



BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: WILLIAM KURT MORITZ
ARKANSAS BAR ID No. 99021
CPC Docket No. 2017-006

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. Brenda Patricia Perez ("Perez") is married to Valente Perez. In the summer of 2016, Perez decided to seek legal assistance concerning a divorce.

On August 4, 2016, Perez called the law office of William "Billy" Moritz ("Moritz"). An appointment was scheduled for August 5. On August 5, Perez and Moritz met for about an hour. During the discussion, Perez told Moritz that her husband had consulted an attorney in Nashville, Arkansas. She stated that she did not know her husband's present location. Moritz then told Perez the fee would be \$650.00. Perez agreed to the fee and paid the fee in full. She insisted on a receipt and Moritz provided her with a receipt showing no balance owed. Moritz advised Perez that the he would prepare the paperwork and it would take about a month or so.

Perez waited to hear from Moritz. Moritz stated that during this time he contacted the Nashville attorney and discovered that Perez's husband had not hired the attorney. Moritz stated he called Perez that her husband would need to be located to serve him with a summons and complaint. Moritz stated that Perez hoped she could get him to sign a waiver when he appeared to see their children.

After a month had passed, Perez called Moritz's office to see whether she could speak to him. Perez was not able to speak to him but did speak to his secretary, Tiffany. Moritz stated that he had his secretary prepare a daily phone log. Moritz provided a call log for August 15, 2016, which stated that Brenda Perez had called and wanted to know where her divorce is and that she

wanted a waiver. A call log for August 16, 2016, showed that Perez called Moritz's office on August 16, again wanting information about the status of her divorce petition. Moritz stated that he told her that the petition had been prepared and was waiting to be filed. The log stated that the petition had not been filed yet as no waiver and affidavit of service had been received from Ms. Perez.

Moritz stated that he took a job with the Legacy Group in Little Rock in October 2016 and that his practice had been taken over by his wife, Ashley Moritz. As a result, Moritz said that he was unaware of Perez's attempts to contact him or his office.

Perez stated that she was provided an appointment with William Moritz in December. Prior to the appointment, Perez received a call from someone at Moritz's office advising her that he would not be able to meet with her. Perez called Moritz's office to reschedule but no new appointment was made.

Perez went to Moritz's office at 2 p.m. on January 24, 2017. She did not have a scheduled appointment. Perez entered the office but the lights were out. Nobody was present in the office. Perez waited in the office for about thirty minutes. Perez finally called his office from her cell phone. The phone in the office rang but nobody answered the phone.

Perez has had no communication with Moritz since August 2016 and nothing had been filed on her behalf in Howard County Circuit Court.

Moritz was charged with violation of Rule 1.3 as he had filed anything on behalf of Brenda Perez in Howard County Circuit Court. Moritz denied the allegation in his response.

Moritz was charged with violation of Rule 1.4(a)(3) as he provided no information to Brenda Perez about her legal matter after August 2016, when he received payment for representation of her in a divorce case. Moritz denied the allegation in his response.

Moritz was charged with violation of Rule 1.4(a)(4) as his client, Brenda Perez, made multiple calls to Moritz's office and multiple requests for appointments, but Moritz failed to respond to her requests. Moritz denied the allegation in his response.

Moritz was placed on notice that certain violations of the Arkansas Rules of Professional Conduct found in his disciplinary history and 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 file by Moritz, and the Arkansas Rules of Professional Conduct, Panel B of the Committee on Professional Conduct finds:

1. William Kurt Moritz violated Rule 1.3 when he did not file anything on behalf of his client, Brenda Patricia Perez, after August 5, 2016. 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)(3) when he provided no information to his client, Brenda Patricia Perez, about her legal matter after August 2016, when he met with her and received payment for a divorce action. Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status of the matter.
3. William Kurt Moritz violated Rule 1.4(a)(4) when, after Perez placed multiple calls and made multiple requests for an appointment to Moritz, he failed to respond. Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable requests for information.

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, REPRIMANDED for his conduct in this matter. In addition, he is fined the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), ordered to pay restitution in the amount of SIX HUNDRED FIFTY DOLLARS (\$650.00) to Brenda Patricia Perez, and costs of this proceeding in the amount of FIFTY DOLLARS (\$50.00). The fine, restitution and costs totaling THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00) 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. Mullally, Chairperson