



ORIGINAL

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08/29/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 22-0416

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FILED

AUG 29 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

**BEFORE THE COMMISSION ON PRACTICE OF THE
SUPREME COURT OF THE STATE OF MONTANA**

IN THE MATTER OF
ANTHONY D. PLATT,
An Inactive Attorney,
Respondent.

SUPREME COURT
CAUSE NO.
ODC FILE NO. 20-125
ANSWER
RULES 1.16 AND 8.4
MRPC

ANSWER TO COMPLAINT

Respondent Anthony D. Platt ("Respondent"), for his Answer to the Complaint of the Office of Disciplinary Counsel from the State of Montana ("ODC"), alleges, on knowledge with respect to himself and his own acts and on information and belief with respect to all other matters, hereby as follows:

General Allegations

1. Responding to the allegations contained in Paragraph 1 of the Complaint, said paragraph consists of a description of certain requirements which are prescribed by law and which speak for themselves. Respondent admits that he was admitted to practice law in the State of Montana in 2019, and took such oaths and followed such procedures as were prescribed for such admission. Responding to the other allegations contained in Paragraph 1 of the Complaint, Respondent denies knowledge or information sufficient to form a belief as to the truth or falsity of each such allegation.

2. Respondent admits.

3. Respondent admits that, at all times relevant to the Complaint, he was employed by the Great Falls Public Defender.

Count One

4. Responding to the allegations contained in Paragraph 4 of the Complaint, Respondent repeats and realleges his responses to the preceding paragraphs as if fully set forth herein.

5. Respondent admits that part of his duties as a Public Defender was to represent clients in matters described as Youth in Need of Care ("YINC") cases.

6. Respondent admits that in April of 2020, Respondent was appointed to represent a woman ("A.B.") who was the parent party in a Youth in Need of Care case.

7. Respecting the allegations contained in Paragraph 7 of the Complaint, Respondent responds as follows:

(a) admits that from time to time during his representation of A.B., Respondent used his personal cell phone and email to communicate with A.B. in addition to using his office phone and email to communicate with her. Respondent did not have another cell phone.

(b) Respondent denies knowledge or information as to A.B.'s estimates respecting the number of text messages exchanged. Respondent denies (i) that such messages numbered between 5 and 10 per day, and (ii) that such messages were not about the substance of the representation. Respondent states that the overwhelming majority of such communications were about the substance of the representation. Further, the Respondent denies any knowledge that the messages were "unwanted," in that A.B. reciprocated all such communications and told Respondent that she liked and appreciated those communications.

(c) A.B. had previously told Respondent on multiple occasions where she was living (including specific room numbers, addresses, etc.), and invited him to stop by "whenever [he] wanted" whilst she was living at another location a mere week prior to his stopping by. Respondent only visited A.B. at her residence on two (2) occasions: (i) once when Respondent perceived that A.B. was on the verge of a serious emotional or mental breakdown (Respondent brought A.B. a cup of coffee), and (ii) once shortly after she attempted to kill herself. Respondent dropped by on those two occasions out of concern for A.B.'s well-being. Respondent did not drive by or stop by any other times.

(d) Respondent denies all other allegations contained in Paragraph 7 of the Complaint.

8. Respondent admits that, on his second visit to A.B.'s house (after she had attempted suicide), he sat on her porch, and she voluntarily sat down next to him and started to cry about what happened the night before (her suicide attempt). Respondent put his arm around her, to comfort her, and she leaned in. Respondent kissed her affectionately on the top of her head in a parental and comforting way. Respondent denies all other allegations contained in Paragraph 8 of the Complaint.

9. Respondent denies knowledge or information sufficient to form a belief as to the matters asserted in Paragraph 9 of the Complaint.

10. Respondent admits that he regularly used his personal cell phone to communicate with A.B., having no other cell phone with which to communicate with her or anyone else. Respondent used the term "Messiah Complex" in the sense of a hero or rescuer instinct. Respondent denies that A.B. ever clearly indicated she was not interested. Respondent denies all other allegations contained in Paragraph 10 of the Complaint.

11. Respondent denies that his version and A.B.'s version of events were "nearly identical." At no time was Respondent aware that his advances were unwanted or unwelcome, or that she was in any way frightened or intimidated by Respondent. When Respondent told A.B. that he was strongly inclined to withdraw from her case the evening immediately preceding A.B.'s complaint, A.B. implored Respondent not to withdraw. Respondent was conflicted about withdrawing because he believed that he could still represent A.B. zealously and capably, was very familiar with the case, and there were impending and important court dates that needed to be covered.

12. Respondent believed that he could still represent A.B. zealously and capably, was very familiar with the case, and there were impending and important court dates that needed to be covered, and his client specifically told him she did not want him to withdraw. Respondent denies all other allegations contained in Paragraph 12 of the Complaint.

13. Respondent denies the allegations contained in Paragraph 13 of the Complaint.

Count Two

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14. Respondent to the allegations contained in Paragraph 14 of the Complaint, Respondent repeats and realleges his responses to the preceding paragraphs as if fully set forth herein.

15. Respondent admits that he was terminated by OPD and was interviewed by GFPD. Respondent denies knowledge or information sufficient to form a belief as to any other matters asserted in Paragraph 15.

16. Respondent denies knowledge or information sufficient to form a belief as to the matters asserted in Paragraph 16.

17. Respondent admits.

18. Respondent admits that, pursuant to a plea agreement dated April 12, 2021, he pled *nolo contendere* to a charge of Official Misconduct, and that the charge of Stalking was dismissed, on April 12, 2021.

19. Respondent asserts that the charges do not reflect adversely upon his honesty, trustworthiness, or fitness as a lawyer, or provide clear or convincing evidence of a violation of Rule 8.4(b), Misconduct.

MITIGATING FACTORS FOR CONSIDERATION

20. Respondent repeats and realleges every allegation set forth above.

21. Respondent regrets his behavior and points out he was a new and young attorney. Respondent was highly motivated to use his legal skills and abilities materially to help his client.

22. At no time in did A.B. ever discourage Respondent's behaviors, or tell him that his interest was not reciprocated, until the day before he was arrested, when she said, "I am scared to commit. I just don't know what I want right now."

23. Respondent was reluctant to abdicate his responsibilities because to do so would have had an adverse effect on his client.

24. Respondent denies that he would have left his family and ever having said that. Further, Respondent asserts said allegations are not relevant to the accusations contained in the Complaint.

25. Respondent respectfully requests that the ODC and the Supreme Court of the State of Montana take into consideration that Respondent has not practiced law at any time after June 2020 in Montana or any other state. Respondent is an inactive attorney, surrendered his bar membership and left the State of Montana.

26. Respondent avers that the events of July, 2020 have devastated him financially, and that any little money he has should be expended in the care and support of his family. Therefore Respondent respectfully requests that the ODP and the Court refrain from assessing any costs or fees against him, in that he has few resources or income from which to pay them.

27. Respondent respectfully asks ODP and the Court to recognize that his actions did not damage A.B.'s legal case in any material respect.

28. Respondent respectfully requests that the ODP and the Court consider the consequences of this matter on Respondent to date: Respondent's termination and prosecution have resulted in adverse consequences far in excess of any fair or appropriate sanctions.

29. Respondent believes that careful review of the facts underlying the two charges asserted against him, and indeed the one charge to which he pled *nolo contendere* do not reflect adversely upon his honesty, trustworthiness, or fitness as a lawyer, or provide clear or convincing evidence of a violation of Rule 8.4(b), Misconduct.

REQUESTS

WHEREFORE, Respondents respectfully request that this Court:

- (a) dismiss the Complaint in its entirety;
- (b) award Respondent the costs, disbursements, and attorneys' fees of this action;
- (c) issue judgment in favor of Respondent; and
- (d) grant Respondent such other and further relief as this Court may deem just and proper.

Dated the 25th day of August.

A handwritten signature in blue ink, appearing to be 'Carl Jensen, Jr.', written in a cursive style.

Carl Jensen, Jr.
410 Central Ave #506b
Great Falls, MT 59401

(406) 899-6696

Verification

Anthony Platt, being first duly sworn upon his oath, deposes and says:

That he has read the foregoing answer, knows the contents thereof, and that the matters and things stated are to true to the best of his knowledge, information, and belief.

Anthony Platt

Signed and sworn to before me on this 25th day of October.

Signature

Print name

NOTARY PUBLIC

My commission expires: 04/30/23

