

**PUBLIC MATTER**

**FILED**

**OCT 28 2014**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
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DEPUTY CHIEF TRIAL COUNSEL  
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SUPERVISING SENIOR TRIAL COUNSEL  
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DEPUTY TRIAL COUNSEL  
7 845 South Figueroa Street  
Los Angeles, California 90017-2515  
8 Telephone: (213) 765-1630

9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11  
12 In the Matter of: ) Case No. 14-O-04243  
13 DAVID M. VAN SICKLE, )  
No. 167401, ) NOTICE OF DISCIPLINARY CHARGES  
14 )  
15 A Member of the State Bar )

16  
17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**  
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**  
20 **THE STATE BAR COURT TRIAL:**

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**  
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
26 **AND THE DEFAULT IS SET ASIDE, AND;**  
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
28 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
**OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
**ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
**FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
**RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. DAVID M. VAN SICKLE ("Respondent") was admitted to the practice of law in the  
4 State of California on December 13, 2003, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-04243  
8 Business and Professions Code, section 6068(k)  
9 [Failure to Comply With Conditions of Probation]

10 2. Respondent failed to comply with conditions attached to Respondent's disciplinary  
11 probation in State Bar Case nos. 08-J-10456 and 09-O-11418 (S198346) by failing to pay  
12 restitution including attorney's fees assessed against Respondent by the Federal District Court in  
13 the matter of *Willhite v. Collins*, case no. 04-CV-4380 (D. Minn. 2005) or provide proof that  
14 respondent entered into and was in compliance with a payment plan of such fees as ordered by  
15 the Minnesota Supreme Court in case no. A07-2418, filed January 18, 2008, in willful violation  
16 of Business and Professions Code, section 6068(k).

17 NOTICE - INACTIVE ENROLLMENT!

18 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
19 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
20 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
21 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
22 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
23 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
24 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
25 RECOMMENDED BY THE COURT.**

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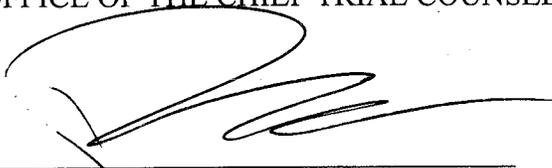
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**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL



DATED: 10-28, 2014

By: \_\_\_\_\_  
R. Kevin Bucher  
Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 14-O-04243

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 9414 7266 9904 2010 0894 4 at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: addressed to: (see below)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
DAVID M. VAN SICKLE	David M. Van Sickle David Van Sickle, Attorney PO Box 71 La Mirada, CA 90637	Electronic Address	

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: October 28, 2014

SIGNED:

*Kim Wimbish*  
KIM WIMBISH  
Declarant