

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 03SA77

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

TODD R. NEWSOME.

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DEC 9 2003

ATTORNEY
REGULATION

ORDER OF COURT

Upon consideration of the Petition for Injunction, the Order to Show Cause, the Proof of Service, and the Motion to Proceed filed in the above cause, and no Response having been filed to the Order to Show Cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Court finds that this Respondent has been properly served with the Petition for Injunction and Order to Show Cause,

IT IS FURTHER ORDERED that the Respondent, TODD R. NEWSOME, is ENJOINED from engaging in further acts of unauthorized practice of law,

IT IS FURTHER ORDERED that the Respondent is assessed costs in the amount of \$146.75. Said costs to be Remitted to the Office of the Attorney Regulation Counsel within thirty days of the date of this order.

BY THE COURT, DECEMBER 18, 2003.



Copies mailed via the State's Mail Services Division on 12/19/03 HOP

James Coyle
Deputy Regulation Counsel

Todd R. Newsome
801 S. Holly St.
Denver, CO 80222

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

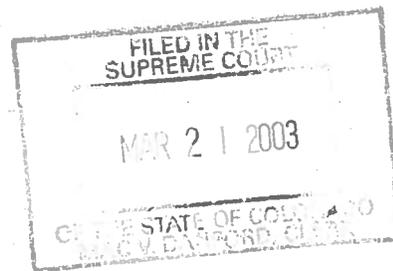
Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
TODD R. NEWSOME

James C. Coyle # 14970
Deputy Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202

Phone Number: (303) 893-8121, ext. 328
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▲ COURT USE ONLY ▲

Case Number:

PETITION FOR INJUNCTION

Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Todd R. Newsome, is not licensed to practice law in the state of Colorado. The respondent's last known address is 801 South Holly Street, Denver, Colorado 80222.
2. The respondent has operated "Newsome & Associates, Inc.," "a personal injury mediator and consultant," on a sporadic basis since 1995.
3. Jarius Brown was injured in a motor vehicle accident on January 16, 2001. Mr. Brown was a passenger in a tractor-trailer operated by Maurice

Revels and owned by Allied Van Lines at the time of the accident. Mr. Brown was employed by Mr. Revels to assist him that day.

4. On February 12, 2001, Mr. Brown signed a form entitled "Request and Authorization for Services." That pre-printed form "requests" the services of Newsome & Associates, Inc. The form acknowledges that Newsome & Associates is not a law firm and that Mr. Brown is not seeking its services in that capacity. However, the form further states:

I am requesting the services of Newsome & Associates, Inc., regarding personal injury consulting and mediation when I find it necessary. Therefore, I give Newsome & Associates, Inc., authorization to make my claims known to all interested parties and gather necessary information for my perusal and mediate my claim to its conclusion.

I authorize said insurance upon final settlement of my claim, the final settlement draft should list my name as individual and Newsome & Associates, Inc., as my consultant.

(emphasis added). The respondent signed off in another section of this form under heading "Circumstances Reviewed and Accepted by [Todd Newsome], Date [2-12-01]."

5. On February 12, 2001, the respondent wrote a letter to Wendy Hamilton of G.E. Young & Company. That letter identified the respondent as assisting Vaden & Evans, LLC, and specifically attorney Wayne Vaden, in the investigation and mediation of Mr. Brown's claim against Mr. Revels and Allied Van Lines.

6. Attorney Wayne Vaden did meet with Mr. Brown on one occasion. There was no attorney-client agreement entered into between Mr. Brown and Vaden & Evans, LLC, or attorney Vaden regarding the January 16, 2001, accident.

7. Other letters were written by Mr. Newsome in March, April and May, 2001 on behalf of Mr. Brown for workers' compensation claims and personal injury claims.

8. On September 21, 2001, the respondent wrote a demand letter to Wendy Hamilton of G.E. Young & Company, outlining Mr. Brown's settlement claim for \$400,000.00 against Allied Van Lines, Inc., and Bailey's Moving & Storage, and their insurance carrier Transguard Insurance Company.

9. In response to the respondent's September 21, 2001, letter, Transguard Insurance wrote a letter to the respondent that denied coverage, and asserted that Mr. Brown's remedy was pursuant to a workers' compensation policy covered by Fairfield Insurance Company.

10. On November 28, 2001, the respondent wrote a letter to TransGuard Insurance Company on behalf of Mr. Brown. A copy of that letter is attached as *Exhibit 1*. In that letter, the respondent represented Mr. Brown's interest in a legal dispute, interpreted coverage on an insurance policy, argued that his client was an independent contractor, and restated the September 21, 2001, settlement demand in the amount of \$400,000 as "fair and reasonable for an amicable settlement." The respondent further stated that the settlement amount may increase if an agreement could not be reached between Newsome & Associates, Inc. and TransGuard Insurance Company.

11. Fairfield Insurance Company's attorney, Cheryl Martin, deposed Jarius Brown on March 8, 2002. The respondent appeared at the deposition of Mr. Brown. At that time, Mr. Brown stated that he understood that Mr. Newsome was not a licensed attorney. See excerpt from March 8, 2002 deposition of Jarius Brown, attached as *Exhibit 2*, page 3, lns. 18-23. Nevertheless, Mr. Newsome stayed through the deposition and was listed as "mediator and consultant."

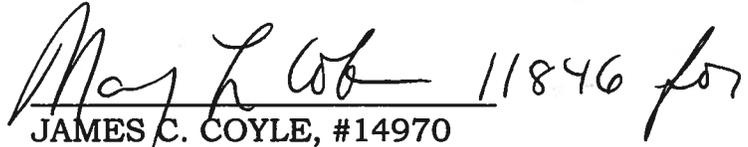
12. On April 15, 2002, the respondent again sent a demand letter, this time to Brent Piersma of Transguard Insurance Company, seeking "monetary relief for [Mr. Brown's] pain and suffering (\$300,000.00), punitive damages (\$100,000.00), and loss of wages (\$200,000.00), for a total claim of \$600,000.00. See April 15, 2002, letter attached as *Exhibit 3*.

13. The respondent engaged in the unauthorized practice of law by representing the interests of Mr. Brown on legal claims against others. The respondent also engaged in the unauthorized practice of law by entering an appearance, and representing Mr. Brown's interests, at the March 8, 2002 deposition.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent should not be enjoined from engaging in any unauthorized practice of law; thereafter that the court enjoin this respondent from the practice of law, or in the alternative that this court refer this matter to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that

the court assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; order the refund of any and all fees paid by clients to the respondent; and assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; and any other relief deemed appropriate by this court.

Respectfully submitted this 21st of March, 2003.


JAMES C. COYLE, #14970
Deputy Regulation Counsel
Attorney for Petitioner