

MAR 17 2026

STATE OF WISCONSIN

CLERK OF SUPREME COURT
OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST ERIC E.
LENZEN, ATTORNEY AT LAW.

OFFICE OF LAWYER REGULATION,

Case No. 2025AP1266-D

Complainant;

ERIC E. LENZEN,

Respondent.

**ORDER DENYING MOTION FOR DEFAULT JUDGMENT AND
EXTENDING TIME TO SERVE AND FILE ANSWER TO COMPLAINT**

On September 18, 2025, Complainant ("OLR") filed a notice of motion and motion for default judgment. OLR requests that I set a date for a telephonic hearing of the motion. For the reasons discussed below, I deny the motion out of hand and extend until October 15, 2025 the date for Respondent ("Attorney Lenzen") to serve and file an answer or other substantive response to the Complaint.

OLR's motion papers establish that Attorney Lenzen was served with the Complaint and Order to Answer on July 15, 2025 at the Federal Correctional Institution (FCI) in Thompson, IL. I was appointed as Referee by order dated August 13, 2025. On that date I received a copy of a letter from Attorney Lenzen to the Clerk filed August 8, 2025, requesting an extension until October 1, 2025 to serve and file an answer to the Complaint; and a letter from Attorney Kluck of OLR to Attorney Lenzen dated August 12, 2025, stating that OLR would not object to the timing of the answer if it were filed by September 15, 2025.

By letter to Attorneys Kluck and Lenzen dated September 16, 2025, I noted the foregoing correspondence, that no answer was on file, and that the Court had not responded to Attorney Lenzen's letter request. My letter asked counsel how they wished to proceed. My letter was mailed and e-mailed to Attorney Kluck, and mailed to Attorney Lenzen at the FCI.

On September 17, 2025, I received an invitation from the U.S. Bureau of Prisons to enroll in an online service known as CorrLink, through which I could establish e-mail correspondence with Attorney Lenzen. I did so and received the same day an e-mail from Attorney Lenzen, which stated that Attorney Kluck had phoned him and had read to him my September 16 letter. Attorney Lenzen requested an extension until October 15 to answer the Complaint. He explained that he intends to retain counsel and that his confinement at the FCI has rendered that process difficult, but that he expects to be transferred to a halfway house or home confinement on October 1. I responded that I would ascertain OLR's position on his request and would then issue an order. I copied Attorney Kluck with my electronic correspondence with Attorney Lenzen. OLR's motion for a default judgment followed the next day.

Under other circumstances I would not consider Attorney Lenzen's extension request to be reasonable and would entertain OLR's motion. Attorney Lenzen has not filed a proper motion, as opposed to letter requests, for the relief he seeks. He waited until the due date of the answer to take any action in that regard. OLR in effect consented to an extension until September 15 but he did not file an answer by that date. Evidently he believed he could file an answer by October 1 but now says he needs an extension to October 15, which is three months after he was served with the Complaint and Order to Answer.

On the other hand, I find credible Attorney Lenzen's assertion that his confinement has handicapped his ability to engage counsel. While Attorney Lenzen undoubtedly could have been more diligent than he has been notwithstanding his confinement, he has not ignored the matter. My strong preference, and that which I believe the Court's jurisprudence reflects, is to decide a proceeding on its merits rather than by default unless the respondent egregiously disregards the proceeding at the outset or manifests a pattern of disregard during the proceeding. Neither premise has been established here.

For practical reasons, I deny OLR's motion out of hand and grant Attorney Lenzen's extension request, rather than scheduling a telephone hearing on that motion and that request. I believe I am fully aware of everything of consequence to this proceeding that has occurred since it was filed, and therefore a telephone hearing, which would probably not occur until October 1 at earliest, is unlikely to provide materially more illumination. It is important that the parties have immediate clarity on the motion for default and extension request so that issue is joined *no later than* October 15.

Moreover, while OLR indicated it would not object to an answer filed by September 15, in fact the deadline to file it was August 4. It is now impossible to hold a scheduling conference within 20 days of that date as required by SCR 22.13(1). Although that fact would not deprive me of jurisdiction (*see Matter of Disciplinary Proceedings Against Bennett*, 126 Wis. 2d 399, 410, 376 N.W.2d 861 (1985)), the better course is to follow the rule, which can be done here by extending the time to answer until October 15 and holding a scheduling conference promptly and in any event within 20 days thereafter.

For the foregoing reasons, it is hereby ORDERED that (1) OLR's motion for default judgment is denied without prejudice to its renewal if an answer or other substantive response to the Complaint is not filed by October 15, 2025; and (2) Attorney Lenzen's request for an extension of time to serve and file such a response until October 15, 2025 is granted. Absent unexpected and extremely compelling circumstances, Attorney Lenzen should not expect a further extension.

Dated September 18, 2025.



Charles H. Barr, Referee