding. Rule 1.4(a)(2) states that a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.
3. William Kurt Moritz violated Rule 1.4(a)(3) when he provided no information to his client, Melissa Diane Hicks, about her legal matter after October 10, 2016, when he provided her with a copy of the Answer to Complaint filed by Hicks' husband. Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status of the matter.
4. William Kurt Moritz violated Rule 1.4(a)(4) when he failed to respond to multiple calls for information and requests for an appointment from his client, Melissa Diane Hicks. Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable requests for information.
5. William Kurt Moritz violated Rule 1.16(d), when, after his client, Melissa Diane Hicks, terminated his representation of her by letter dated December 19, 2016, and requested that he refund any unearned fees and deliver her client file to her, he failed to refund any unearned fees or return to her the client file. Rule 1.16(d) states that upon

termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, 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.

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 from the practice of law for a period of SIXTY (60) MONTHS for his conduct in this matter. In addition, he is ordered to pay restitution in the amount of TWO THOUSAND DOLLARS (\$2,000.00) to Melissa Diane Hicks and costs of this proceeding in the amount of FIFTY DOLLARS (\$50.00). The restitution and costs totaling TWO THOUSAND FIFTY DOLLARS (\$2,050.00) shall be paid within thirty days of the filing of this order with the Arkansas Supreme Court Clerk and in the form of a cashier's check or money order made payable to "Arkansas Supreme Court Clerk." In reaching the Panel's decision, Moritz's prior disciplinary history was considered in determining the appropriate sanction.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By:  10/23/2017
Michael E. Muljally, Chairperson