

People v. Andrew R. Newell. 23PDJ011. March 20, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Andrew R. Newell (attorney registration number 31121) for thirty-four months. The suspension takes effect April 24, 2023. To be reinstated to the practice of law after his suspension, Newell must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

In 2016, Newell met a Peruvian woman online. They began a romantic relationship, and Newell proposed marriage to facilitate the woman's medical treatment in the United States. Newell served as the woman's sponsor. She arrived in the United States in May 2017. The couple married in August 2017 and had a son together. Newell's spouse was awarded a temporary green card. But the relationship deteriorated, and Newell threatened to withdraw his support or to seek her deportation. In April 2021, after Newell moved to Mississippi with his family, he told his spouse that he had purportedly received a letter from USCIS, instructing them to mail their passports to verify their recent out-of-country travel. Newell's spouse questioned the authenticity of the letter, but Newell insisted that he did not create the letter. She gave Newell her passport; he eventually returned it to her after some time passed. The couple filed for divorce in September 2021. During the disciplinary investigation, Newell initially denied creating this letter but later admitted to fabricating it; he did so, he said, to prevent his spouse from taking their son out of the country. Newell is currently under a court-ordered child support obligation but is now several months behind in his child-support payments. No evidence indicates that he has moved to modify his support obligation.

In a client matter, a jury entered a verdict in favor of one of Newell's clients in April 2021. On the client's behalf, Newell filed a countersuit. The client sent money to Newell via Venmo to cover the filing fee; that money went into Newell's personal account. The parties later stipulated to a comprehensive settlement, and \$20,000.00 was sent via Venmo to Newell's personal account. Newell's client had an interest in at least part of these funds. Newell acknowledges he did not place these funds in a trust account.

Through this conduct, Newell violated Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property) and Colo. RPC 1.15B(a) (a lawyer in private practice must maintain a trust account into which the lawyer must deposit funds entrusted to the lawyer's care). Newell also violated Mississippi R.P.C. 3.4(c) (a lawyer must not "knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists) and Mississippi R.P.C. 8.4(c) (it is it is professional misconduct for a lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation").

The case file is public per C.R.C.P. 242.41(a).