

Public Discipline

These summaries are based on information provided by the Office of Lawyer Regulation (OLR), an agency of the Wisconsin Supreme Court. The OLR assists the court in supervising the practice of law and protecting the public from misconduct by lawyers. The full text of matters summarized can be located at <https://compendium.wicourts.gov/app/search>.

Disciplinary Proceeding Against Lynne Layber

On April 8, 2025, the Wisconsin Supreme Court publicly reprimanded Lynne Layber and ordered her to pay the \$3,699.19 cost of the disciplinary proceeding. *Disciplinary Proc. Against Layber*, 2025 WI 9.

Layber was convicted of fourth-offense operating a vehicle while intoxicated, a Class H felony. While Layber argued that the conduct that led to the conviction did not “reflect adversely on [her] honesty, trustworthiness, or fitness as an attorney in other respects,” in violation of SCR 20:8.4(b), the referee found otherwise and granted the Office of Lawyer Regulation’s (OLR) motion for summary judgment as to the sole count of misconduct. Specifically, the referee concluded that Layber’s multiple drunk-driving convictions evinced an indifference to her obligation under the law, which reflected adversely on her fitness as a lawyer. The court adopted the referee’s finding of a violation of SCR 20:8.4(b). After the OLR’s motion for summary judgment was granted, the OLR and Layber stipulated

that a public reprimand was the appropriate level of discipline. The referee recommended that the court adopt the parties’ joint request for the imposition of a public reprimand and the court did so.

Layber had no prior discipline.

Disciplinary Proceeding Against Carl Robert Scholz

On April 18, 2025, the supreme court revoked the law license of Carl Robert Scholz, effective immediately. The court also ordered Scholz to pay \$4,000 restitution to one client and pay the cost of the disciplinary proceeding, which totaled \$10,905.68 as of May 31, 2024. *Disciplinary Proc. Against Scholz*, 2025 WI 13.

The OLR filed a complaint against Scholz alleging he had engaged in 48 counts of misconduct involving 19 client matters. The complaint further alleged that Scholz owed more than \$83,000 in restitution. After the filing of at least two stipulations and other agreements between the parties, the referee in the matter issued a report finding that Scholz had engaged in 46 of 48 counts of misconduct and recommend-

ing that Scholz’s license be revoked. The referee also recommended that Scholz pay \$4,000 restitution to one client and pay the cost of the disciplinary proceedings.

The court found that 1) Scholz had engaged in all 48 counts of misconduct, 2) revocation was the appropriate level of discipline, and 3) Scholz should be required to pay the cost of the proceeding. As to the restitution, the court echoed the referee’s concern over the “eleventh-hour resolution of the bulk of the restitution claims,” which had originally totaled over \$83,000. The court noted the lack of detail to support claims that several clients had “waived” restitution. It also noted that the OLR had abandoned several restitution claims because Scholz did not keep records that enabled the OLR to calculate a “reasonably ascertainable” amount owed. The court pointed to its adoption in 2020 of a policy that shifted the burden to the lawyer to establish what offset, if any, is appropriate when determining restitution amounts. Nonetheless, the court “reluctantly” agreed to support the parties’ stipulation that Scholz be ordered to pay only \$4,000 in restitution.

As to the specific misconduct, the court found that Scholz maintained multiple bank accounts and routinely used his business accounts as a “slush fund” into which he deposited, and then converted to his own use, client funds. In addition to multiple counts of misconduct related to his handling of his trust account, Scholz was also found to have committed multiple counts of failure to communicate, failure to provide information to clients, failure to provide a final accounting to clients, failure to return unearned fees, making material misrepresentations to legal tribunals, failure to cooperate with the OLR’s investigation, making material misrepresentations to the OLR, failure to comply with court orders, failure to act with reasonable diligence and promptness, failure to provide notice of license suspension, and practicing law while his license was suspended.

Scholz was privately reprimanded in 2011. His law license was suspended for two years in 2020. **WL**

Appellate Drafting



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