

SUPREME COURT OF WISCONSIN

Board of Attorneys Professional Responsibility v. Hendree

286 Wis. 2d 34 (Wis. 2005) · No. 1997AP1746-D · Decided October 19, 2005

SUMMARY

The Supreme Court of Wisconsin denied Ronald W. Hendree's petition for reinstatement of his law license. The court adopted the referee's findings that Hendree failed to satisfy the clear, satisfactory, and convincing evidence requirements for reinstatement, including requirements concerning restitution, compliance with the suspension order, cooperation with the Office of Lawyer Regulation, and understanding of professional standards.

CASE DETAILS

COURT	Supreme Court of Wisconsin
JURISDICTION	Wisconsin
DECIDED	October 19, 2005
DOCKET	1997AP1746-D
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a referee's recommendation that Hendree's petition for reinstatement of his Wisconsin law license be denied. Hendree did not appeal the recommendation.
STANDARD OF REVIEW	The Supreme Court independently reviewed the referee's recommendation and record under SCR 22.33(3), adopting supported findings and determining whether Hendree met his burden under SCR 22.31 by clear, satisfactory, and convincing evidence.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Board of Attorneys Professional Responsibility n/k/a Office of Lawyer Regulation v. Ronald W. Hendree

TOPICS

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QUESTIONS PRESENTED

1. Whether Hendree met his burden under SCR 22.31 to establish by clear, satisfactory, and convincing evidence that he satisfied the requirements for reinstatement of his Wisconsin law license.
2. Whether the referee's findings and recommendation denying reinstatement were supported by the record.
3. Whether Hendree should be ordered to pay the costs of the reinstatement proceeding.

HOLDINGS

1. Hendree failed to prove by clear, satisfactory, and convincing evidence that he met the requirements for reinstatement, including demonstrating compliance with the suspension order, proper understanding of professional standards, substantiated representations, and that resumption of practice would not be detrimental to the administration of justice or subversive to the public interest.
2. The Supreme Court adopted the referee's findings and recommendation to deny Hendree's petition for reinstatement.
3. Hendree was ordered to pay the costs of the reinstatement proceeding, which were \$6,123.29 as of August 19, 2005.

KEY QUOTATIONS

"After our review pursuant to SCR 22.33(3), we adopt the referee's findings and agree that Hendree has not met his burden imposed by SCR 22.31 of demonstrating by clear, satisfactory, and convincing evidence that his resumption of the practice of law would not be detrimental to the administration of justice or subversive to the public interest." (286 Wis. 2d 35)

"If the costs are not paid within the time specified, and absent a showing to this court of his inability to pay the costs within that time, the license of Ronald W. Hendree shall remain suspended until further order of the court." (286 Wis. 2d 40)

FACTUAL BACKGROUND

Hendree's license to practice law in Wisconsin was suspended for one year after misconduct including failure to return an advance fee, failure to communicate and act diligently for a client, mishandling third-party funds, dishonesty, and misrepresentations to disciplinary authorities. He had not completed required restitution, had failed to notify all clients and tribunals of his suspension, and had not fully cooperated with requests for financial and continuing-legal-education information. At the reinstatement hearing, the referee found that Hendree did not demonstrate remorse and understanding of his misconduct sufficient to establish that reinstatement would not harm the administration of justice or the public interest.

PROCEDURAL HISTORY

Hendree's law license had been suspended for one year in 1997. His first reinstatement petition, filed in 1999, was dismissed for failure to comply with restitution requirements. He filed a second petition in August 2004; after a May 2005 hearing, the referee recommended denial based on his failure to satisfy restitution, cooperation, compliance, and character-related requirements. The Supreme Court adopted the referee's findings, denied reinstatement, and assessed the proceeding's costs against Hendree.

DISPOSITION

writ_denied

CASES CITED

- Disciplinary Proceedings Against Hendree, 211 Wis. 2d 440, 565 N.W.2d 119 (1997)

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