

*People v. Elle J. Byram. 22PDJ005. January 31, 2022.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Elle J. Byram (attorney registration number 50803) for sixty days, all to be stayed upon the successful completion of a one-year period of probation, with conditions. The probation took effect January 31, 2022.

Byram represented a client in a post-decree dispute. In that case, the client's former husband was permitted to offset his child support obligations against a remaining balance of attorney's fees that had earlier been awarded to him. In early 2020, he moved to modify dependent exemption orders, asking the court to order Byram's client to amend her 2019 tax returns so that he could claim their children as dependents on his taxes. The court required Byram's client to reimburse her former husband for the lost tax benefits associated with claiming the children as dependents. The reimbursement was to be offset against the former husband's future child support obligations. In April 2020, Byram and opposing counsel discussed alternate resolutions by email; they reached an agreement in principle but could not reach full agreement, and they never filed a stipulation to resolve the matter.

At the end of September 2020, Byram informed opposing counsel that child support had not been paid for that month; opposing counsel responded that child support was offset until the 2019 tax exemption reimbursement had been recouped. Byram then filed an unopposed motion to modify dependent exemption orders, which was a draft of the motion that counsel had discussed in spring 2020 and to which Byram believed opposing counsel had agreed. At the time, Byram believed that the parties had reached a full agreement and that she had forgotten to file the motion in April 2020. Byram failed to confirm, however, that opposing counsel did not oppose the motion, which contained no certificate of conferral. The court granted the unopposed motion in less than one business day. When opposing counsel promptly contacted Byram to register his opposition, she acknowledged that the filing was a mistake and that her representation of the motion as unopposed was untrue. She vowed to correct the misstatements, but she did not timely do so. Accordingly, several weeks later opposing counsel responded to the filing, asked to set aside the court's order, and moved to sanction Byram personally. Byram then filed a motion to enforce the order, believing that the relief she had obtained was appropriate. Ultimately, the order was vacated, judgment was entered against Byram and her client, and Byram paid most of the award herself.

Through this conduct, Byram violated Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly fail to correct a false statement of material fact or law to a tribunal); and Colo. RPC 8.4(d) (providing that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

The case file is public per C.R.C.P. 242.41(a)(2).