

**BEFORE THE ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT**

IN RE: Victoria Kay Morris, Respondent Attorney  
Arkansas Bar No. 87029  
Case No. CPC-2023-026

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Naghmeh Erfani (Erfani) on January 20, 2023. The information related to the representation of Erfani by Respondent from 2015 through present.

1. Victoria Kay Morris (Morris) is licensed by the Supreme Court of Arkansas, and has been assigned Arkansas Bar No. 87029.
2. On or about June 6, 2015, Erfani was involved in a motor vehicle accident (MVA) with five (5) other members of her family, three (3) adults and three (3) children in total. All six (6) family members received treatment for injuries sustained in the accident.
3. Shortly after, Erfani hired Morris to represent all six (6) family members in a claim against the driver of the other vehicle, who was at fault in the accident.
4. On or about June 4, 2018, Morris filed a civil complaint against Leonard Hurst (Hurst) in Benton County Circuit Court Case No. 04CV-18-1626.
5. The above civil complaint, filed by Morris, contained the full names of Erfani's minor children, in non-compliance with Administrative Order No. 19.
6. In October, 2018, Morris advised Erfani that the MVA claim was settled for approximately \$50,000.00.
7. On or about October 12, 2018, Morris had her clients sign off on the release and settlement agreements. Morris signed each release and settlement agreement as a witness and then notarized her own signatures.

8. On or about October 25, 2018, Auto-Owners Insurance (AOI) issued two (2) checks as follows:

- (a) Check No. 357603039 in the amount of \$10,000.00 made payable to “Naghmeh Erfani and Law Office of Victoria K. Morris”; and
- (b) Check No. 357603040 in the amount of \$7,900.00 made payable to “Ziba Ferbosian and Law Office of Victoria K. Morris”.

9. As indicated in the Regions Bank IOLTA records, Morris deposited both checks (totaling \$17,900.00) the following day, October 26, 2018.

10. As of October 31, 2018, according to the same IOLTA statement, the ending balance was \$17,146.61, which is less than the deposited settlement amount.

11. As of October 31, 2018, Morris disbursed none of the settlement funds to Erfani.

12. Between October 31, 2018, and November 30, 2018, Morris wrote checks to herself or made withdrawals totaling \$12,275.00.

13. By May 31, 2019, the IOLTA ending balance was \$172.51, and none of the settlement funds had been disbursed to the client.

14. On or about November 20, 2018, Morris instructed AOI’s counsel, Kevin Staten (Staten) to issue the remaining four (4) checks to the injured parties, Morris, and the Arkansas Department of Human Services (DHS) and/or the Arkansas Center for Medicare & Medicaid Services (CMS).

15. On or about December 6, 2018, AOI issued four (4) checks as follows:

- (a) Check No. 357722759 in the amount of \$26,500.00 made payable to “Negin Erfani and Tim R and Victoria Morris PA and Arkansas Department of Human Services”;

- (b) Check No. 357724137 in the amount of \$2,000.00 made payable to “Naghmeh Erfani as Parent and Natural Guardian of D.R. a Minor and Tim R and Victoria Morris PA and CMS”;
- (c) Check No. 357724138 in the amount of \$2,000.00 made payable to “Naghmeh Erfani as Parent and Natural Guardian of P.R. a Minor and Tim R and Victoria Morris Attorney and CMS”; and
- (d) Check No. 357724139 in the amount of \$1,600.00 made payable to “Naghmeh Erfani as Parent and Natural Guardian of A.R. a Minor and Tim R and Victoria Morris Attorney and CMS”.

16. Morris did not deposit any of the above-referenced four (4) checks, as payees included DHS/CMS and Morris was unable to get endorsements from DHS/CMS.

17. The above-referenced four (4) checks also listed, as payee, “Tim R and Victoria Morris Attorney”, based on the W-9 executed by Morris on October 25, 2018, and provided to AOI. Tim R. Morris has been deceased for twenty-one (21) years (since 2002), and Morris never updated the corporation’s information.

18. On or about December 14, 2018, Morris sent a facsimile to Dale Lester, with DHS/CMS, to request something to allow Morris to endorse the checks and give DHS/CMS their portion.

19. When that didn’t work, Morris contacted AOI on December 14, 2018, to have new checks issued without DHS/CMS as payees.

20. At the same time, Morris advised AOI’s counsel, Kevin Staten (Staten), that Morris had talked to “CMS many times” and that CMS had no liens for care/treatment of the three (3) minor children. The letters Morris attached (as evidence that CMS had no liens) were a complete

misrepresentation, as the CMS letters were actually a request for additional information to properly identify the minor children involved in the MVA and who received treatment.

21. On or about January 30, 2019, DHS responded to Morris with the total claim paid for Najafabadi-Negin Erfani (Negin).

22. Morris did not follow up on Negin's claim with DHS/CMS until an email on November 30, 2021, wherein she requested confirmation of the claim amount and a written statement from DHS/CMS that they could not "sign off" on a settlement check.

23. On or about December 1, 2021, DHS/CMS sent a letter to Morris, which updated the claim amount to \$890.22 (less than the original amount) and a statement that DHS/CMS could only accept checks made payable solely to them.

24. DHS/CMS records indicate Morris never followed up after December 1, 2021.

25. AOI records indicate Morris never followed up after December 28, 2021.

26. Since the settlement, Erfani contacted Morris numerous times to inquire about the settlement funds, to no avail.

27. After four (4) years of Erfani calling, waiting, and visiting a frequently empty law office, Morris sent Erfani a check dated December 23, 2022, in the amount of \$2,000.00. Morris identified the \$2,000.00 "advance" as a client check in the settlement statement dated December 27, 2022.

28. Between October 26, 2018, and January 31, 2023, Morris only paid out \$2,000.00 of the settlement funds to Erfani.

29. On or about January 20, 2023, Erfani filed a grievance with the Office of Professional Conduct.

30. By January 31, 2023, the ending balance in Morris' IOLTA was \$188.39.

31. On or about February 13, 2023, Morris issued checks to Erfani and her mother, Ziba, for \$4,629.52 and \$5,229.52, respectively.

32. When Morris wrote the checks dated February 13, 2023, there were insufficient funds in the trust account to cover said checks.

33. Morris received a wire transfer in the amount of \$9,990.00 on February 21, 2023, from a source other than the accident settlement, which was enough to cover the checks issued to Erfani.

34. Morris would not take phone calls from Erfani, unless Erfani called from a borrowed phone with a number Morris didn't recognize.

35. Morris failed or refused to explain to Erfani why it has taken almost five (5) years to disburse the remaining funds, except to blame DHS/CMS.

36. Morris failed or refused to provide Erfani with settlement statements or information regarding distribution of the remaining funds. To date, Erfani has only received \$11,859.04 of the settlement funds.

37. On February 21, 2023, OPC contacted Morris and requested an explanation for the delay in distribution of the settlement funds and alleged lack of communication with Erfani.

38. On March 2, 2023, OPC received a response from Morris, wherein Morris provided information that placed blame for the delay on the insurance company and DHS/CMS.

39. Morris first claimed this case was a long process and time intensive. Court Connect records, however, indicate the complaint was filed on June 6, 2018, and served that same day. An answer was filed on June 13, 2018, and an Order to Dismiss filed on December 18, 2018.

40. Morris then claimed the COVID pandemic (which began in March, 2020) interfered with finalizing the settlement, which happened in October, 2018.

41. Morris had the December, 2018, checks for well over a year before COVID even became an issue in mid-March, 2020.

42. Morris also asserted she was diligent in her attempts to get this matter resolved and get paid. Morris stated in her response, “This case has been a nightmare” and “I would like to get paid too”.

43. In fact, Morris wrote several checks to herself in the two (2) weeks prior to and several weeks following the deposit of the settlement funds.

- (a) No. 6216 for \$600.00 dated 10/10/18 with “Naghmeh Erfani” in the memo line;
- (b) No. 6215 for \$2,500.00 dated 10/10/18 with “Negin Erfani” in the memo line;
- (c) No. 6225 for \$200.00 dated 10/19/18 with “Negin Erfani” in the memo line;
- (d) No. 6226 for \$300.00 dated 10/19/18 with “Naghmeh Erfani” in the memo line;
- (e) No. 6233 for \$2,500.00 dated 11/07/18 with “Naghmeh” in the memo line;
- (f) No. 6244 for \$300.00 dated 11/26/18 with “Erfani” in the memo line;
- (g) No. 6250 for \$300.00 dated 12/11/18 with “Erfani” in the memo line.

44. The IOLTA records reflect a deposit of \$5,907.00, which was converted to fund the first four (4) checks; and then the settlement deposit of \$17,900.00, which funded the other three (3) checks.

45. The misappropriated or converted funds from October 10, 2018, through December 11, 2018, totaled a minimum of \$6,700.00. Morris wrote other checks to herself with blank memo lines, or simply made unidentified withdrawals from the IOLTA, which totaled \$7,450.00.

- (a) No. 6181 for \$1,000.00 dated 10/31/18 with a blank memo line;
- (b) No. 6180 for \$1,000.00 dated 10/31/18 with a blank memo line;
- (c) An unidentified withdrawal on 11/20/18 for \$3,500;
- (d) An unidentified withdrawal on 11/26/18 for \$350.00;

- (e) An unidentified withdrawal on 12/11/18 for \$400.00;
- (f) An unidentified withdrawal on 12/26/18 for \$200.00; and
- (g) An unidentified withdrawal on 12/31/18 for \$1,000.00.

46. OPC's investigative efforts produced a very different narrative, which indicated Morris lacked competency, diligence, and truthfulness in the representation of her client(s).

On October 4, 2023, Respondent was served with a formal complaint, supported by affidavit from Erfani. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

Upon consideration of the formal complaint and attached exhibit materials, and other matters before it, and the Arkansas Rules of Professional Conduct, the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 1.1, to wit: Morris knew or should have known she couldn't sign off on checks that included government agencies as payees and should not have instructed AOI to issue the checks with DHS/CMS as additional payees. Morris knew or should have known the settlement checks could not be endorsed by DHS/CMS and that the insurance company needed to reissue the checks. Morris directly instructed Staten to issue checks that included lienholders, which led to more delays in finalizing the settlement. Morris notarized her own witness signatures in the release and settlement agreements.

B. Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 1.3, to wit: From the start of representation in June, 2015, Morris took more than three (3) years to settle a very simple MVA case in October, 2018, and five (5) years later has not finalized the disbursement of settlement funds.

C. Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 1.4(a)(3), to wit: From the start of representation in June, 2015, Morris failed or refused to keep her clients updated, and blamed the delays on everyone but herself.

D. Rule 1.15(a)(4) requires that a lawyer shall maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any record keeping rules established by law, rule, or court order.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 1.15(a)(4), to wit: The bank records for Morris' IOLTA indicate that funds and payments are consistently and often misappropriated or converted, and [in this matter] within five (5) days of receipt of said funds.

E. Rule 1.15(a)(5) requires that upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person in writing. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full written accounting regarding such property to the client or third persons.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 1.15(a)(5), to wit: Morris did not notify Erfani in writing, and did not promptly deliver settlement funds to Erfani.

F. Rule 8.1(a) provides that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 8.1(a), to wit: Morris submitted an informal response to the grievance, which contained numerous misrepresentations of her step-by-step conduct in this matter. Morris was untruthful when she claimed to have contacted opposing counsel, Staten, and AOI.

G. Rule 8.4(b) provides that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 8.4(b), to wit: Morris deprived the entire Erfani family of the settlement funds due them, and converted part of the funds for her own use.

H. Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 8.4(c), to wit: Morris misrepresented the facts about the DHS/CMS liens and attempted to push the settlement through by asserting that the DHS/CMS liens did not exist.

I. Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

The conduct of Victoria Kay Morris, as set forth in the formal complaint, violated Rule 8.4(d), to wit: Morris' lack of action caused this matter to be delayed for several years without a final resolution.

J. **Section 11(E) of the Procedures requires that, “if the panel finds that a lawyer has committed acts against a client which constitute theft of property under Ark. Code Ann. § 5-36-103 (or its replacement), regardless of whether the attorney has been criminally charged or convicted, disbarment proceedings must be initiated”.**

K. Ark. Code Ann. § 5-36-103 defines theft of property as committed by a person who “knowingly takes or exercises unauthorized control over or makes an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property”.

L. The Panel finds that the attorney's conduct in making unauthorized withdrawals from the IOLTA is conduct that constitutes theft of property and therefore requires the initiation of disbarment proceedings.

M. Section 17(B) of the Procedures defines “serious misconduct” as conduct in violation of the Rules that would warrant a sanction terminating or restricting the lawyer's license to practice law. Further, Section 17(B)(1) provides specifically that the misappropriation of funds is considered serious misconduct.

N. Ark. Code Ann. § 16-22-401 provides, in part, that any attorney who is guilty of improperly retaining his client's money, may be removed or suspended from practice, upon charges exhibited against him.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel, that that **DISBARMENT PROCEEDINGS BE INITIATED** against Victoria Kay Morris, Arkansas Bar Number 87029, for her conduct in this matter.

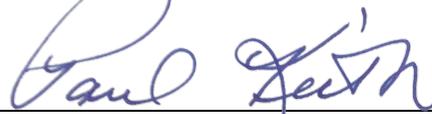
The Panel further assesses a fine of FIVE THOUSAND NINE HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS (**\$5,929.52**); costs of ONE HUNDRED FIFTY DOLLARS AND NO CENTS (**\$150.00**); and orders that Respondent pay restitution to Erfani in the amount of TWENTY-ONE THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS AND THIRTY CENTS (**\$21,324.30**).

In addition, Section 9.C(1) of the Procedures provides 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 of license. The Panel imposes a separate sanction of **WARNING** for Morris' failure to respond to the formal complaint.

The Panel further orders that Ms. Morris' law license be placed on interim suspension effective on the date of the filing of the Order of Interim Suspension, during the pendency of disbarment proceedings.

The fine, costs, and restitution assessed herein totaling TWENTY-SEVEN THOUSAND FOUR HUNDRED THREE DOLLARS AND EIGHTY-TWO CENTS (**\$27,403.82**) 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



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Paul W. Keith, Panel Chair

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December 18, 2023

Date