

SUPREME COURT OF WISCONSIN  
OFFICE OF LAWYER REGULATION

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Public Reprimand With Consent

2022-OLR-3

Michael Dale Lawrynk  
Attorney at Law

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Michael Dale Lawrynk (Lawrynk) was admitted to practice law in Wisconsin on June 19, 1995, State Bar No. 1025075. Lawrynk's State Bar address of record is 2711 North Mason Street, Suite B, Appleton, Wisconsin 54914-2100. His license is active and in good standing.

**FIRST MATTER**

In October 2020, husband and wife R.E. and T.E. (the clients) entered into a written fee agreement for Lawrynk to represent them as defendants in a lawsuit regarding a real estate dispute involving a land contract.

On November 11, 2020, Lawrynk received an email from opposing counsel, inter alia, setting forth his opinion regarding the merits of his client's partition action and informing Lawrynk that the clients had missed an August 2020 payment. Despite this information contradicting the clients' belief that they had paid off the land contract, Lawrynk did not inform the clients of the email. The clients discovered the email's existence when they received Lawrynk's billing statement dated December 28, 2020, which included an entry for Lawrynk's review of the email. The clients then requested a copy of the email, which they received from Lawrynk's paralegal on January 4, 2021.

On April 28, 2021, the court issued a scheduling order which established a June 1, 2021 deadline for filing a summary judgment motion. On May 21, 2021, the clients sent Lawrynk an email reminding him of the upcoming deadline. On June 2, 2021, the clients sent Lawrynk an email informing him the deadline was missed. Lawrynk then filed a motion for partial summary judgment on June 3, 2021. Lawrynk did not provide the clients with the motion for partial summary judgment before or at the time he filed it, despite the clients having previously requested that he provide them with drafts before he filed anything.

Although the court denied the opposing party's motion to strike the partial summary judgment motion as untimely and allowed Lawrynk additional time to file an amended or additional dispositive motion, Lawrynk was sanctioned by having to pay \$50 toward the opposing party's attorneys' fees.

The clients sent Lawrynk emails on May 20, May 21, June 2, and June 4, 2021 expressing concerns about a billing statement they received dated May 18, 2021. The clients also sent Lawrynk emails on August 21 and August 23, 2021 expressing concerns about a billing statement they received dated August 19, 2021. The clients then sent Lawrynk an email on August 24, 2021 stating they have questions about the current bill (August 19) and last bill (May 18) and asking Lawrynk to get back to them "this week". Although Lawrynk charged the clients for review of these emails, Lawrynk did not respond to them.

On August 25, 2021, the clients sent Lawrynk an email inquiring if he was aware of a recent negative Google review from a former client, which review was attached, and stating that they are hoping it is not true. Lawrynk responded by stating, "Of course its not [sic] true", and then revealed disparaging information regarding the former client's case and the conduct of the

former client and her son, who was also a former client. Lawrynk did not obtain his former clients' consent to share information relating to the representation.

The clients terminated Lawrynk's representation on September 29, 2021 and provided him with a termination of legal services that they filed with the court on that date. Lawrynk sent the clients an email on September 30, 2021 stating, in part: "I am the one who has to file things on your behalf even if you fire me which you have every right to do if you want to I still have to file a withdrawal." The clients sent Lawrynk additional emails on September 30, 2021 making extremely clear that they wished for him to withdraw immediately. Lawrynk did not file a proposed order for withdrawal until almost a month later on October 26, 2021. An order for withdrawal was then entered on October 28, 2021.

By failing to promptly inform his clients about email correspondence received from opposing counsel and by failing to provide his clients with a copy of a partial summary judgment motion before or at the time it was filed, Lawrynk violated SCR 20:1.4(a)(3), which states: "A lawyer shall [...] keep the client reasonably informed about the status of the matter[.]"

By failing to timely file a summary judgment motion on behalf of his clients, Lawrynk violated SCR 20:1.3, which states: "A lawyer shall act with reasonable diligence and promptness in representing a client."

By failing to promptly respond to emails from his clients expressing concerns regarding fees, Lawrynk violated SCR 20:1.5(b)(3), which states: "A lawyer shall promptly respond to a client's request for information concerning fees and expenses."

By sharing information with current clients regarding the representation of former clients without the former clients' consent, Lawrynk violated SCR 20:1.6(a), which states: "A lawyer

shall not reveal information relating to the representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in pars. (b) and (c).”

By failing to promptly file a motion to withdraw when his clients terminated his representation, Lawrynk violated SCR 20:1.16(a)(3), which states: “Except as stated in par. (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if [...] the lawyer is discharged.”

## **SECOND MATTER**

On the night of July 23, 2020 into July 24, 2020, Lawrynk consumed alcohol while at a darts league event at a pub in Appleton, Wisconsin. He left the pub in the early morning hours and operated a motor vehicle, which resulted in a single-vehicle accident.

Police officers were dispatched to the scene of the accident at approximately 1:42 AM on July 24, 2020. Upon arrival, officers made contact with Lawrynk and an adult passenger. Lawrynk informed officers that he was the driver and had been drinking.

Lawrynk cooperated with performing field sobriety tests, following which he was arrested on suspicion of operating while intoxicated. At the time of arrest, Lawrynk acknowledged to an officer that he knew he had too much to drink that night. An evidentiary chemical test of his blood revealed that Lawrynk had a blood alcohol level of .218 g/100 mL.

On January 17, 2020, Lawrynk was charged with misdemeanor counts of Operating While Intoxicated (2nd) and Operating with a Prohibited Alcohol Concentration (2nd) in Outagamie County case number 2020CT000062.

On January 25, 2021, pursuant to a no contest plea, Lawrynk was convicted of Operating While Intoxicated (2nd). The Operating with a Prohibited Alcohol Concentration charge was

dismissed on the prosecutor's motion. Lawrynk's sentence included 40 days jail, with 30 days stayed, and revocation of his driver's license for a period of 14 months. He was also ordered to undergo an AODA assessment and pay a fine and costs.

Lawrynk did not report his conviction to the Office of Lawyer Regulation (OLR) or clerk of the Supreme Court within five (5) days as required by Supreme Court Rule 21.15(5). On January 18, 2022, OLR staff contacted Lawrynk to obtain information regarding his conviction. Lawrynk responded on January 28, 2022, stating in part that he had not made the notification because he was unaware of the requirement to do so. Lawrynk then provided notification of the conviction to the clerk of the Supreme Court and OLR via a letter dated February 4, 2022.

By engaging in conduct resulting in a misdemeanor conviction of Operating While Intoxicated (2nd) in Outagamie County case number 2020CT000062, Lawrynk violated SCR 20:8.4(b), which states: "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."

By failing to provide notice of his conviction to OLR and the clerk of the Supreme Court within five (5) days, Lawrynk violated SCR 21.15(5), which states: "An attorney found guilty or convicted of any crime on or after July 1, 2002, shall notify in writing the office of lawyer regulation and the clerk of the Supreme Court within 5 days after the finding or conviction, whichever first occurs. The notice shall include the identity of the attorney, the date of finding or conviction, the offenses, and the jurisdiction. An attorney's failure to notify the office of lawyer regulation and clerk of the supreme court of being found guilty or his or her conviction is misconduct."

In accordance with SCR 22.09(3), Attorney Michael Dale Lawrynk is hereby publicly reprimanded.

Dated this 14<sup>th</sup> day of June, 2022.

SUPREME COURT OF WISCONSIN

\_\_\_\_\_/s/\_\_\_\_\_  
Sue Bischel  
Referee