

MARK D. PARKER
Parker, Heitz & Cosgrove, PLLC
401 N. 31st Street, Suite 1600
P.O. Box 7212
Billings, MT 59103-7212
Phone: (406) 245-9991
markdparker@parker-law.com

TYLER GREEN
Consovoy McCarthy PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
Phone: (703) 243-9423
tyler@consovoymccarthy.com
*Pro hac vice

CHRISTIAN BRIAN CORRIGAN
Solicitor General
Office of the Attorney General
215 North Sanders
Helena, MT 59601
Phone: (404) 444-2797
Christian.Corrigan@mt.gov

SHANE P. COLEMAN
Billstein Monson & Small PLLC
1555 Campus Way, Suite 201
Billings, MT 59102
Phone: (406) 656-6551
shane@bmslawmt.com

Attorneys for Respondent

IN THE SUPREME COURT OF THE STATE OF MONTANA
PR 23-0496

IN THE MATTER OF AUSTIN MILES)
KNUDSEN,)
)
An Attorney at Law,)
)
Respondent.)
)
)

ODC File No. 21-094

**RESPONDENT'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

Pursuant to Mont. R. App. 12(6), Respondent Attorney General Austin Knudsen submits the notice of supplemental authority in support of his objections to the Commission on Practice’s October 23, 2024, Findings of Fact, Conclusions of Law and Recommendation. Respondent respectfully directs this Court to a February 14, 2025, decision by the Texas Supreme Court in *Paxton v. Comm’n for Law. Discipline*, No. 24-0452, 2025 Tex. LEXIS 121 (Feb. 14, 2025) (per curiam).

As discussed in Respondent’s briefing, *Paxton* is the companion case to the Texas Supreme Court’s decision in *Webster v. Comm’n for Law. Disc.*, 2024 WL 5249494 (Tex. Dec. 31, 2024), which held that the Texas Commission on Lawyer Discipline’s prosecution of the First Assistant Attorney General was barred by the separation of powers. Objs. at 60-62; Reply at 22-26. *Webster* reached the Texas Supreme Court first, so the Attorney General’s petition for review in *Paxton* was pending when *Webster* was decided. Following *Webster*, the Texas Commission on Lawyer Discipline moved to dismiss the case against Attorney General Paxton on January 22, 2025. *Paxton*, 2025 Tex. LEXIS 121, at *1 (“In light of our decision in *Webster*, the Commission has nonsuited its lawsuit and now moves to dismiss the Attorney General’s petition for review as

moot.”). The Texas Supreme Court obliged, dismissing the appeal as moot and vacating the lower court’s decision on February 14. *Paxton*, 2025 Tex. LEXIS 121, at *3.

This notice of supplemental authority is necessary because the Office of Disciplinary Counsel claimed in its Response on January 24, 2025, that the Texas Court of Appeals’ decision in *Paxton* had not been reversed by the Texas Supreme Court. ODC Resp. at 80 (“First, according to Westlaw, *Paxton*, *supra*, which is a Texas Supreme Court decision, has not been reversed.”). Respondent’s Reply pointed out that because *Webster* and *Paxton* raised identical legal issues, “the Texas disciplinary commission acknowledged that *Webster* effectively reversed *Paxton* and consented to dismiss *Paxton* with prejudice, *see* Mot. to Dismiss, *Paxton v. Comm’n for Law. Discipline*, No. 24-0452 (Tex. Jan. 22, 2025).” Reply at 25. The Texas Supreme Court confirmed this on February 14 with its decision in *Paxton*.

DATED this 18th day of February 2025.

/s/ Christian B. Corrigan
CHRISTIAN B. CORRIGAN
Solicitor General
MONTANA DEPARTMENT
OF JUSTICE
P.O. Box 201401

Helena, MT 59620-1401
Phone: (406) 444-2026
christian.corrigan@mt.gov

MARK D. PARKER
PARKER, HEITZ & COSGROVE,
PLLC
401 N. 31st Street, Suite 1600
P.O. Box 7212
Billings, MT 59103-7212
Phone: (406) 245-9991
Email: markdparker@parker-law.com

TYLER GREEN*
CONSOVOY MCCARTHY PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
Phone: (703) 243-9423
tyler@consovoymccarthy.com
**Pro hac vice*

SHANE P. COLEMAN
BILLSTEIN, MONSON & SMALL PLLC
1555 Campus Way, Suite 201
Billings, MT 59102
Phone: (406) 656-6551
shane@bmslawmt.com

Attorneys for Respondent

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this principal brief is printed with a proportionately spaced Century Schoolbook text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 356 words, excluding certificate of service and certificate of compliance.

/s/ Christian B. Corrigan
CHRISTIAN B. CORRIGAN
Solicitor General

CERTIFICATE OF SERVICE

I, Christian Brian Corrigan, hereby certify that I have served true and accurate copies of the foregoing Notice - Supplemental Authority to the following on 02-18-2025:

Timothy B. Strauch (Govt Attorney)
257 West Front St.
Ste. A
Missoula MT 59802
Representing: Office of Disciplinary Counsel
Service Method: eService

Mark D. Parker (Attorney)
401 N. 31st St., Ste. 1600
P.O. Box 7212
BILLINGS MT 59101
Representing: Austin Miles Knudsen
Service Method: eService

Shelly Smith (Court Reporter)
Office Administrator
Commission on Practice
PO Box 203005
Helena MT 59620-3005
Service Method: E-mail Delivery

Tyler R Green (Attorney)
222 S Main Street, 5th Floor
Salt Lake City UT 84101
Representing: Austin Miles Knudsen
Service Method: E-mail Delivery

Electronically signed by Lauren Kaplan on behalf of Christian Brian Corrigan
Dated: 02-18-2025