

STATE OF MINNESOTA

IN SUPREME COURT

A20-0577

**FILED**

July 7, 2021

**OFFICE OF  
APPELLATE COURTS**

In re Petition for Reinstatement of  
David Max Van Sickle, a Minnesota Attorney,  
Registration No. 0292783.

O R D E R

We indefinitely suspended petitioner David Max Van Sickle from the practice of law for a minimum of 4 months, effective as of February 1, 2008. *In re Van Sickle*, 744 N.W.2d 374, 375 (Minn. 2008) (order).

Van Sickle filed a petition for reinstatement. A panel of the Lawyers Professional Responsibility Board conducted a hearing on the petition for reinstatement. On May 14, 2021, the panel's findings of fact, conclusions of law, and recommendation were filed with the Clerk of the Appellate Courts. After making 15 pages of factual findings, the panel concluded, in part, that petitioner failed to prove by clear and convincing evidence that he has undergone the requisite moral change to render him fit to resume the practice of law. The panel recommended that we deny the petition for reinstatement.

No party has notified us that a transcript of the panel's hearing has been ordered. Instead, on June 8, 2021, the Director of the Office of Lawyers Responsibility filed a letter with the Clerk of the Appellate Courts stating that neither party had ordered a transcript of the reinstatement hearing.

On June 15, 2021, we issued an order stating that we would deem the panel's findings and conclusions conclusive and deny the petition for reinstatement unless petitioner filed a request for other action by June 25, 2021. Petitioner has not filed such a request.

An attorney seeking reinstatement “ ‘must establish by clear and convincing evidence that [the attorney] has undergone such a moral change as now to render [the attorney] a fit person to enjoy the public confidence and trust once forfeited.’ ” *In re Jellinger*, 728 N.W.2d 917, 922 (Minn. 2007) (quoting *In re Porter*, 472 N.W.2d 654, 655 (Minn. 1991)). Because no one has ordered a transcript, the panel's findings and conclusions that petitioner failed to prove by clear and convincing evidence that he has undergone the requisite moral change to render him fit to resume the practice of law are conclusive. *See* Rule 18(c), Rules on Lawyers Professional Responsibility (“Unless the petitioner or Director, within ten days of the date of service” of the panel's findings, conclusions, and recommendation “orders a transcript and so notifies this Court, the findings of fact and conclusions shall be conclusive.”). As a result, petitioner has failed to prove he is entitled to be reinstated.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that petitioner David Max Van Sickle's petition for reinstatement is denied.

Dated: July 7, 2021

BY THE COURT:



Natalie E. Hudson  
Associate Justice