

*People v. Cynthia Lowery-Graber. 22PDJ051. September 6, 2023.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Cynthia Lowery-Graber (attorney registration number 34145) for thirty months. The suspension, which takes into account substantial mitigating circumstances, is effective September 6, 2023. To be reinstated to the practice of law in Colorado, Lowery-Graber must prove by clear and convincing evidence that she has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

Beginning in 2015, Lowery-Graber represented a client in a property title dispute but never filed the quiet title action or lis pendens necessary to pursue the matter. Even so, from 2016 to 2018, Lowery-Graber advised her client that she had filed a complaint in the case, that she was waiting on the presiding court to issue an order, and that she had communicated with the court's staff about the case's status. Though she never filed the complaint, Lowery-Graber told her client and the vendor managing the property that the court had taken no action on the case and that she thus would need to refile the complaint with a different judge. Later, she told the vendor that the court had dismissed the original complaint, and she promised to refile it. For most of 2019 and into January 2020, Lowery-Graber continued to misrepresent to her client and to the vendor that she had filed and served a new complaint and that she was waiting for the new court to act. But the property had actually sold to another party in 2019. The vendor learned of the sale in February 2020 and informed Lowery-Graber's client. For approximately one year thereafter, Lowery-Graber provided her client and the vendor with updates and stated that she was investigating the situation. In April 2021, Lowery-Graber left her law firm without informing anyone there that she had not filed the original quiet title complaint or a lis pendens.

Beginning in 2016, Lowery-Graber assisted the same client with a loan modification. In October 2016, she emailed terms for modifying the loan to the borrower's counsel, who accepted the modified terms and twice requested that Lowery-Graber formalize the arrangement. But Lowery-Graber failed to respond to the communications before December 1, 2016, the date the borrower was to begin payment under the modified terms. Nor had she prepared the documents to modify the loan. In May 2017, after additional negotiations, Lowery-Graber failed to respond to the borrower's counsel's requests for updates about the matter and exchanged no further emails with the borrower's counsel. Even so, between May 2017 and December 2017, Lowery-Graber repeatedly informed her client that she was attempting to contact the borrower's counsel. In late 2017, Lowery-Graber misrepresented to her client that the borrower failed to timely accept the modification offer in 2016 and had not been responsive to her attempts to communicate.

Through this conduct, Lowery-Graber violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness in representing a client); Colo. RPC 4.1(a) (a lawyer must not, in the course of representing a client, knowingly make a false statement of material law or fact to a third person); and 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).