

**ORDER OF THE SUPREME COURT OF TEXAS**

**Misc Docket No. 99- 9097**

**Appointment of a District Judge to Preside  
in a State Bar Disciplinary Action**

The Supreme Court of Texas hereby appoints the Honorable Stephen B. Ables, Judge of the 216th District Court of Kerr County, Texas, to preside in the Disciplinary Action styled:

**The Commission for Lawyer Discipline v. Vika Newsom Andrel**

to be filed in a District Court of Travis County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Travis County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Supreme Court of Texas, in chambers,

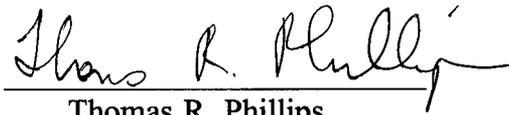
with the Seal thereof affixed at the City  
of Austin, this 12th day of May, 1999.



**JOHN T. ADAMS, CLERK  
SUPREME COURT OF TEXAS**

This assignment, made by Misc. Docket No. 99-9097, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code §74.057.

Signed this 14 day of May, 1999.

A handwritten signature in cursive script, reading "Thomas R. Phillips". The signature is written in black ink and is positioned above a horizontal line.

Thomas R. Phillips  
Chief Justice

CAUSE NO. \_\_\_\_\_

COMMISSION FOR LAWYER DISCIPLINE	§	IN THE DISTRICT COURT OF
	§	
V.	§	TRAVIS COUNTY, TEXAS
	§	
VIKA NEWSOM ANDREL	§	_____ JUDICIAL DISTRICT

**PETITIONER'S ORIGINAL DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Petitioner, COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas, and files this its Original Disciplinary Petition complaining of Respondent, VIKA NEWSOM ANDREL, and in support thereof would respectfully show the Court the following:

**Parties**

Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a committee of the State Bar of Texas. Respondent, VIKA NEWSOM ANDREL, Texas State Bar Number 14974200, is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent maintains an office in Travis County, Texas. Respondent may be served with citation and a copy of this petition through her attorney, Bernard Dean "Skip" Newsom, Jr., at **111 Congress Ave., Suite 820, Austin, Texas 78701-4043.**

**Venue**

Respondent's principal place of practice is in Travis County, Texas. Accordingly, pursuant to Texas Rules of Disciplinary Procedure 3.03, venue is proper in Travis County, Texas.

## Discovery Control Plan

Petitioner intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

### I.

Petitioner brings this disciplinary action pursuant to State Bar Act, Tex. Gov't. Code Ann., Sec. 81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of this action was filed by Robert Campbell on or about February 25, 1998. The acts and conduct of Respondent, as hereinafter alleged, constitute professional misconduct.

### II.

1. On or about November 14, 1997, Robert Campbell (hereinafter "Campbell") sought the legal services of Respondent to assist his family with the adoption of a child. Campbell met with Respondent at her law offices located at 3908 Manchaca Road, Austin, Texas, which is also the location of an adoption agency operated by Respondent called Andrel Adoptions, Inc. At the meeting, Campbell paid Respondent the sum of \$1,250.00 to cover expenses of \$300.00 for travel to Dallas, Texas, for a meeting with the birth mother and \$950.00 for the cost of an expedited home study. Following the meeting with Campbell, Respondent hired Jo Ann Brandon, LMSW-ACP (hereinafter "Brandon"), a Social Worker, to conduct the adoption home study for a fee of \$450.00.

2. Although no formal contract for services was executed between Respondent and Campbell and/or between Respondent and the birth mother, Respondent led Campbell and the birth mother to believe that she was acting as their attorney in the adoption process. At no time did Respondent

advise Campbell or the birth mother that either of them needed to retain independent counsel for representation in the adoption; instead, Respondent tried to represent both parties in this process by giving advice to Campbell regarding his legal rights as an adoptive parent at the meeting which took place in Respondent's Austin, Texas office on November 14, 1997, and by giving advice to the birth mother about her legal rights as a birth parent and by explaining the ramifications of specific legal documents that the birth parents were asked to sign relating to the adoption and the relinquishment of their parental rights at the meeting which took place in Dallas, Texas on November 16, 1997.

3. On or about November 17, 1997, the birth mother notified Campbell and Respondent that, based on events that transpired during the previous day's meeting with Respondent in Dallas, she refused to work with Respondent in connection with the adoption.

4. On or about November 17, 1997 and again on November 22, 1997, adoptive home studies were conducted by Brandon, who had since quit working for Respondent and was now conducting the home studies at Campbell's request in order that they be completed before the December birth of the adoptive child. On or about November 26, 1997, Campbell paid the sum of \$800.00 directly to Brandon for these home studies.

5. During this time, Campbell terminated Respondent's services and retained another lawyer to complete the adoption. Although Campbell requested that Respondent refund the \$950.00 she had previously been paid for an expedited home study, Respondent refused to return the unearned fee to Campbell.

6. By charging Campbell \$950.00 for services she never performed and by refusing to return these unearned funds to Campbell upon termination, Respondent charged an unconscionable fee.

### III.

The conduct of Respondent described above constitutes a violation of the following Texas Disciplinary Rules of Professional Conduct:

Rule 1.04(a) -- A lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee;

Rule 1.06 (b)(1) -- A lawyer shall not represent a person if the representation of that person involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer;

Rule 1.06 (b)(2) -- A lawyer shall not represent a person if the representation of that person reasonably appears to be or become adversely limited by the lawyer's responsibilities to another client or to a third person or by the lawyer's own interests;

Rule 1.07(a)(1) -- A lawyer shall not act as intermediary between clients unless the lawyer consults with each client concerning the implications of the common representation...and obtains each client's written consent to the common representation;

Rule 1.15(d) -- Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as...refunding any advance payments of fee that has not been earned;

Rule 8.04(a)(1) -- A lawyer shall not violate these rules...whether or not such violation occurred in the course of a client-lawyer relationship.

### **PRAYER**

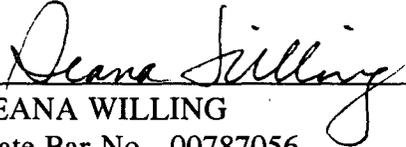
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent imposing an appropriate sanction as the facts shall warrant and that Petitioner have such other and further relief to which it is entitled, including costs of court, restitution, and reasonable attorney fees.

Respectfully submitted,

Steven Young  
General Counsel

Seana Willing  
Assistant General Counsel

Office of the General Counsel  
State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
Telephone: (210) 271-7881  
Telecopier: (210) 271-9642

  
SEANA WILLING  
State Bar No. 00787056

ATTORNEYS FOR PETITIONER

# STATE BAR OF TEXAS



**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z 292 150 098**

**Office of the General Counsel  
Regional Office  
Soledad Plaza West  
425 Soledad, Suite 300  
San Antonio, Texas 78205  
(210) 271-7881  
FAX: (210) 271-9642**

April 20, 1999

John T. Adams, Clerk  
Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711

RE: Commission for Lawyer Discipline v. Vika Newsom AndreI

Dear Mr. Adams:

Enclosed please find an original and three (3) copies of a Disciplinary Petition being filed by the Commission for Lawyer Discipline against Vika Newsom AndreI. Ms. AndreI's principal place of practice is in **Travis County**. Request is hereby made that the Court appoint an active District Judge who does not reside in the Administrative Judicial Region in which Respondent resides to preside in this case. Upon appointment, request is made that you notify the Respondent at the address shown below and the undersigned of the identity and address of the judge assigned:

Vika Newsom AndreI  
BY AND THROUGH ATTORNEY OF RECORD  
Bernard Dean "Skip" Newsom, Jr.  
111 Congress Ave., Suite 820  
Austin, Texas 78701-4043

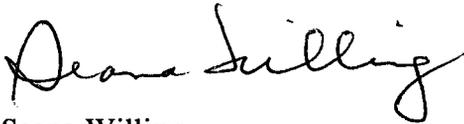
As a practical matter, I would respectfully suggest that you inquire with the judge to be appointed as to: (1) whether he or she will be able to comply with the 180 day deadline by which the case must be set for trial as set forth in Section 3.07 of the Texas Rules of Disciplinary Procedure; and (2) whether he or she can accommodate compliance with Mellon Service Co., et al v. Touche Ross Co., 946 S.W.2d 862 (Tex.App.- Houston [14th Dist.] 1997), which requires that all proceedings incident to a case occur in the county of proper venue. If not, I would respectfully request that an alternate appointment be made.

Once a trial judge has been appointed, please forward the original and three (3) copies of the Disciplinary Petition, the filing fee check, also enclosed herewith, and the Court's appointing order to the District Clerk of Travis County, Texas, with the request that the suit be filed, service be obtained, and a filemarked copy of the petition returned to the undersigned.

Also enclosed are a pre-addressed envelope for your use in transmitting the petition, etc., to the District Clerk of Travis County, Texas and a return envelope to be sent to the District Clerk of Travis County, Texas, for the Clerk's use in returning a filemarked copy of the petition to the undersigned.

Thank you for your courtesies in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Seana Willing". The signature is written in black ink and is positioned above the typed name and title.

Seana Willing  
Assistant General Counsel

Enclosures

SBW/ch



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUSTICES

NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

MAY 17 1999

The Honorable Amalia Rodriguez-Mendoza  
District Clerk of Travis County  
P.O. Box 1748  
Austin, Texas 78767-1748

Dear Ms. Rodriguez-Mendoza:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: *The Commission for Lawyer Discipline v. Vika Newsom Andrel*, and a copy of the Supreme Court's order appointing the Honorable Stephen B. Ables, Judge of the 216<sup>th</sup> District Court, Kerrville, Texas, to preside in this Disciplinary Action.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

cc: Hon. Stephen B. Ables  
Ms. Seana Willing  
Ms. Vika Newsom Andrel



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

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HARRIET O'NEILL  
ALBERTO R. GONZALES

MAY 17 1999

Honorable Stephen B. Ables  
Judge, 216<sup>th</sup> District Court  
700 Main Street  
Kerrville, Texas 78028-5389

Dear Judge Ables:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Ms. Andrel and Ms. Willing, and a copy of the letter to the District Clerk of Travis County.

It is recommended that, about a month or six weeks after receipt of this letter, you contact the Travis County Court Administrative Office (512-753-9300) (certainly just before or immediately after you set the case for trial) to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-379-8556) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams  
Clerk



## THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

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HARRIET O'NEILL  
ALBERTO R. GONZALES

MAY 17 1999

Ms. Seana Willing  
Assistant General Counsel, State Bar of Texas  
425 Soledad, Suite 300  
San Antonio, Texas 78205

Ms. Vika Newsom Andrel  
c/o Bernard Dean "Skip" Newsom, Jr.  
111 Congress Avenue, Suite 820  
Austin, Texas 78701-4043

Dear Ms. Willing and Mr. Andrel:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Stephen B. Ables, Judge of the 216<sup>th</sup> District Court, Kerrville, Texas to preside in

*Commission for Lawyer Discipline v. Vika Newsom Andrel*

Sincerely,

SIGNED

John T. Adams  
Clerk