NO: 68164

BEFORE THE BOARD OF DISCIPLINARY APPEALS

PEJMAN MAADANI, APPELLANT
STATE BAR OF TEXAS CARD NO. 24052152
Appellant

V

COMMISSION FOR LAWYER DISCIPLINE OF THE STATE BAR OF TEXAS
Appellee

Appeal from the Judgment of the District 4 Evidentiary Panel, Evidentiary Panel 4-3 in File No. 202102105

APPELLANT'S BRIEF

Pejman Maadani, *Pro Se*
State Bar No. 24052152 (not active)
4811 Cedar Street
Bellaire, Texas 77401
Telephone: (832) 293-3070
Email: pj@attorneymaadani.com

ORAL ARGUMENT REQUESTED
WITH EXPLANATION

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NAME OF PARTIES AND COUNSEL

APPELLANT

Pejman Maadani, *Pro Se*

State Bar No. 24052152 (not active)

4811 Cedar Street

Bellaire, Texas 77401

Telephone: (832) 293-3070

Email: pj@attorneymaadani.com

APPELLEE

COMMSSION FOR LAWYER DISCIPLINE

STATE BAR OF TEXAS

P.O. Box 12487

Austin, Texas 78711

COUNSEL FOR APPELLEE

Matthew Greer

Deputy Director & Counsel

Board of Disciplinary Appeals

P.O. Box 12426

Austin, TX 78711

(T) 512-427-1578 (F) 512-427-4130

Email: **Matthew.Greer@texasbar.com**

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TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

COMES NOW, Appellant, Pejman Maadani, and files his brief in this case. Appellant respectfully presents to the Board of Disciplinary Appeals ("Board") as follows:

STATEMENT OF THE CASE

I. Nature of the Case:

The COMMISSION FOR LAWYER DISCIPLINE OF THE STATE BAR OF TEXAS ("CFLD") brought this action against Pejman Maadani ("Appellant"), stemming from retaliation of the attorney of an ex-wife of Appellant, Amy Allen ("AA") who had destroyed evidence of potential sexual abuse of the child of Appellant. For destruction of evidence and many other reasons, the Appellant turned in his ex-wife to the Medical Board. The complaint against Appellant's ex-wife ("KKW") included mixing of her mental medication drugs with certain drugs that contradicted each other and counter-balanced mental stability of the doctor which resulted in (1) destruction of evidence of abuse of the child, (2) KKW started the daily spanking of the child for no reason, (3) KKW was making a false police report regarding seeing a gun in possession of Appellant while Appellant was at least 10 miles away from where she could see.

Furthermore, the Appellant filed a motion for a New Trial and asserted that along with many other issues:

1. Rules of Ethic does not apply to text sent between family members, because the rule does not show family affairs of a lawyer is subject to rules of ethics
2. Sentencing was not heard
3. A lawyer representing himself is not a lawyer in that case or context of the rules of ethics
4. The appellant's attorney was not competent to represent him in this case and had no prior experience representing anyone in front of the CFLD.

5. In the alternative, the Appellant asked for a reduction of sentence or stay of the order which the board denied altogether.
6. The witness of the State Bar testified that the rule does not apply to a lawyer representing himself in a case based on the definition of a lawyer. See *Evidentiary Hearing of August 2, 2023 transcript*, Page 104 line 24 to Page 105, line 3

   Q: If you are someone reading this rule at first glance of this rule, you would agree with me that he is not representing a client, he is representing himself?

   A. He is representing himself, yes.

No dispute rule 4.04(a) does not apply to the appellant and there is nothing in the record that suggests the agency has interpreted the rule in a different way before or after this case.

Furthermore, AA has testified that Rule 4.04(b) does not apply to the Appellant because she reads the rule to mean and states that the rule is not ambiguous:

> "it's just a lawyer don't threaten another lawyer to gain an advantage on a case of another lawyer, as an officer of the Court" *Evidentiary Hearing of August 2, 2023 transcript*. Page 109, line 17-24

AA had agreed that the Appellant was not a lawyer in this case and therefore, rule 4.04(a)(1) does not apply to him. Furthermore, AA has testified that rule 4.04 (b)(1) applies to lawyers. Based on witnesses' testimony Appellant has not violated any rules.

The panel decided on its own not to have a sentencing hearing. See *Evidentiary Hearing of August 2, 2023*, Page 206- lines 13-15. Neither the State bar nor the respondent were informed. See admissions of State Bar Representative, Page 207, lines 16-21. The record is not complete. There was a whole conversation as to why Mr. Lawrence was not informed of this matter. The Court reporter's record is incomplete and does not contain portions that are beneficial to the Appellant but it was in the hearing. Incomplete Court records and missing comments made that

were prejudicial, make the record improper record and incomplete record. All records of the Evidentiary Panel therefore should be stricken from the record because it is obvious that parts of the record are missing. The appellant asks the Court to rule on this objection. *The Rule* 2.17 (N. Record of the Hearing: A verbatim record of the proceedings will be made by a certified shorthand reporter in a manner prescribed by the Board of Disciplinary Appeals. In the event of an appeal from the Evidentiary Panel to the Board of Disciplinary Appeals, the party initiating the appeal shall pay the costs of preparation of the transcript. Such costs shall be taxed at the conclusion of the appeal by the Board of Disciplinary Appeals.

II. Disposition of the Case. The evidentiary panel after hearing by ZOOM against what Appellant had requested, decided professional misconduct was committed and thereafter issued 4 years of suspension. Finding of facts and conclusion of law is present in final order.

OBJECTION TO RECORDS OF STATE BAR

The record of the State Bar is incomplete. State Bar of Texas has not sent a copy of their full file. Appellant therefore objects to the incompleteness of record and suggests as CFLD has failed to submit correct and complete records to gain an advantage in this case, CFLD records are to be stricken completely from the appellate records. After striking the record of CFLD, it is proper without reading the rest of this brief to reverse the ruling against the Appellant and reinstate him. The record is missing:

1. Answer of Appellant
2. Emails to Prosecutor in regard to selection of in person hearing v. Zoom
3. Audio recording of the hearing from the point of start of Zoom hearing
4. The appellant was unable to cross-examine the accuser in person in violation of the appellant's Sixth Amendment clause of the United States Constitution as a panel member suggested that she sees lots of “little crimes”.

STATEMENT OF JURISDICTION

The Board of Disciplinary Appeals has jurisdiction over this appeal under Rule 2.24, of the Texas Rules of Disciplinary Procedure. The Evidentiary Panel Judgment was signed on August 14, 2023. The Appellant, Appellant filed a timely Notice of Appeal and Motion for a New Trial. Records were filed with the Court within 120 days of 08/14/2023, on or before 11/22/2023.

STATEMENT REGARDING ORAL ARGUMENT

Appellant believes that the question in this appeal is a question of law and that no oral argument is necessary to reverse the previous order, however, if there is a need for an explanation of why the case needs to be reversed, the Appellant believes at that point oral argument may be necessary.

ISSUES PRESENTED

ISSUE NUMBER ONE

Did the State Bar of Texas violate its own set of rules, specifically Tex. R. Disc. P. 2.02, 2.07, OR 2.17 which resulted in an evidentiary panel not satisfying the requirement of law and lack the capacity to act as a court?

ISSUE NUMBER TWO

Is Family Affair of Attorney now subject to Rules of Ethics although it is not stated to be included in Rules of Ethics?

ISSUE NUMBER THREE

Is a pro-se person who is an attorney, representing himself, an attorney in the case therefore subject to the same standard of an attorney representing the client, and entitled to legal fees, client-attorney privilege, client-attorney relationship and client-attorney work-product privilege?

ISSUE NUMBER FOUR

Did the Appellant have any reason to turn KKW to her board other than gaining an advantage in a civil proceeding?

ISSUE NUMBER FIVE

Did the panel make an error when the panel did not grant the post-trial motion of the Appellant?

ISSUE NUMBER SIX

Did the sentencing of the Appellant fit Chapter 15 guidelines?

I. STATEMENT OF THE FACTS

KKW met Appellant in 2002. Both were students at the time. KKW was a suicidal medical student after a breakup with her first boyfriend. KKW was an adult and her boyfriend at the time was a minor, without the consent of minor's parents, they were dating, and eventually, at the time of break up she became emotional, depressed with anxiety, and became suicidal.

KKW was on the edge of dropping out of medical school, and she was hiding her mental condition from the Medical Board so she could get licensed to practice medicine. KKW knowingly and intentionally failed to disclose to her board that she was suffering from mental medical conditions. At the time of the complaint made to the State Medical Board, the statute of limitation had run on this issue and she ran away from the State of Texas to the State of West Virginia, and also to be around her secretary whom she had secretly taken to France at the time of her marriage to Appellant.

Unknown to Appellant at the time of divorce, KKW who always had her friends fill up prescriptions for her instead of being under the care of a mental health care doctor, was taking certain over counter medication that her dad bought for her. Her father is not a doctor and should not buy medication for her daughter. This medication was contradicting the prescribed medication and causing problems.

The appellant accidentally walked on the conversation a little far away from the father and Mother of his now ex-wife to hear that they needed to make sure KKW would always need them because the money they were receiving from Social Security was not enough to live on. Her parents needed the job of being babysitters and how KKW if did not have a husband would have more money to spend on them and pay them for raising her kid. KKW's father suggested that KKW should buy a place and collect rent from the Appellant by telling him that she was renting instead of buying the place. There were many other instances of such communications such as brainwashing the child that there is only one real grandma and the other grandma is not his grandmother. These issues continued until the Appellant demanded limited visitation of the parents.

KKW had started to mix weight loss drugs with her mental medication before divorce which probably resulted in erratic behavior such as yelling, screaming, and pretending to be scared or truly being scared of Appellant. KKW had a history of honesty problems, such as cheating on the Appellant with a male named Scott, getting positive for STD test in Florida while she was pregnant with a minor subject of the litigation, paying out honeymoon money to her brother so he could get denture at age 29 after losing all his teeth due to smoking and other problems, and finally a mysterious jacket found in closet of Appellant that was too big to fit him and too small for any other male in House like her father. KKW stating any story to others contained many false statements that were always known to be false to the Appellant. KKW had habit of making stories up.

KKW was originally from Tennessee and KKW ancestor killed a person in Tennessee and ran away from there to Texas. Appellant unfortunately treated KKW erratic behavior as a sickness and tolerated her mental problems for about 18 years and attempted to create a nice and stable situation so she would be able to function properly. On at least 2 prior occasions, KKW hit,

slapped, and physically abused the Appellant while she was not taking her medications. KKW would go on and off her medication many times on her own without a consultation from a doctor. KKW and her family members are suffering from mental diseases such as anxiety and depression, while mixing drugs and suffering from delusional states, calling Appellant slave and many other improper names, and then they were relying on a movie that was more 45 years old and assumed Appellant will run away with the child to another Country. Appellant provided a nine month notice that he intent to travel with the child to see his parents who are US citizens living in a different Country and requested KKW to cooperate and locate a Social Security Card to obtain a passport so the child can travel to another Country and come back in July of 2021. KKW and her mother hid the social security card, refused to sign any forms to get new ones, and failed to sign forms to get an Iranian passport for the child. As a result, child has now been excluded from millions of dollars' worth of family trust fund in place for more than 50 years, and would not have any meaningful relationship with many cousins and family which appear to be all college graduates living in US, Canada, Australia, Austria, Germany and Iran.

KKW was also spanking the child, and the child complaint about getting spanked on a daily basis. The child claimed to be spanked after being stood with dogs and being spanked the same way.

The child complained about someone sneaking into his bed in the middle of the night. The child complained about the same, his behavior changed and at least on one occasion attempted to rob his penis on another person. The child had learned this behavior and attempted to rob his penis on another person. The appellant requested the bed sheet of a child to be saved to be sent to the lab so the child predator could be identified. KKW destroyed evidence that would lead to the identification of a child predator, at his own cost. The suspect per attempted explanation of the child was a male, and the only male that would fit that description may have been the brother of

KKW who lost all his teeth at the age of 29. He suffers from mental sickness and he is a college dropout, who smokes about 2 packs of cigarettes a day, not holding a job most of the time.

AA attorney for KKW in retaliation for a confidential complaint that was made to the Medical Board for KKW. AA also filed this complaint in retaliation of the Complaint of others against her, which she assumed was related to the appellant and said an additional complaint was in the petition but not tried and apparently dismissed after tainting the panel of the final hearing to create an unfair advantage for State Bar Prosecutor.

State Bar Prosecutor did not disclose certain information that was harmful to his case to Appellant and failed to bring witnesses that he talked about in the hearing because none of the witnesses thought it is even ethical for them to complaint against Appellant for asking for a copy of the providers' insurance.

Attorney for the Appellant failed to object and ask for cross-examination of witnesses who did not show up but State Bar presented exhibits and evidence against the Appellant on said matters. The appellant's attorney forgot to ask for the sentencing hearing, forgot to ask and submit 15 pages of responses of Appellant into the evidence, and failed to subpoena the file of KKW from her attorney because he thought that was improper. Appellant's attorney admitted after the hearing that this was the first case that he ever represented anyone in front of the Board and was not even familiar with the procedure. He withdrew from the case as he was not competent to represent or did not even know Motion for a New Trial could be filed. The first thing Mr. Clifford did was call and ask a colleague if he could take on the caseload from Appellant's office. Mr. Clifford throughout this case was very interested in meeting staff and familiarizing himself with them.

Appellant had sent some emails that were responses to acts of KKW, and were sent after she would make him upset and argue but hang up and not want to hear him out. These emails are responses to KKW after she would make comments such as "I hope to find you dead on side of

the road", "brown man is good for yard work" and many unprofessional and false reports made to the police on every occasion that Appellant had to see his child. KKW often made claims of gun in the vehicle before the Appellant would even arrive to pick up his child.

All of these conducts of KKW to harass the Appellant are consistent with her 17-18 years of improper behavior to abuse and mentally torture Appellant because she has mental problems and enjoys torturing the Appellant. KKW was also an award-winning acters and she would act to get herself out of situations, by pretending things. She has a history of pretending to be scared so others would sympathize with her. Appellant rightfully demanded another law enforcement agency to investigate certain issues that appeared improper to him.

There was no history of family violence against Appellant, and Appellant was not charged with any issues or crimes of moral turpitude. The Board member made the statement that she saw many crimes and therefore, Appellant should be suspended. This board also saw many crimes against the Attorney General of Texas which were dismissed. It appears this board member acted as the grand jury, jury, judge and prosecutor of Criminal Justice System while she was on board and heard this matter.

II. STANDARD OF REVIEW

The standard of review is more than just words. Standard of Review embodied principals regarding the amount of deference a reviewing tribunal accords the original tribunal's decision. *Quick v. City of Austin*, 7 S.W. 3d 109, 116 (Tex. 1998). In disciplinary cases, the substantial evidence standard of review applies. Tex. Gov't Code Ann. § 81.072(b)(7) (West 2011) (State Bar Act); *Comm'n for Lawyer Discipline v. Schaefer*, 364 S.W.3d 831, 835 (Tex. 2012). Under the substantial evidence test, the findings of an administrative body are presumed to be supported by substantial evidence, and the party challenging the findings bears the burden of proving otherwise. *City of El Paso v. Pub. Util. Comm'n of Tex.*, 883 S.W.2d 179, 185 (Tex. 1994). The

fact finder is the exclusive judge of credibility and may believe or disbelieve one witness and not others. *Miller v. Comm'n for Lawyer Discipline*, 2004 Tex. App. LEXIS 11725 * 2 (Tex. App.-San Antonio, 2004, no pet.). The reviewing court may not substitute its judgment for that of the administrative body and must consider only the record upon which the decision is based. *R.R. Comm'n of Tex. v. Torch Operating Co.*, 912 S.W.2d 790, 792 (Tex. 1995); *Tex. State Bd. of Dental Exam'rs v. Sizemore,* 759 S.W.2d 114, 116 (Tex. 1988). The substantial evidence standard focuses on whether there is any reasonable basis in the record for the administrative body's findings. *City of El Paso*, 883 S.W.2d at 185. Anything more than a scintilla of evidence is sufficient to support a finding. *Tex. Dep't of Pub. Safety v. Cuellar*, 58 S.W.3d 781, 783 (Tex. App. - San Antonio 2001, no pet.). The ultimate question is not whether a finding is correct, but only whether there is some reasonable basis for it. *City of El Paso*, 883 S.W.2d at 185, The amount of deference however is not the same in every case. This deference did not prevent courts from reviewing agency decisions to determine whether the agency was acting beyond its statutory authority. *R.R. Comm'n v. Shell Oil Co.,* 161 S.W.2d 1022, 1029 (Tex. 1942**).** Specifically, there are certain conditions that specifically no deference to a prior decision is proper. Agency rests decision on misinterpretation of Supreme Court precedent. The agency had no authority to act**.** *See Northern Plains Res. Council v. Fidelity Exploration and Dev. Co*., 325 F.3d 1155,) An agency interpretation of a relevant provision that conflicts with the agency 's earlier interpretation is entitled to considerably less deference than a consistently held view. *I.N.S. v. Cardoza-Fonseca,* 480 U.S. 421 (1987) Credibility determinations must be upheld unless they are "inherently or patently unreasonable," Agency interpretation conflicts with the agency's earlier interpretation. Therefore, for Issues # 1, Issue # 2, Issue # 3, Issue # 5 no deference to lower court is proper, therefore proper standard would be De Novo which is not to be confused with full trial de novo,

which is True De Novo. Many times, even the Supreme Court of Texas confuses this issue. Review by Trial De Novo is what is required to be in statute. The review of the question of law is De Novo's review of law with no deference to what the lower tribunal did or did not do. A question of law relates to legal standards and rules. In a trial de novo, the parties are permitted to present new facts in a new trial and are not limited to challenging only legal questions. In this case, De Novo relates to the question of law based on the same facts presented.

III. Arguments and Authorities

Issue # 1: Did the State Bar of Texas violate Tex. R. Disc. P. 2.02, 2.07, OR 2.17 which resulted in an evidentiary panel not satisfying the requirement of law and lack the capacity to act as a court?

Appellant replead all facts in Nature of the case and Facts. At the final hearing of this case, there were two members of the public and only two attorneys hearing this matter by ZOOM. This 4-member panel does not meet the standard and proper ratio of Member of the Public to the attorney as stated in the Texas Rules of Disciplinary Procedure. "Each Evidentiary Panel must have a ratio of two attorney members for every public member." Tex. R. Disc. P. 2.17. *See AC Interests, L.P. v. Tex. Comm'n on Envtl. Quality*, 543 S.W.3d 703, 709 (Tex. 2018), "The words 'shall' and 'must' in a statute are generally understood as mandatory terms that create a duty or condition. [Helena Chemical Co. v.] *Wilkins*, 47 S.W.3d 486, 495 (Tex. 2001)] [] (citing Tex. Gov't Code § 311.016(2), (3)). Also See Tex. Gov't Code § 311.016, "The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided by statute: (1) "May" creates discretionary authority or grants permission or a power. (2) "Shall" imposes a duty. (3) "Must" creates or recognizes a condition precedent. *See TRAP* 33.1. This specific agency has interpreted the word must to mean: mandatory appearance. See State Bar's Brief in Cause Number 65757, Carol Donald

Hughes Jr. v. Commission for Lawyer Discipline, November 15, 2021. This interpretation of the Commission is against its interpretation now. Therefore, no deference to the panel interpretation is proper in this case. Appellant preserved this error by raising this issue in a motion for a new trial and has satisfied the test: (a) In General. As a prerequisite to presenting a complaint for appellate review, the record must show that: (1) the complaint was made to the trial court by a timely request, objection, or motion . . . ." *See* also *Gutierrez v. Hiatt*, 2006 Tex. App. LEXIS 1747 * 4 (Tex. App.-San Antonio 2006, pet. denied); *J.C. Penney Life Ins. Co. v. Heinrich*, 32 S.W.3d 280, 290 (Tex. App.- San Antonio 2000, pet. denied), (Points on appeal must comport with arguments asserted in the trial court,). Appellant raised all issues and defects by Motion for New Trial and has appealed this case. Motion for New preserved all errors raised in this motion if no objections were made. Appellant point of error was also ineffective assistance of Counsel which is discussed in the last issue or point of error. *See TRAP* 33.1 Preservation; How Shown. (a) In General. As a prerequisite to presenting a complaint for appellate review, the record must show that: (1) the complaint was made to the trial court by a timely request, objection, or motion . . . ." *See* also *Gutierrez v. Hiatt*, 2006 Tex. App. LEXIS 1747 * 4 (Tex. App.-San Antonio 2006, pet. denied); *J.C. Penney Life Ins. Co. v. Heinrich*, 32 S.W.3d 280, 290 (Tex. App.- San Antonio 2000, pet. denied), (Points on appeal must comport with arguments asserted in trial court,). This ratio **must be** followed in Evidentiary Quorum as well. In this case, the panel consisted of 4 members. Two members were public members and two members were attorneys. This seems to be 50% attorneys and 50% members of the public. The panel did not consist of a proper ratio of members and as such the panel was not a proper panel. The language of the code states MUST which is a very strict compliance word. Agency interpretation conflicts with the agency's earlier interpretation as CFLD has previously left no room to negotiate on a rule that states a lawyer must do something. In this case, as the agency is not following rules set by the Supreme Court as to the

ratio of members of the public to attorneys, the agency is not following its precedent set and therefore no deference should be given to the prior ruling of the panel. BODA found that the evidentiary panel lacked the proper ratio of members is not the proper and appropriate ratio of attorney members to public members and, reasoning that such error was fundamental, concluded that evidentiary panels not satisfying this requirement lack the capacity to act as a court. *Schaefer v. Comm'n for Lawyer Discipline of the State Bar of Tex*., Bd. Of Disciplinary Appeals Case No. 44292 (Jan. 28, 2011) at 8, 14. In *In re Allison,* we recently addressed the public- and attorney-member ratio requirements in disciplinary hearings. 288 S.W.3d 413 at 415-17. In ***Allison,*** which focused on the quorum requirements of *Rule 2.07*, the evidentiary panel was properly constituted with four attorney members and two public members, but the quorum hearing Allison's case consisted of three attorneys and one public member. *Id*. at 414. Under the wording of 2.07, different from 2.02 and 2.17, we held that the quorum that heard the disciplinary action satisfied the ratio requirement that it "'include one public member for each two attorney members.'" *Id*. at 417 (quoting Tex. Gov't Code §81.072(j)); *see also* Tex. R. Disciplinary P. 2.07. Schaefer's case is different from *Allison's* in that the evidentiary panel from which the quorum was drawn included only one public member and four attorney members, although the quorum satisfied *Allison'*s three-attorney-to-one-public-member ratio under 2.07. *See* 288 S.W.3d at 417. Schaefer challenges the composition of the evidentiary panel. BODA concluded in its opinion that two of our precedents, *Mapco, Inc. v. Forrest*, 795 S.W.2d 700 (Tex. 1990), and *Tesco American, Inc. v. Strong Industries, Inc*., 221 S.W.3d 550 (Tex. 2006), "affirm that when a court rendering judgment cannot act as a court, the resulting judgment is void. In this case, the quorum at the hearing did not include the proper ratio of attorney to public and as such, any order made is VOID. The panel does not authority to sign the order as the Panel is not proper and as such not even a proper Court. Therefore, any action of this quorum without proper ratio is arbitrary and in violation of the Constitutional

rights of the Appellant as the ratio of attorney to public was not followed. As the number public to attorney ratio was incorrect, the order of Suspension is void. The panel included two public members which means where should have been at least 4 attorneys on the panel.

As Appellant was punished due to the fact that a motion to stay the suspension was filed and denied for a period of time without due process of law and without the existence of the Court, it is proper and appropriate to void the judgment and dismiss all claims against the Appellant. Any sentence if applicable to the Appellant has been satisfied.

Point of Error and Issue #2. Are Family Affairs of Attorneys subject to Rules of ethics?

Appellant replead all facts in Nature of the case and Facts. All facts stated above probably board the Appellate Panel beyond reasonable doubt and simply the question should be: Why a Family affair of a lawyer is subject of this rule of appeals? for the same exact reason, family issues are not the business of the State Bar because they are family issues and not personal affairs in the context of the rules. “A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business **and personal affairs**.” Family affairs are defined as: "a matter concerning a group of related people" Personal affairs suggest an extra-marital relationship with multiple partners or personal business suggests either a side business conflicting with the work of a lawyer, or else defecation. Law Dictionary defines personal matter to be:

“Personal affairs means decisions regarding the person of an adult, including but not limited to health care, food, shelter, clothing, or personal hygiene.”

Family Affairs are defined as:

“Family affairs” are events and news that relate to a family. Most of the time, it’s a benign way to quickly state what’s going on with our relatives. But it can also be a polite or sarcastic way to discuss unpleasant happenings in the family circle. Family affairs can encompass a host of matters

and goings-on. They include things like weddings, funerals, baptisms, graduations, and holidays. But they can also indicate family feuds, arguments, or other complicated issues we don't wish to discuss in detail." *https://oneminuteenglish.org/en/family-affairs-meaning/.* The appellant sent series of texts to his ex-wife, who is a family member by definition and one who happens to be his doctor under the condition of trust. KKW shared that text with her lawyer under the condition of privilege to seek legal advice. KKW has not signed a waiver of privilege and AA breached that level of trust to gain advantage in a case. Marriage is a family affair. Divorce is a family affair. Raising a kid is a family affair. Disputes regarding how to raise a child are a family affair. The conversation between the ex-wife and ex-husband was still a family affair. All disputes are regarding a child who is a family member and this matter is a family affair. In the State of Texas once parties have a kid, or are dating, or are married are family as a matter of law and all problems related to such dispute are family affairs and not subject to rules of ethics. "He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances." *https://www.legalethicstexas.com/resources/opinions/opinion-457/. Tex. Comm. on Professional Ethics,* Op. 457, V. 51 Tex. B.J. 808 (1988). Texas has defined family and the meaning of family in *Sec. 71.003. FAMILY CODE*, "Family" includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together. Therefore, based on the law, in Texas, the following are considered to be family:

a current or former spouse

a child of a current or former spouse

a person with whom the offender has a child or children

a foster child or foster parent of the offender

a family member of the offender by blood, marriage, or adoption

someone with whom the offender lives, and

a person with whom the offender has or had an ongoing dating or romantic relationship.

All disputes regarding family issues are family affairs. Rules of ethics in its preamble define what scope of life of a lawyer is subject to the rules. As much as the rule states lawyers' personal affairs are subject to rules of ethics, it does not mention that Lawyer's family affair is any business of the State Bar of Texas. There is no provision, opinion, case, or anything that suggests the family affairs of a lawyer are the business of the State Bar. If the family affairs of a lawyer were the business of the State Bar, a lawyer must be on the clock 24/7 without pay which would be involuntarily servitude and unconstitutional. In the alternative, the State Bar of Texas would be the employer of every attorney and responsible for payroll taxes if not paid. Texas Constitution protection against arbitrary deprivation of life and liberty (Article I (19) of the Constitution); and In *Griswold*, the Supreme Court found a right to privacy, derived from penumbras of other explicitly stated constitutional protections. The Court used the personal protections expressly stated in the First, Third, Fourth, Fifth, and Ninth Amendments to find that there is an implied right to privacy in the Constitution. The Court found that when one takes the penumbras together, the Constitution creates a "zone of privacy." Family Affairs falls within the Constitutionally protected zone of privacy and is not subject to the control of the State Bar of Texas. No provision in any law or section of Chapter 81 or 82 of the government code would allow State Bar to be involved in the Family Affairs of licensed lawyers. It is an unjustifiable invasion of privacy in the conduct of the most intimate concerns of an individual's personal life to be subject to the scrutiny of Rules of Ethics that are only applicable to Lawyers who choose to be a member of an

organization. The State Bar of Texas cannot regulate family affairs and doing so would be a violation of Appellant to Liberty under the Due process Clause of the United States Constitution.

CFLD attempt to control what happens in the family affairs of the lawyer is one step below treating lawyers like property. CFLD wants to control its property 24/7. This mentality of interpretation of lawyers being the property of the State Bar of Texas is a violation of the Due Process Clause and Equal Protection Clause of the United States Constitution. State Bar of Texas has no right to claim lawyers are its property and subject to its control without pay with the mandatory annual membership fee, 24/7 and outside of the scope of approved rules. No employer may control the family affairs of its employees and the State Bar of Texas is not an exception to the United States Constitution.

CFLD has not shown any facts, law, case law, statute, or otherwise, that would show it has any jurisdiction, control, laws, or say over family affairs of lawyers. "He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances." *https://www.legalethicstexas.com/resources/opinions/opinion-457/. Tex. Comm. on Professional Ethics,* Op. 457, V. 51 Tex. B.J. 808 (1988). Therefore, as no provision of Rules of Ethics concerns family affairs, any evidence related to family affairs, texts and emails to the ex-wife of the Appellant is not considered in appellate records as evidence. As there is no other evidence to support any part of the Judgment, the Final Order of Panel is void and the grievance against Appellant should be dismissed. No deference to the lower panel is proper. The rules do not apply to family affairs of lawyers and therefore all evidence related to texts, emails, and communications related to family affairs and child issues are not relevant, admissible, or should be considered at all in the determination of whether Appellant violated Rule 4.04 (a) or (b) or any other rule as it appears in the final order.

Issue # 3: Is a pro-se person who is an attorney, representing himself, is an attorney in the case therefore subject to the same standard of an attorney representing the client, and entitled to legal fees, client-attorney privilege, client-attorney relationship, and client-attorney work-product privilege?

Appellant replead all facts in Nature of the case and Facts. The final order claims Appellant violated rule 4.04 (a). This rule does not apply to this case for the following reasons: The Texas Supreme Court has published a definition of Pro Se Person. Pro Se: Refers to persons who present their own cases in court without a lawyer; from the Latin for "on one's own behalf." Also referred to as "self-represented litigants." If you are the person filling out the Civil Case Information Sheet and you do not have a lawyer, check this box. *https://www.txcourts.gov/media/658799/SupplementalInstructionsForSRLs.pdf.*

"A lawyer (also called attorney, counsel, or counselor) is a licensed professional who advises and represents others in legal matters." *https://www.americanbar.org/groups/public_education/resources/public-information/what-is-a-lawyer-/ The d*efinition of Lawyer does not include a person that is representing himself and the definition of client does not include self-representation of a person whether that person is a lawyer or not. A lawyer is a public citizen having special responsibility for the quality of justice. A lawyer's conduct should conform to the requirements of **the law,** both in professional service to clients and in the lawyer's business and personal affairs. The key is lawyer is not required to conform to all laws ever passed or existed in his private life. The language of the rule clearly says "THE LAW". The law is Chapter 82 of the government code. The appellant did not violate any provision of Chapter 82. Appellee knowing and intentionally claims violation of any law is applicable to a lawyer. If that was the case, any lawyer who passed a red light, or got a speeding ticket, or committed any crime that was not a crime of moral turpitude was subject to violation of

the rules of ethics. This is exactly against what the law is. That interpretation of CFLD is simply a false, misleading, incorrect, and arbitrary interpretation of laws and rules of ethics and Chapter 82 of the Government Code.

In this case, the Appellant was not representing any client. There is nothing in this evidence and records that support the fact that the Appellant was representing a client. The committee has presented in its final order that: "***In representing a client, Respondent used means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person."*** This order is arbitrary and simply could have provided and asked for Appellant to pay restitution to himself from his left pocket to his right pocket, as the panel claims the lawyer was representing himself relying on Exhibit 34. This exhibit simply is an incorrect court docket sheet that contains a clerical error. Just because the clerk of the Court miscategorized Pro-Se person as a retained lawyer, that does not mean the Appellant paid a retainer to himself to represent himself. These types of random interpretations of hearsay documents without application of law to a situation that does not fit or expected is are not what rules of ethics meant to be. Rules of ethics are not designed to be anything but rules of reason. It is unclear how the panel has decided attorney not turning in a drug mixer, child abuser, and COVID spreader with intent to kill to increase respect of society for the legal profession or turning a person like KKW to her board to investigate is harmful to profession of law.

A client is defined as a person who engages the professional advice or services of another; or one that is under the protection of another. *https://www.merriam-webster.com/dictionary/client.* The client is dependent on another person. Client means consumer, purchaser, shopper, buyer, or patron. A person cannot be her customer, purchaser, or shopper. A person does not remove funds from one pocket to place them in another pocket to become his client. A person that represents

himself is not his client, the person is a pro se litigant. The Texas Courts have regularly held a lawyer who represents himself is a pro-se litigant and therefore not entitled to legal fees. In this case, there is nothing in the evidence that supports the Appellant was representing a client at the alleged time of misconduct.

Appellant simply asked for evidence of child abuse to be preserved. State Bar Hot Line never ever has advised anyone to destroy evidence no matter what that evidence may be. State Bar of Texas previously stated a bloody knife should be preserved when there is no laboratory testing to decide whether blood is the blood of a human or a pig, however KKW and AA destroyed evidence of potential sexual assault of a child and unfortunately abuser got away.

The appellant presents that prevention of sexual assault of a minor, stopping the child abuse or many other reasons are reasonable and sufficient to make a complaint to whoever can potentially stop the abuse and help the mentally sick person take her medication so she can be normal. The fact that Appellant after KKW took responsibility and accepted that she would not be going to not mix medication, and did not continue to ask for his complaint to be prosecuted, does not change the fact that he presented a good faith complaint to the medical board per expert that testified in this case.

If a pro-se person was the lawyer of himself, then the pro-se person would be entitled to legal fees for himself, which is not the law. Also, the pro-se person who represents the client would be subject to membership to the State Bar to be able to represent himself, which would be unconstitutional as a person has a fundamental right to self-representation.

Self-representation does not mean a person representing clients. As it is impossible to have multiple definitions for the simple words client and lawyer, then either the lawyer representing himself is not his client as defined by law or there is no need for State Bar to exist because now State Bar takes the position that a person being a pro-se must be licensed as well. The old

expression that a lawyer represents himself has a fool as the client was stated at a time that there were no requirements of State Bar existence and slavery was legal so any person could be a lawyer. As laws have changed now, a person cannot be his client just like slavery is illegal. State Bar of Texas has no right to mandate a lawyer to be bound to less than a person who is not a lawyer as far as society's rights are concerned. Therefore, the interpretation that a lawyer whose child has an ad litem attorney cannot talk to his child because he is a lawyer, is false, and misleading. If a lawyer was representing himself had himself as a client, going to the restroom was impossible because at that point the lawyer would be touching private parts of his client. Also, the lawyer could wipe himself because that would be improper and it would mean lawyers can touch private parts of their clients. This is not the law. If the position of state bar was correct, a lawyer could not have intimacy while he was pro-se, because that would be having sex with a client and it would be unethical. State Bar of Texas is misinterpreting the plain meaning of lawyer and client so it can proceed with its agenda. Exhibit 34 of the trial simply shows docket sheet is incorrect and the clerical error of the Court is not evidence that a person who is a pro-se is retained by multiple people called “Attorneys”. A docket sheet is not a court order.

It is well-established law that an attorney representing himself in Court is a pro-se litigant. It is well-established law that a pro-se person even if he is an attorney is not entitled to legal fees. The language of the rule is clear that it applies to a lawyer while he is representing a client. This rule does not apply to a pro-se person. Application of this rule to pro-se person is unconstitutional and violates equal protection of law rights of a person. A lawyer has every right a person who is not a lawyer has. United States and Texas Constitution does not support a lawyer not being a person as all human beings are a person. CFLD appears to be pro-slavery and suggests lawyers are property while CFLD suggests lawyers are not equal to a regular person. Therefore, rule 4.04 (a) is not applicable to the Appellant when he acted as a pro-se person. CFLD has not provided any

law that suggests otherwise. See *Iliff v. Iliff,* 339 S.W.3d 74, 79 (Tex. 2011), ("Where statutory language is unambiguous and only yields one reasonable interpretation, 'we will interpret the statute according to its plain meaning. *Id. see also City of Rockwall v. Hughes*, 246 S.W.3d 621, 625-26 (Tex. 2008) ("When applying the ordinary meaning, courts 'may not by implication enlarge the meaning of any word in the statute beyond its ordinary meaning, and implications from any statutory passage or word are *forbidden* when the legislative intent may be gathered from a reasonable interpretation of the statute as it is written.'") (quoting *Sexton v. Mount Olivet Cemetery Ass'n*, 720 S.W.2d 129, 138 (Tex. App.—Austin 1986, writ ref'd n.r.e.) (emphasis in original)); see also *Jasek v. Tex. Dep't of Family & Protective Servs.*, 348 S.W.3d 523, 535 (Tex. App.—Austin 2011, no pet.) "A court may not judicially amend a statute and add words that are not implicitly contained in the language of the statute.") (citing *Lee v. City of Houston*, 807 S.W.2d 290, 295 (Tex. 1991))." The panel cannot do the same either.

The appellant was representing himself in this case. The appellant did not file a complaint against his wife to gain an advantage in this case. The appellant was not in violation of the plain language of the rule.

Issue #4. Did the Appellant have any reason to turn a family member to her board other than gaining an advantage in a civil proceeding?

Appellant replead all facts in Nature of the case and Facts. A lawyer has no less right than a regular person. "He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances." *https://www.legalethicstexas.com/resources/opinions/opinion-457/. Tex. Comm. on Professional Ethics,* Op. 457, V. 51 Tex. B.J. 808 (1988). A lawyer has a special responsibility to society. A lawyer must turn in potential child abuse. A lawyer must prevent, when possible, drug use and abuse. CFLD seems to interpret that a person if that person is licensed to practice law does not

have any right to file a complaint against a person if there is a potential civil litigation. If a regular person was allowed to do something, by virtue of being a lawyer, a person is not prohibited from acting in the same legal way. The United States Constitution does not have different provisions for lawyers. A lawyer is a person and will have the same protection of equal protection clause of the United States Constitution as any person who did not even go to school because "He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances." *https://www.legalethicstexas.com/resources/opinions/opinion-457/. Tex. Comm. on Professional Ethics,* Op. 457, V. 51 Tex. B.J. 808 (1988). A father is justified to turn a mother into authorities when the mother spanks the child for no known reason. A father is justified to turn in a mother who destroys evidence of potential sexual abuse of his child. A father is justified to turn in the drug abuse of a doctor's wife to her board to seek intervention and stop the misuse and abuse. A lawyer is not less of a person by virtue of having a license to practice law. If a lawyer's child is being abused, the child does not have less of a right to the justice system because her/his father is licensed. If anything, a lawyer must prevent child, drug, and alcohol abuse. Appellant correctly, properly, and **confidentially** turned in a person who mixed drugs to her medical board. *The Professional Ethics Committee Opinion 457, Tex. Comm. on Professional Ethics, Op*. 457, V.51 Tex. B.J. 808 (1988), has made it very clear, concise, and precise beyond reasonable doubt for more than 35 years that a "mere statement of turning someone into police, district attorney office or pressing criminal charges through district attorney's office is NOT THREAT OF CRIMINAL PROSECUTION", and IT IS NOT MERELY DONE TO GAIN ADVANTAGE IN A CIVIL CASE. Also *See Decato's Case*, 379 Atl. 2d 825, which states the same. Informing someone that their conduct is improper, illegal or criminal does not violate rules of ethics because "He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances."

https://www.legalethicstexas.com/resources/opinions/opinion-457/. Tex. Comm. on Professional Ethics, Op. 457, V. 51 Tex. B.J. 808 (1988). An Element of the offense is that there is proof that the person charged acted with the purpose solely of obtaining an advantage in civil matters. Absent this proof, a lawyer may not lawfully be found in violation of the rule. The mere mentioning of contacting the medical board to file a complaint does not in itself, suggest that the statement was made in an effort to gain leverage in the deed of trust issue. It is obvious beyond reasonable doubt that the statement was made after the dispute was resolved. How the statement was made after the fact that the case had been settled gave any advantage to the maker of the Statement is unknown. The statement made contains the word "les" which is not the same as "shall" or "must". The word "would" has less or equal force to "may" and suggests it is in the hands of a third party to do something. Regardless, the intention of the text was not to gain an advantage in the case but rather to inform KKW that her attorney is causing her child harm and causing her harm instead of good.

Another statement presented by the State Bar regarding Texas Rangers being called to investigate corruption also does not meet the standard needed to violate any rules of ethics. Calling police, law enforcement, or any part of the executive office to investigate a matter is not illegal or unethical. The State Bar of Texas has not authority to prevent its members from calling the police. Only a few of the reasons for the Appellant to ask the medical board to investigate are listed below: Exhibit 1, simply notifies the Court of family disputes and misconducts. The Purpose of the notice was for KKW to stop mixing drugs, and start behaving like an adult. Also, the purpose is for KKW and her attorney AA to resolve disputes and start to act properly at the time of the exchange of the child. So the child would have a father.

Exhibit 2, simply notifies the Court of family issues problems, and misconduct. The purpose is for the Court to evaluate the situation and appoint ad litem if needed. Also, the purpose

is for KKW and her attorney AA to resolve disputes and start to act properly at the time of the exchange of the child. So the child would have a father.

Exhibit 3, simply notifies the Court of family issues problems, and misconducts. The purpose is for the Court to evaluate the situation and appoint ad litem if needed. Also, the purpose is for KKW and her attorney AA to resolve disputes and start to act properly at the time of the exchange of the child. So, the child would have a father. He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances." *https://www.legalethicstexas.com/resources/opinions/opinion-457/. Tex. Comm. on Professional Ethics,* Op. 457, V. 51 Tex. B.J. 808 (1988).

Exhibit 4-9 is the same. These are a series of issues that are family issues and must be told to the Court so issues can be resolved. So, the child would have a father.

Exhibit 10. The appellant has asked AA to inform her client to be civil. There is nothing unethical about asking an attorney to advise her client to be Civil. So, the child would have a father.

Exhibit 11, email regarding discovery arrangement and discovery dispute. There is nothing unethical in this email.

Exhibit 12, Petition to enforce the Deed of Trust and Deed for property issues. There is nothing unethical about asking the property to be maintained in the deed of trust. Holders of the deed of trust can enter the property to inspect at any time. Regardless, the issue was resolved long before the medical board complaint was filed.

Exhibit 13, this is an offer and subject to Rule 408. Nothing unethical about sending an offer. AA admitted that she did not relay this offer to her client. AA was upset that she did not have enough time and therefore it was unethical to make that offer. All AA had to do was send an email that said, I need time to respond to your first offer, please keep the offer on the table.

However, AA filed a grievance instead of communicating with the Appellant. It appears AA filed a grievance to gain an advantage in the case and the Appellant was attempting to resolve disputes in good faith.

If KKW had agreed to put a camera above the child's bed, stop mixing medication, and make small donations, the funds that the Appellant was holding to pay for the college of the child would not have been wasted in litigation, the child would have father, and KKW would get the treatment she needed. Instead, the child lost his college fund, and he got excluded from the family trust fund. There is no doubt that the conduct of KKW and AA was harmful to the child. Bar changed their offer to Appellant from Public Reprimand to Suspension before the hearing. Changing offers is common, normal, and not unethical. If you assume it is unethical then, by all means, disbar all members of the state bar of Texas who approve a change of offer to Appellant. AA admitted that she did not relay this offer to her client and did nothing to get the offer back on the table. A regular person may change offers as well.

Exhibit 14, There is nothing unethical about asking for a Jury trial. The email that is copied on top of this email and sent to the Court was only sent to Court after notice of appeal was filed and the hearing was moot. AA only then sent this email to pass a hearing when she found out she could not even have a hearing as the matter has been appealed.

There is a copy of the text that was placed in the email. The disputes were resolved at the point of sending the text and asking KKW to take control of the situation. KKW knew the Appellant was COVID-19 positive and although she was agreeable that the hearing should be passed, she would inform Appellant that her lawyer says not to pass the hearing. Appellant informed KKW that her license requires her to not hurt others. The mere statement of stop doing something that would be a violation of her duty to the public is not a violation of any rules of ethics. Informing someone that their conduct is improper, illegal or criminal does not violate rules

of ethics. The text sent was also a private text and a family affair. Family affairs are not subject to rules of ethics. The language of the text does not suggest Appellant would put a leash on anyone, but simply suggests it would be a violation of some rules with the Medical Board which is likely to cause issues for KKW. Appellant uses the term "will" which suggests to his family member that what she is doing is improper. If Appellant would have continued prosecution of the case against KKW which was only stopped because of this grievance filed, KKW would most likely be in trouble with her board. Appellant is determined to fix the problem and not to be vindictive and try to destroy his ex-wife.

Exhibit 15 is a description of the narcissist problems of KKW. After living with her for 17 years, Appellant comfortably states that it is his opinion that KKW's character does not allow her to listen to any male. KKW was still fighting with a male doctor who died 10 years ago because the doctor suggested to her that she needed to lose weighty to be healthy. That is how vindictive she was. In this case, KKW did not take the child with a fever of 100 for 12 days, to any doctor to test, did not do a strep throat test and the child was covid positive and exposed to covid positive class and teacher, and was contagious and gave Appellant covid. Nothing in this email is unethical. Exhibit 16, heated discovery dispute. Appellant has seen heated disputes of others in discovery matters much worse than this email. A funny sarcastic email is not unethical. A dry sense of humor is not unethical either.

Exhibit 17, AA was again avoiding Court hearing. There were three attorneys from her firm that could have appeared in the case. The order of protection did not mention all 150 lawyers of the firm of AA are protected from hearing. AA did not provide curtsey to pass hearing when Appellant was COVID-19 positive. Appellant has no duty to assume additional words in the order. The Court in order to pass the hearing set by AA wanted AA to pass the hearing. However, for the hearing set by Appellant, the Court did not require Appellant to pass the hearing. The Court seems

to only hear AA and not Appellant. A hearing could have been held to determine why no other lawyers from her firm could cover the hearing.

Exhibit 18: There is nothing unethical about asking the Court to hold a hearing. It is not a violation of Rules.

Exhibit 19. AA forgot to re-notice her own hearing set on the day that Appellant's hearing was set. Although AA did not notice her own hearing, she decided she did not need to, but to hear the motions of Appellant she mandated new notice. Double standard is what this email describes. There is no violation of Rule 4.04 in this exhibit.

Exbibit 20. Appellant described the conduct of KKW. KKW kept calling the police before the arrival of Appellant to see his child. She would make false claims such as she saw the gun in the vehicle of Appellant when Appellant was at least 5 miles away from the pickup location. In any event, Police searched the car and never found any gun. There is nothing unethical to ask the attorney to talk to her client to figure out why she imagines seeing a gun so many times and no gun being around. The fact that she sees guns in a car without seeing the car in real life is enough to ask medical board to evaluate her mental status.

Exhibit 21, A Motion filed which details are explained in facts. Mental disease of family members of KKW has led to make assumption of international abduction. Simple lies, The Appellant was operating his law firm and lived in Houston for more than 25 years. Furthermore, This motion of KKW and her testimony that Appellant traveled 69 times to Iran, when he traveled three times to Iran in 29 years, was another indication and evidence that KKW medication was so off that she was hallucinating the number of times Appellant went to see his parents by 23 folds. These are all false allegations of KKW due to her mental medication being mixed with weight loss medication. This allegation by itself is evidence that KKW mental status was so bad that the Appellant for the safety of the public, asked the medical board to evaluate her mental status. The

fact that KKW does not allow Appellant with his kid to travel to see family members is enough to turn her in for mental health evaluation to her medical board. KKW for years avoided seeing mental health professionals but always had prescriptions filled by a couple of her friends.

There is an email that states "withdraw your motion or you will be sorry." Although the email is blank, because it was sent by accidental click on sent instead of save, the email by itself is not a threat of Criminal Prosecution and not a violation of Rule 4.04.

Exhibit 24. is a copy of the petition for defamation due to the fact that KKW claimed Appellant intention was to steal the child. Appellant has a right to petition to the Court and sending a petition to the Court is not unethical. It is obvious from the record that KKW did make claims of abduction without actual proof of intention to abduct and not come back. She could never show such a thing because 1. Appellant never did such a thing, 2. There was no evidence of the sale of any assets or transfer of any funds to any other Country, 3. The travel that the Appellant was asking for was according to the decree. Therefore, the Appellant exercising his constitutional right to travel is not unethical. There is no violation of Rule 4.04.

Exhibit 25 is an attempt to resolve disputes and settlement discussions subject to Rule of Evidence 408. This email is what was intended to be sent out when it was sent out blank. No violation of Rule 4.04.

Exhibit 26 AA was asked to submit her client to a drug test and counseling because her mental status was so bad that at that point on top of claiming to see a gun in the car of Appellant while Appellant was 10 miles away, she imagined or hallucinated in that regard to international abduction. KKW had to mix drug problems and after the Appellant attempted to resolve that mixing drug problem by contacting KKW's parent (he appeared to be the supplier of the drug) her aunt, her friends, and her attorney, the last resort was the Medical Board to intervene and stop the drug mixing. There was no intent to gain any advantage in any civil matter.

AA had a nondelegable duty to preserve all evidence requested and the laboratory could have determined if the evidence is evidence of rape, sexual abuse, or simply nothing. However, KKW knowingly and intentionally destroyed and failed to keep evidence or sheets that could potentially be evidence. Appellant presented an expert testimony and report that stated what he did was reasonable and correct. The conduct of KKW also confirmed that her irrational behavior was not proper. KKW admitted in an unrelated hearing, after she was turned in to her board that she did take mix medications and she stopped doing that. This reason is enough by itself to turn someone into her medical board.

Exhibit 27 is simply a demand letter and it is a proper demand letter for defamation. This is not a violation of Rule 4.04.

Exhibit 28. Appellant denied all of his claims and stopped seeing the child until Doctor Bevan said otherwise. Doctor Bevan who was a court-appointed doctor did not finish his evaluation. Doctor Bevan stated in writing that he did not finish his evaluation. Appellant stopped seeing the child altogether after the bar complaint was a child and after an allegation of intentional abduction was made. AA filed this grievance to gain an advantage in the case. Appellant's continuance was denied before trial because State Bar of Texas had contacted the Court and inquired about the trial going forward. The Judge refused to wait for Doctor Bevan to finish his evaluation. The end result was Appellant would not see his child at all by his choice. Appellant stated to the Court that he would not accept being a primary parent. Appellant waived his defense and legal standings on his own. Not seeing the child and being subject to police harassment every time he wanted to see the child was the reason for his personal choice.

Exhibit 29 asks for copy of the insurance policy of a person is not illegal or unethical. Many State Bars including the State Bar of Illinois publish whether a lawyer had malpractice coverage or not. This is not unethical. Appellant also presented documentation that South Texas of Law also

only works with insured companies. Why would anyone take their kid to a non-insured person is unknown.

Exhibit 34 is the Court Docket Sheet. The Court Docket Sheet top line states Attorneys. This does not mean a pro-se person is licensed to practice law. The docket sheet does not have a column for pro-se person. Therefore, this exhibit is not evidence of Pro-se Person is legally multiple people which would be called "Attorneys". Interpretation of Exhibit 34 stating a person is an attorney when representing himself, is simply wrong. There is no violation of Rule 4.04.

"Anyone may register a complaint against a practitioner licensed by the Board. Complaints must be submitted in writing. The identity of complainants is protected and kept confidential by law, with the exception of complaints filed by insurance and pharmaceutical companies." *https://www.tmb.state.tx.us/page/complaints#:~:text=Texas%20Medical%20Board&text=Anyone%20may%20register%20a%20complaint,by%20insurance%20and%20pharmaceutical%20companies*. *Occupational Code Sec. 160.006. BOARD CONFIDENTIALITY*. (a) A record, report, or other information received and maintained by the board under this subchapter or Subchapter B, including any material received or developed by the board during an investigation or hearing and the identity of, and reports made by, a physician performing or supervising compliance monitoring for the board, is confidential." *Sec. 164.051. GROUNDS FOR DENIAL OR DISCIPLINARY ACTION*. (4) (A) illness; (D) a mental or physical condition and *Sec. 164.052. PROHIBITED PRACTICES BY PHYSICIAN OR LICENSE APPLICANT*. uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;

If the Medical Board had properly redacted information, the Appellant's identity would never be known and therefore it was impossible to even have any advantage in civil litigation. Appellant is not responsible for negligence redaction of a third party, the Texas Medical Board, a governmental administrative agency, similar to State Bar of Texas. Therefore, it is clear and

obvious that absent of error of the Texas Medical board KKW or AA or State Bar of Texas would not even have any evidence that the Appellant turned in KKW to her board, let alone a reason to be for advantage in a lawsuit. Therefore, any evidence related to the negligence of third party should be set aside and not even considered as admissible evidence against the Appellant.

Appellant presented evidence of attempts to reach out to family members of KKW at no luck in intervening and stopping the drug usage. *See* Exhibit 20. Furthermore, the Appellant, a father turned the mother of the child in to protect the child from spanking, being molested, and abused. All these reasons were for the well-being of the child. Appellant's intention was not to gain an advantage in the case and dismissed his case when Appellant found out that the Texas Medical Board made a mistake and did not redact properly and the identity of the complainant was known to KKW which was even before the State Bar send grievance copies to Appellant. A very few irrational behaviors of KKW out of thousands of irrational behaviors are:

Appellant was asked to show up to Court while he was COVID-19 positive, with a test, because KKW did not like what the Appellant had added as a provision in the Deed of Trust subject to divorce. KKW had also failed to execute a deed that she was supposed to exchange with a Deed of Trust. At that time, the Supreme Court of Texas, had issued many somewhere close to 26 Covid Orders prohibiting in-person hearings even if someone was sick and not known to have covid or not. The appellant had to file a Notice of Appeal of Hearing for the Court to pass on the hearing that if held with the Appellant was tested positive for COVID-19 would have likely and probably resulted in the death of at least one person. Instead of following the Supreme Court orders, the Court clerk who appeared to know AA, instead of asking the Judge to rule on the issue of not having a hearing in person, would refuse to provide Zoom or a similar remote hearing, and wanted in in-person hearing with Covid Positive person, Appellant whose oxygen level was at 90% (anything below 90% may cause brain damage) was unable to walk more than 20 ft. A Notice of

appeal had to be filed forcing the hearing to be passed. The appellant has litigated more than 500 cases; the Appellant has not even seen one situation when parties did not agree to move a hearing date when a person is sick. This is not because lawyers need to do so, because humanity mandates doing so. No hearing over a property deed is worth killing a person to Appellant to go to a hearing. Contrary, to the Appellant belief, KKW a doctor who has taken an oath not to hurt others, was attempting to take a Covid Positive person to Court which was harmful to at least 100 people and was likely based on the statistic to kill at least one person that day. This conduct alone is enough to satisfy that the sole reason to turn KKW to her board is not to gain an advantage in the case, but rather to save humanity.

KKW used to treat the Appellant as a doctor. This specific act of the doctor to ask his patient who was COVID POSTIVE to drive 15 miles to appear in Court and hurt others, is against the oath of the doctor and a violation of her rules of ethics. The appellant was justified when the Appellant used reasonable text after the hearing was passed and disputes were resolved to inform KKW that her medical board would be upset if she killed anyone or endangered the life of 100 people. KKW was following the orders of AA and meanwhile violating her own rules of ethics. The warning provided to KKW in the month of September was constructive information, which was text to her, as a family member, and after the disputes were resolved which was regarding the deed situation when KKW had not followed the order of the Court herself. KKW had agreed to refinance her house before the divorce was finalized. Her attorney tried to manipulate her and change that agreement. After AA was confronted again in Court that her demand was not what her client agreed to, in front of the Court, KKW told her that again that was the agreement. AA again stated that she could get the appellant to pay more because that agreement was not in writing. AA is an attorney who lies, and changes facts to gain an advantage in the case. However, that was not the agreement, and KKW by refinance would have saved 2% on interest rates alone and the

Appellant had offered to close her refinance transaction without any costs to her or her bank at the time at his offices. However, Appellant's intention was not to harm others but to help the public and ask for the medical board to explain to KKW that what she was doing was harmful to herself and other members of society.

KKW spread COVID-19 on purpose, knowingly, and intentionally with the intent to kill. The appellant caught covid from his child when the child was exposed in daycare to a positive teacher, and KKW failed to take the child to a doctor for testing or test covid at CVS when the child had a 102-degree fever for 5 days, failed to do strep test and told Appellant after Appellant spent a Thursday with the Child without masks and that child has had fevers since Monday and been told that was exposed to Covid for 10 days. This conduct of KKW was also against the oath she took however was consistent with her normal and usual pride of KKW in regard to the dirty blankets being sent out to Indians as part of US History. KKW response was eventually as to why COVID exposure was not explained. "I hope you would catch covid and die". The conduct of KKW was equal to bioterrorism and it was proper for the Appellant to ask her medical board for this conduct is correct and justified. Therefore, Appellant did not violate Rule 4.04(b)(1). Appellant sole reason for turning KKW to her board is not to gain an advantage in the case.

KKW spanked the child on a daily basis best on recorded video from the child. Hitting the child every day is not what a doctor should teach others to do. KKW physical harm and emotional harm to the child is harmful to the well-being of the child and against her oath. Appellant sole reason for turning KKW to her board is not to gain the advantage in the case but as a concerned father he did so.

KKW mixed drugs and thought Appellant was trying to run away with the child. During the same time, Appellant was starting to build an office building to move his office to located at 5309 McClough, and Appellant intention was to build a new house on 506 Woodbend after

finishing that first project, and stabilize it with tenants. Why would a person who intends to run away build an office, or house for himself? KKW's parents, specifically her mother based on an old movie assume whoever is from Iran, takes the child and runs away to Iran. KKW's parents suffer from paranoia, anxiety, and other mental health issues. KKW who suffers from mental health issues herself, due to her mixing of medication, although she knew there was no intention to take the child and run away, which was her intention, to begin with as time has shown, made these accusations so the child would be allowed to leave geographical restrictions.

KKW acts and pretend being scarred caused the child not to travel to Smokey Mountain, California, Australia, and many other locations where he has relatives. It is unclear based on medical publications the child should not have any relationship with any of his relatives who are college graduates. It is obvious that KKW is scared that the child outcry to others about spanking, crying not allowing to his father, and being touched inappreciably in bed. Appellant sole reason for turning KKW to her board is not to gain an advantage in the case but as a concerned father, he did so to help a minor child not be abused by a mentally sick person who occasionally without care of a doctor quit taking medications.

AA has made other allegations that the Appellant asking Texas Rangers to investigate a situation is the threat of Criminal prosecution. Calling the police or asking for authorities to investigate is not a threat of criminal prosecution. State Bar of Texas prosecutor knowingly and intentionally continued to prosecute this false and misleading interpretation of law which is inconsistent with prior interpretation of the agency. Therefore, no deference to the lower panel is proper as said panel also did not follow the known interpretation of the threat of criminal prosecution. The definition of Criminal threat has historically and from coast to coast has been: "He [LAWYER] should not be precluded from doing something that a non-lawyer could do under the same circumstances." *https://www.legalethicstexas.com/resources/opinions/opinion-457/.*

Tex. Comm. on Professional Ethics, Op. 457, V. 51 Tex. B.J. 808 (1988). Anyone can ask Texas Rangers to investigate a crime. A lawyer has not waived his rights to ask law enforcement to enforce the law. State Bar of Texas seems to misunderstand this rule or knowingly and intentionally presents false information to the panel to gain an unethical advantage in this case. Further explained in prosecution misconducts. State Bar of Texas has taken the position that if an attorney's child was raped, he is not allowed to call police because that would be helping a civil matter. State Bar of Texas knowingly and intentionally misinterprets the law. The point of the law is explained in comments of Rule 4.04 Although in most cases a lawyer's responsibility to the interest of his client is paramount to the interest of other persons, a lawyer should avoid the infliction of needless harm. In this case, no harm was made to KKW, contrary, the fact that she was turned in to her board, saved her patients' lives as well as her freedom and not turning her to medical board would have likely resulted in death or serious bodily injury. An ethical person should prevent death or serious bodily injury to others. As it is clear from mandating a person who is COVID-19 positive at the time that even the first vaccines were not available, that would contaminated at least 40 people and likely would have resulted in the death of one person, making a medical board complaint was proper. KKW was never discharged of duty to his former patient Appellant.

Therefore, Appellant sole reason for filing a complaint was not to gain an advantage in this case. The appellant correctly demanded another agency such as Texas Rangers to investigate the relationships of the Court with others to see why a covid positive person should show up to the Court against the Order of the Supreme Court, and why should Appellant while having trouble breathing has to prepare a notice of appeal or face criminal contempt. This conduct of a doctor alone is justified to turn that doctor into her board for spreading disease which is against her oath.

Issue # 5: Did the panel make an error when the panel did not grant the post-trial motion of the Appellant?

The Motion for a New Trial should have been granted. Trial courts have traditionally been afforded broad discretion in granting new trials. See *Columbia*, 290 S.W.3d at 210 (citing Johnson v. Fourth Court of Appeals, 700 S.W.2d 916, 917 (Tex. 1985)). Our rules of civil procedure vest trial courts with broad authority to order new trials "for good cause" and "when the damages are manifestly too small or too large." *TEX.R.CIV. P. 320*. Historically, trial courts sometimes granted new trials with little or no explanation, and "[o]ur 6 decisions approved the practice of trial courts failing to specify reasons for setting aside jury verdicts." *Columbia*, 290 S.W.3d at 208. In that case, we held a trial court does not abuse its discretion in ordering a new trial "so long as its stated reason for granting a new trial (1) is a reason for which a new trial is legally appropriate (such as a well-defined legal standard or a defect that probably resulted in an improper verdict); and (2) is specific enough 7 to indicate that the trial court did not simply parrot a pro forma template, but rather derived the articulated reasons from the particular facts and circumstances of the case at hand." 377 S.W.3d at 688–89. Based on the motion for a new trial, pled provisions related to an incorrect number of panel and additional exhibits which the Court had requested from Respondent, and Respondent produced for the panel and considering the fact that panel itself recognizes that:

1. There was a wrong ratio of attorneys to public members;
2. Comments made by panel member regarding he may have not even signed the final order; It would have been proper to sign the motion for a new trial.
3. Comments made by a panel member regarding crimes committed without any basis were harmful and defamatory. Furthermore, assuming the panel member was correct, then the accused of a crime is the Appellant who now has the right to Sixth Amendment protection to cross-examine the accusers in person and not by ZOOM. The Sixth Amendment

provides that a person accused of a crime has the right to confront a witness against him or her in a criminal action. This includes the right to be present at the trial (which is guaranteed by the Federal Rules of Criminal Procedure Rule 43). Justice Scalia has made comments before that Virtual Confrontation is good for Virtual Constitution. Real in-person confrontation is applicable to the real constitution. "A purpose of the confrontation clause is ordinarily to compel accusers to make their accusations *in the defendant's presence* — which is not equivalent to making them in a room that contains a television set beaming electrons that portray the defendant's image," Justice Scalia stated in his 2002 objections to amending Federal Rules of Criminal Procedure and he further stated specifically: "There is no Zoom exception to the confrontation clause," Therefore if the panel member was correct, case still needs to be overturn due to violation of Sixth Amendment Clause of Appellant. If a panel member was incorrect in making those comments, said the comment was prejudicial and without any basis and it was made to taint the panel. The panel member was a former prosecutor who indicted now exonerated Attorney General of Texas.

ISSUE NUMBER SIX:

Did the sentencing of the Appellant fit Chapter 15 guidelines?

"Purpose of Lawyer Discipline Proceedings. The purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely to properly discharge their professional duties to clients, the public, the legal system, and the legal profession." Texas Rules Of Disciplinary Procedure 15.1 (a). There is no evidence in this case that the Appellant did anything wrong to any client of his, the legal system's legal profession, or the public. The appellant had family issues and family issues are not part of sentencing guidelines.

Imposition of Sanctions In any Disciplinary Proceeding or Disciplinary Action where Professional Misconduct is found to have occurred, the district grievance committee or district court may, in its 50 discretions, conduct a separate hearing and receive evidence as to the appropriate Sanctions to be imposed. In this case, the Appellant states that the committee did not provide any finding of facts and conclusion of the law to support not having a sentencing. Appellant states that absent of reasoning the Evidentiary Committee Abused its discretion. Although having a bifurcate trial may be discretionary, in this case, the Appellant had no sentencing at all. The record is missing parts; however, it is clear the panel re-opened evidence again to hear attorney fees, however, the panel did not want to hear any evidence regarding sentencing. This is an abuse of discretion and unequal protection of law. The panel allowed the State Bar to Present evidence of legal fees, the panel should have allowed the sentencing to be heard.

The appellant was not even provided a chance to present his sentencing suggestion. Appellant's counsel made mistakes and many mistakes as described in the Motion for New Trial in more detail that amounts to ineffective assistance of counsel. Appellant as he was not provided to present any evidence that he is not a danger to his clients was suspended for four years. The sentencing was cruel and unusual and it did not fit the crime. No provision would suggest proper punishment for the family affair of an attorney. Even if somehow, we broadly interpret and manage to bypass the United States Constitution and allow the State Bar of Texas to be in control of the family affairs of lawyers, there is no punishment in law for said violation. Therefore, the Appellant cannot be punished under the current statute. It is also unclear how the suspension of the Appellant for four years stopped the KKW from mixing drugs and spanking the child.

If we somehow assume the Family is the same as the public and arbitrarily apply the same guidelines, and somehow would like to apply Section 15.06, although evidence does not support

that Appellant stated that appellant can influence a governmental agency improperly, even if Appellant did, which he did not, then, Private reprimand is generally appropriate when a Respondent negligently engages in any other conduct involving the failure to maintain personal integrity and causes little or no actual or potential injury to others or the legal system. The Appellant did not cause any harm to anyone by asking for the Medical Board to investigate. Therefore, if we assume the term family is the same as public, this is the maximum sentence that can be justified against the Appellant based on findings of facts and conclusion of law in final order. Therefore, this arbitrary punishment is improper and the appellant has preserved this error in his motion for a New Trial. The final order does not have proper facts and law to support four years of suspension.

SUMMARY OF ARGUMENTS

The Appellant was a pro-se person. The appellant was not acting as a lawyer for a client. Rule 4.04 (a) does not apply to a pro-se person. A lawyer does not have less of a right than a normal person. There is nothing in the evidence that shows the Appellant is an attorney for anyone. For purposes of applying the requirements of Rule 4.04(a) and Rule 4.04(b)(1), a lawyer's purpose or purposes must be evaluated on a case-by-case basis, taking into account all the circumstances. For example, if the lawyer had a history of participating in activities that assisted law enforcement authorities in enforcing laws of the type possibly violated by the adverse party or witness, then evidence of the lawyer's prior actions could be relevant to determining the lawyer's purpose in reporting the possibly illegal activity in the current circumstances. Opinion 589, September of 2009. Appellant has always preserved evidence. Appellant has always in his practice reported evidence of a crime to proper authorities. Therefore, the prior conduct of Appellant shows the intention of the Appellant was to help his son when he asked for sheets to be saved, and KW due to her mental status destroyed evidence with the aid and help of AA.

Comments on Rule 4.04 clearly state that a lawyer representing a client. It does not suggest a lawyer representing himself is subject to this rule. A demand made on behalf of the entity is a proper demand and it appears the statement of international abduction was baseless as the Appellant intent was to travel with his child during his possession time. No other evidence is present in the record that would indicate Appellant sold anything or transferred anything of value to Iran so he could go live there. There is no evidence of the intention of the Appellant to travel and not come back. The Court out of being worried about potential travel, decided to stop a child from leaving the Country. There is nothing in evidence that would suggest Rule 4.04(b) was violated. A Lawyer is allowed to call the police, authorities, Texas Rangers, or anyone else to report what he sees as a crime. A lawyer is allowed to turn in a doctor who destroys evidence, spank kid, mix drugs, spreads diseases, and mentally and physically abuse a person to her board because a non-lawyer is allowed to do the same. A person who becomes a lawyer does not waive his right to the protection of police and authorities. A Lawyer can have private citizen and public citizen roles. There is no rule of law that would even suggest a lawyer as a public citizen has waived his right to be a private citizen. A father is not a public citizen and therefore any action of the father regardless of his official role of being a public citizen at certain times does not deprive him of being a private citizen at times. A father whose child is potentially raped and whose evidence of potential sexual abuse was destroyed by a doctor who was the doctor of the child, to protect her own brother, is justified to do all Appellant did and probably more. The fact that the person who sneaked into the child's bed is alive is evidence that the Appellant acted reasonably and all complaints filed were reasonable and proper.

One must look at the simple fact that if the Appellant was not a lawyer, did he violate any rules? One is entitled to be represented by counsel of his/her selection. See *Swartz v. Swartz*, 76 S.W.2d 1071, 1072 (Tex. Civ. App. -- Dallas 1934, no writ). One must look at this case to see if

The Appellant violated Rule 4.04(a) when he sent a demand and asked for an apology. The answer is demand was not unethical and a violation of Rule 4.04(a).

The Appellant was not allowed to cross-examine the witness in person. The Appellant had requested an in-person hearing. The State Bar of Texas wrongfully denied such a request and stated that is the discretion of the State Bar. The investigative panel did not hold in personal hearing either and as the investigative panel considered items and exhibits without cross-examination and based on speculations that were not even presented in the evidentiary hearing, the Investigatory hearing was improper and was simply a trial by ambush. As such it is proper to quash the finding of the investigatory panel. The Grand Jury's improper finding does not get cured in the final trial, and quash of indictment is a proper procedure for such misconduct. In this case, the quashing of the findings of the investigatory panel is proper.

Although certain emails may be not in conformance with the Texas Lawyers Creed, none violate Rules of Ethic 4.04(a) or (b). Therefore, the Appellant's license should be reinstated and the Appellant's prayer should be granted.

PRAYER

The Appellant prays that the court review this appeal under the case shall be reviewed under the substantial evidence rule and, his license to practice law to be reinstated. The appellant prays that the grievance against him be dismissed, in the alternative, the sentence reduced to private reprimand, or in the alternative, the case be remanded to a lower panel. As the investigative panel was not held in person either, this matter is to be remanded to the investigative panel, and prior investigative panel findings are now quashed.

Respectfully Submitted,
/s/ Pejman Maadani

Certificate of Compliance

Pursuant to Texas Rules of Appellate Procedure, the enclosed brief of the Appellant contains 14993 words and it is less than 50 pages. Pro-Se Appellant relies on word count of Word Program.
/s/ Pejman Maadani

Certificate of Service

This is to notify that this Appellant Brief has been served on CFLD on this 12/20/2023 via email.
/s/ Pejman Maadani