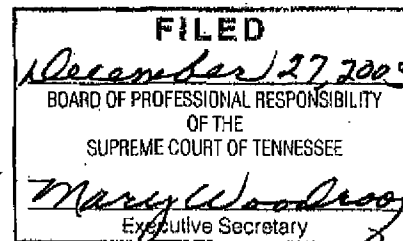


**IN DISCIPLINARY DISTRICT V  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**



**IN RE:           D. Michael Van Sant, Respondent           B.O.P.R. Docket No. 2004-1463-5-CH**  
**An Attorney Licensed to**  
**Practice Law in Tennessee**  
**(Davidson County, BPR# 13986)**

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**HEARING PANEL'S FINDINGS OF FACT AND  
RECOMMENDATION AS TO APPROPRIATE DISCIPLINE**

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THIS MATTER CAME BEFORE THE APPOINTED HEARING PANEL on December 19, 2005, at 10:00 A.M., as ordered by the Board of Professional Responsibility, on the Petition for Discipline against Respondent, filed on September 16, 2004.

At the hearing, Disciplinary Counsel was present but Respondent did not appear.

The hearing remained open until shortly before 11:00, at which time an announcement was made on the record that the Hearing Panel would convene by telephonic conference at their earliest mutual convenience in order to consider the record in this matter and determine whether to recommend that the Respondent be disciplined and, if so, what discipline should be recommended.

On the record at the hearing on December 19, 2005, Disciplinary Counsel stated that the Petition and the exhibits attached thereto constituted all of the evidence that the Board wished to present. The proof was closed at that time.

The Hearing Panel then convened by telephonic conference on December 20, 2005 to deliberate. After a review of the Petition for Discipline and the entire file, the Hearing Panel made the following findings of fact and recommendations as to appropriate discipline:

1. The Petition for Discipline was filed on September 16, 2004. The Respondent was served on September 17, 2004, by certified mail, return receipt acknowledged.

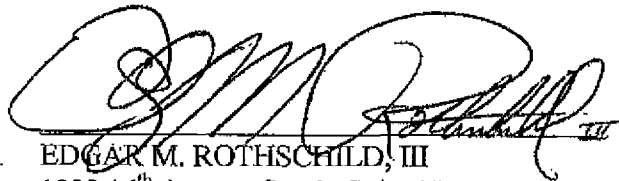
2. Respondent failed to answer the Petition for Discipline, nor did he request additional time to file an answer before the expiration of the response period. Accordingly, the Panel finds that the charges against the Respondent are deemed admitted.

3. As an aggravating factor, the Panel finds that Respondent has been disciplined in previous proceedings before the Board of Professional Responsibility for separate violations.

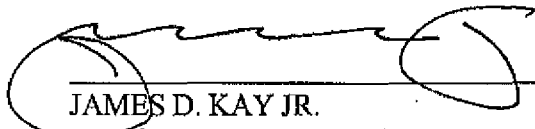
4. The Panel considered the record before it, which consisted of the history of the Respondent's being disciplined by public censure in 1995, and being disciplined with a temporary suspension in 1997. The Panel considered that the prior public discipline is an aggravating factor to the disciplinary sanction it recommends in this matter. The Panel found, specifically, that the Respondent has consistently failed to handle legal matters with which he was entrusted and therefore has violated the disciplinary rules more specifically stated in paragraph 21 of the Petition for Discipline.

5. Accordingly, it is the recommendation of this Hearing Panel that the Respondent, D. Michael Van Sant, be disbarred.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.



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