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Supreme Court of Wisconsin

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June 28, 2019

To:

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You are hereby notified that the Court has entered the following order:

No. 2018AP590-D

Office of Lawyer Regulation v. Paul Boltz

On March 28, 2018, the Office of Lawyer Regulation (OLR) initiated this disciplinary proceeding by filing a disciplinary complaint against Attorney Paul A. Boltz. The complaint alleged ten counts of professional misconduct arising out of two separate representations, including counts relating to the conversion of more than \$40,000 in client funds that should have been paid to third parties.¹

¹ On January 8, 2018, prior to the filing of the complaint, this court temporarily suspended Attorney Boltz's license to practice law in Wisconsin due to his willful failure to cooperate with the OLR's investigation into his alleged professional misconduct. See SCR 22.03(4).

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After several unsuccessful attempts at personally serving the complaint and order to answer on Attorney Boltz, the OLR served him pursuant to SCR 22.13(1) by sending, via certified mail, an authenticated copy of the complaint and order to answer to Attorney Boltz at the most recent address he had furnished to the State Bar of Wisconsin. It also sent authenticated copies of the complaint and order to answer to Attorney Boltz's home.

Attorney Boltz, however, never filed a responsive pleading or contacted the attorney representing the OLR. Consequently, the OLR filed a motion for a default. When Attorney Boltz failed to appear at the hearing on the motion after notice of the hearing had been provided to him, the referee assigned to this matter, Reserve Judge Robert E. Kinney, granted the OLR's motion, declared Attorney Boltz to be in default, and found that the factual allegations of the complaint were true and correct. The referee filed a report setting forth those rulings and recommending that this court revoke Attorney Boltz's license, require him to pay \$40,000 in restitution, and order him to pay the full costs of this proceeding.

While this court was reviewing the referee's report and recommendation, the OLR filed a letter it had received from an attorney who had represented Attorney Boltz in a criminal proceeding in Brown County circuit court arising out of the conversion of the \$40,000. The attorney, who has not represented Attorney Boltz in this disciplinary proceeding, advised the OLR that Attorney Boltz had been suffering severe health problems that had effectively left him "cognitively disabled."

In light of counsel's letter and because the docket record of the Brown County criminal case indicated that Attorney Boltz had been ordered to pay restitution in that matter, on January 22, 2019, this court issued an order directing the OLR to investigate whether Attorney Boltz may have already paid the restitution recommended by the referee and to file a supplemental statement on restitution. The January 22, 2019 order also directed the OLR to communicate with Attorney Boltz or someone authorized to speak on his behalf and to file a report concerning its attempts to communicate with Attorney Boltz and whether Attorney Boltz wished to claim or had a reasonable basis to claim that he has a medical incapacity that makes the defense of this disciplinary proceeding impossible under SCR 22.16(4)(d).

The OLR filed a supplemental restitution statement on February 15, 2019. The OLR indicated that it had confirmed that payment of the \$40,000 in restitution had previously been made in connection with the Brown County criminal case.

On that same date, the OLR also filed a report under seal regarding the results of its inquiries into Attorney Boltz's medical condition and his ability to defend himself in this disciplinary proceeding. The OLR attached, among other things, statements from two doctors who had personally examined Attorney Boltz and had concluded that he currently suffers from a medical incapacity. In light of the medical information it had obtained, the OLR stated that "the totality of the circumstances merit the court indefinitely suspending Attorney Boltz's Wisconsin

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law license for medical incapacity, abating the disciplinary case in a manner analogous to SCR 22.16(4)(d).² Accordingly,

IT IS ORDERED that this disciplinary proceeding is abated pending further order of this court, and the license of Paul A. Boltz to practice law in the State of Wisconsin is indefinitely suspended pursuant to SCR 22.16(4); and

IT IS FURTHER ORDERED that the February 15, 2019 report filed by the Office of Lawyer Regulation regarding Paul A. Boltz's medical incapacity shall remain under seal pending further order of this court.

Sheila T. Reiff
Clerk of Supreme Court

² We deem the OLR's February 15, 2019 report to have the effect of a stipulation that Attorney Boltz suffers from a medical incapacity that makes the defense of this disciplinary proceeding impossible. Consequently, there is no need to remand this matter back to the referee for any evidentiary hearing and factual finding regarding Attorney Boltz's medical incapacity. See SCR 22.16(4)(a) and (d).