

People v. Andrew Murphree Newcomb. 21PDJ054. July 18, 2022.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Andrew Murphree Newcomb (attorney registration number 37032) for two years. The suspension, which will take effect on August 22, 2022, takes into account significant mitigating factors. To be reinstated to the practice of law in Colorado, Newcomb 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 2019, Newcomb joined a law firm and agreed to bring his clients from his solo practice to the law firm. Under Newcomb's negotiated compensation plan, the law firm was to help manage all of Newcomb's clients' cases and receive a percentage of the net fees earned in the cases. In July 2019, Newcomb represented to the law firm's malpractice insurance carrier that he was not providing professional services other than through the law firm. But until January 2020, Newcomb continued to represent clients through his solo practice, collecting fees that he did not split with the law firm as he was required to do under the compensation plan. During this time, Newcomb misrepresented to the law firm the status of the clients' cases; for instance, he stated that he had fired clients whom he in fact continued to represent. A file audit revealed that Newcomb had systematically deleted client files from the law firm's file share service. The law firm restored the deleted files and learned that Newcomb had settled two cases for clients whom Newcomb claimed he had fired and one case that Newcomb had falsely stated he had settled in 2019. All of the settlement checks had gone to Newcomb's solo practice and were processed outside of the law firm's trust accounts.

In January 2021, the law firm fired Newcomb in a recorded videoconference call. During the call, Newcomb falsely claimed that the law firm had all of his active cases from his solo practice and that there were no funds in his solo practice's trust account. In fact, records from the trust account show that the account cleared thousands of dollars on a monthly basis, including over \$80,000.00 that cleared in the month after the law firm fired Newcomb.

Through this conduct, Newcomb violated Colo. RPC 8.4(c) (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).