

ALLEN H. BROWNING
(Public Reprimand)

On May 22, 2017, the Professional Conduct Board of the Idaho State Bar issued a Public Reprimand to Idaho Falls lawyer Allen. H. Browning, based on professional misconduct.

The Professional Conduct Board's Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding in which Mr. Browning admitted that he violated Idaho Rules of Professional Conduct 1.3 [Diligence] and 1.4 [Communication].

This disciplinary action related to Mr. Browning's representation of a client in a personal injury case and on a worker's compensation claim. After filing the personal injury complaint, Mr. Browning instructed his assistant to arrange for service of process. His assistant gave the summonses and complaints to a process server who failed to locate the defendants and advised Mr. Browning's assistant that service was not completed. Mr. Browning's assistant did not inform him about that failure to effect service until approximately seven months later.

Mr. Browning then filed a motion seeking to serve the defendants by publication because their current addresses were unknown and it was impossible to obtain personal service. The court granted that motion. Approximately five months later Respondent received a letter from defendants' counsel requesting a three-day notice of default which Mr. Browning promptly provided. Thereafter, defendants filed a motion to dismiss based upon the failure to complete service of process within six months of filing the complaint. Mr. Browning did not inform his client about the motion to dismiss or the hearing on that motion.

The Court granted the motion to dismiss, concluding that the mere inability to personally serve a party does not constitute good cause, particularly when other avenues of service were

available. Mr. Browning did not inform his client about the dismissal of the personal injury case until nearly 10 months after the case was dismissed. Mr. Browning's client filed a malpractice case against Mr. Browning which his malpractice carrier settled.

The public reprimand does not limit Mr. Browning's eligibility to practice law.

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