

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against DAVID MAX VAN SICKLE,
a Minnesota Attorney,
Registration No. 292783.

**STIPULATION FOR DISPENSING
WITH PANEL PROCEEDINGS,
FOR FILING PETITION FOR
DISCIPLINARY ACTION,
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Martin A. Cole, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and David Max Van Sickle, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the petition, this matter will be of public record.

3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing before the Supreme Court upon the record, briefs and arguments. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition which may be summarized as follows:

a. Respondent filed lawsuits on behalf of a client that, as found by the courts, lacked a good faith basis in law or fact in violation of Rules 1.1, 3.1, and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

b. Respondent failed to timely disburse to a client settlement funds that undisputedly belonged to the client in violation of Rule 1.15(b), MRPC, as that Rule read prior to October 1, 2005.

c. Respondent commingled client and personal funds in his trust accounts, negligently misappropriated client funds from his trust account to pay for his personal expenses, negligently misappropriated the funds entrusted to him on behalf of a client, failed to keep required trust account books and records, repeatedly issued checks drawn on the trust account when there were insufficient funds in the account to support the checks, improperly transferred funds from his trust account by electronic transfer and ATM, and improperly certified to the Minnesota Supreme Court that he maintained the required trust account books and records in violation of Rules 1.15(a), (b), (c), and (h), as interpreted by Lawyers Professional Responsibility Board Opinion 9 and Appendix 1 to the MRPC, and Rule 8.4(c), MRPC.

d. Respondent, as evidenced by the order suspending his California license to practice law, charged and collected an unconscionable fee, entered into

an improper business transaction, failed to provide written disclosure of a financial interest in the subject matter of the representation, and intentionally or recklessly failed to represent a client competently in violation Rules 1.1, 1.5, and 1.8(a), MRPC.

5. Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanction the Court will impose.

6. The Director and respondent join in recommending that the appropriate discipline is a four-month suspension pursuant to Rule 15, RLPR. The reinstatement hearing provided for in Rule 18, RLPR, is not waived. Respondent may petition for reinstatement at any time after 60 days from the effective date of his suspension. Reinstatement is conditioned upon: (1) payment of costs in the amount of \$900 pursuant to Rule 24(d), RLPR; (2) compliance with Rule 26, RLPR; (3) pursuant to Rule 18(e), RLPR, providing proof of successful completion of the professional responsibility examination within one year prior to the petition for reinstatement¹; (4) satisfaction of the continuing legal education requirements pursuant to Rule 18(e), RLPR; and (5) paying or entering into an agreement for a payment plan to pay the attorneys' fees assessed against him by the federal district court in the matter of *Willhite v. Collins*, 04-CV-4380.

7. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein.

8. Respondent hereby acknowledges receipt of a copy of this stipulation.

¹ Respondent states that, in connection with the reinstatement of his California license to practice law, he took and passed the professional responsibility exam in August 2007.

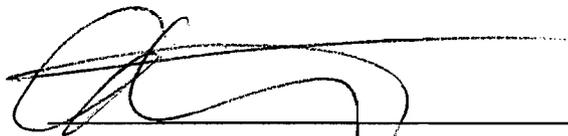
9. Respondent has been advised by the undersigned counsel concerning this stipulation and these proceedings generally.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates indicated below.

Dated: December 20, 2007. 
MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
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345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

Dated: December 20, 2007. 
PATRICK R. BURNS
FIRST ASSISTANT DIRECTOR
Attorney No. 134004

Dated: 12/20, 2007. 
DAVID MAX VAN SICKLE
RESPONDENT

Dated: 12/20, 2007. 
EDWARD F. KAUTZER
ATTORNEY FOR RESPONDENT
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