

BRYNINN T. ERICKSON

(Suspension, Withheld Suspension and Probation)

On March 12, 2019, the Idaho Supreme Court issued a Disciplinary Order suspending Boise attorney Bryninn T. Erickson for five (5) years, with two (2) years of that suspension withheld, and a two-year probation upon any reinstatement to active status. The suspension is from June 29, 2018 to June 28, 2021. The Idaho Supreme Court's Disciplinary Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding.

The conduct that formed the basis for the disciplinary proceeding occurred in 2012 and 2013, when Mr. Erickson was actively licensed to practice law. On October 4, 2013, Mr. Erickson was placed on interim suspension based on his failure to respond to Bar Counsel's investigation of several grievances. On October 5, 2014, he was transferred to disability inactive status. He remained on disability inactive status until October 5, 2017, when he transferred back to active status with interim suspension and addressed the pending disciplinary matters.

The Idaho Supreme Court found that Mr. Erickson violated I.R.P.C. 1.2(a) [Scope of Representation], I.R.P.C. 1.3 [Diligence], and I.R.P.C. 1.4 [Communication] in seven different client matters in 2012 and 2013. With respect to the first client matter, Mr. Erickson failed to enter an appearance as attorney of record for his client in her divorce case, take any action on the client's behalf in that case, or respond to his client's inquiries about the status of the case. With respect to the second client matter, Mr. Erickson failed to appear for a pretrial conference in his client's paternity action or respond to his client's inquiries about the status of that case. With respect to the third client matter, Mr. Erickson failed to reasonably communicate with his client about the status of the client's divorce case or file his client's Answer to the opposing party's Counterclaim. With respect to the fourth client matter, Mr. Erickson failed to appear for his

client's arraignment hearing or reasonably communicate with his client about the status of the criminal case. With respect to the fifth client matter, Mr. Erickson failed to send a letter on his clients' behalf about the clients' upcoming eviction, draft a Complaint to be filed in the clients' anticipated consumer protection case, or reasonably communicate with his clients about the status of those matters. With respect to the sixth client matter, Mr. Erickson failed to file his client's custody modification Petition or reasonably communicate with his client about the status of that custody matter. With respect to the seventh client matter, Mr. Erickson failed to consult with his client about a legal dispute between the client's business and another business, despite the client's repeated requests.

The Idaho Supreme Court also found that Mr. Erickson violated I.R.P.C. 1.2(a) [Scope of Representation], I.R.P.C. 1.3 [Diligence], I.R.P.C. 1.4 [Communication], and I.R.P.C. 3.4(d) [Fairness to Opposing Party and Counsel] in two different client matters in 2012 and 2013. With respect to the first client matter, Mr. Erickson failed to promptly serve his client's Response to a custody modification Petition, timely respond to discovery requests or request an extension for those responses, appear for hearings in the client's custody case, or reasonably communicate with his client about the status of her custody case. With respect to the second client matter, Mr. Erickson failed to promptly serve his client's Response to a custody modification Petition, timely respond to discovery requests or request an extension for those responses, or reasonably communicate with his client about the status of her custody case.

The Idaho Supreme Court also found that Mr. Erickson violated I.R.P.C. 1.2(a) [Scope of Representation], I.R.P.C. 1.3 [Diligence], I.R.P.C. 1.4 [Communication], and I.R.P.C. 1.7 [Conflict of Interest] in one client matter in 2012. With respect to that client matter, Mr. Erickson failed to enter an appearance for his client in a custody case, complete any of the client's

requested work relating to that case, or reasonably communicate with his client about the status of the case. Approximately one year after the client retained him, Mr. Erickson withdrew from representation in the custody case, informing the client that he had a conflict of interest because he had previously represented the client's ex-wife. The Idaho Supreme Court also found that Mr. Erickson violated I.R.P.C. 1.2(a) [Scope of Representation] and I.R.P.C. 1.3 [Diligence] with respect to a client matter in 2012, in which Mr. Erickson failed to properly serve his client's Petition for Asylum in an immigration case.

The Disciplinary Order provided that upon any reinstatement to active status after the three-year suspension, Mr. Erickson will serve a two-year probation subject to the terms and conditions of probation specified in the Order. Those conditions include that Mr. Erickson will serve two years of suspension if he admits or is found to have violated any of the Idaho Rules of Professional Conduct for which a public sanction is imposed for any conduct during his period of probation. In addition, Mr. Erickson must continue treatment with his medical providers and arrange for a supervising attorney to supervise his law practice during the probationary period.

Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.