

SUPREME COURT OF WISCONSIN

Board of Attorneys Professional Responsibility v. Edgar

338 Wis. 2d 729 (2012) · Decided March 1, 2012

SUMMARY

The Wisconsin Supreme Court reviewed a referee's recommendation to deny Jane A. Edgar's petition for reinstatement of her law license. The court adopted the referee's findings and conclusions, concluding that Edgar had not shown by clear, satisfactory, and convincing evidence that she satisfied all reinstatement requirements. The court denied reinstatement and ordered Edgar to pay the costs of the proceeding.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	March 1, 2012
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a referee's report under SCR 22.33(3) after denying Edgar's appeal from the referee's report because she repeatedly failed to file a timely brief. The referee recommended denial of Edgar's petition for reinstatement of her law license.
STANDARD OF REVIEW	The court adopts a referee's findings of fact unless they are clearly erroneous and reviews conclusions of law de novo. A petitioner seeking reinstatement must prove the required criteria by clear, satisfactory, and convincing evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jane A. Edgar

TOPICS

[appellate procedure](#) [standard of review](#) [civil procedure](#)

PRACTICE AREAS

[legal ethics and professional responsibility](#) [attorney reinstatement](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the referee's findings of fact were clearly erroneous.
2. Whether Edgar proved by clear, satisfactory, and convincing evidence that she satisfied the Wisconsin Supreme Court Rules' requirements for reinstatement of her law license.
3. Whether Edgar established that her mental-health-related conditions were sufficiently under control to satisfy the court's prior reinstatement order.

HOLDINGS

1. The court reviews the referee's factual findings for clear error and reviews legal conclusions de novo.
2. A suspended attorney seeking reinstatement must prove by clear, satisfactory, and convincing evidence that the attorney satisfies all applicable reinstatement criteria, including moral character, protection of the administration of justice and public interest, substantiation of petition representations, and full compliance with the suspension order and SCR 22.26.
3. Edgar's petition for reinstatement was denied because she failed to establish by clear, satisfactory, and convincing evidence that she satisfied all requirements for reinstatement.

KEY QUOTATIONS

“This court will adopt a referee's findings of fact unless they are clearly erroneous. Conclusions of law are reviewed de novo.” (739)

“After careful review of the record, we agree with the referee that Attorney Edgar has not established by clear, satisfactory, and convincing evidence that she has satisfied all of the criteria necessary for reinstatement.” (739)

FACTUAL BACKGROUND

Jane A. Edgar was suspended from practicing law after misconduct involving conversion and commingling of client funds, improper use of a law-office account, false trust-account certifications, and other professional misconduct. She later obtained an additional one-year suspension and was subject to restitution and conditions concerning mental-health treatment and practice monitoring. In seeking reinstatement, she presented evidence of rehabilitation and restitution but failed to adequately document compliance with suspension-notice requirements, disclosed financial and civil-judgment information incompletely, delayed restitution and cost payments, and did not establish that all court-ordered mental-health conditions had been satisfied.

PROCEDURAL HISTORY

Edgar filed a petition for reinstatement on September 21, 2010. A referee conducted an evidentiary hearing on May 23, 2011, and filed a report recommending denial of reinstatement. The supreme court dismissed Edgar's appeal from the referee's report for repeated failure to file a timely brief, denied her request to reopen the appeal, adopted the referee's findings and conclusions, denied reinstatement, and ordered her to pay the proceeding's costs.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Edgar, 230 Wis. 2d 205, 601 N.W.2d 284 (1999)
- In re Disciplinary Proceedings Against Edgar, 2003 WI 49, 261 Wis. 2d 413, 661 N.W.2d 817
- In re Disciplinary Proceedings Against Eisenberg, 2004 WI 14, ¶ 5, 269 Wis. 2d 43, 675 N.W.2d 747

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