



FILED

Apr 01 2024

THE BOARD OF DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

No. 68164

Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas

PEJMAN MAADANI,
STATE BAR OF TEXAS CARD No. 24052152,
APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE

**APPELLEE'S OPPOSED MOTION
TO STRIKE EXTRA-RECORD EXHIBIT**

SEANA WILLING
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TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Appellee, the Commission for Lawyer Discipline, a committee of the State Bar of Texas, requests the Board STRIKE the exhibit attached to Appellant's Rebuttal Brief filed on March 27, 2024, as "Appendix 1" thereto.

I.

When, as here, the Board sits in appellate review of an evidentiary panel proceeding, it hears and determines such appeal "on the record from the judgment of [the] Evidentiary Panel." TEX. RULES DISCIPLINARY P. R. 7.08(D); *see also*, BODA INTERNAL PROCEDURAL RULE 4.02(a). The "Appendix 1" attached to

Maadani's Rebuttal Brief was not filed with the evidentiary panel and is not part of the record before the Board. An appellate court cannot consider documents attached as exhibits to briefs that are not a part of the appellate record. *Hall v. Green Ridge Townhouse Homeowners Assoc., Inc.*, 635 S.W.3d 697, 701 (Tex.App. – Texarkana 2021, pet. denied); *Till v. Thomas*, 10 S.W.3d 730, 734 (Tex.App. – Houston [1st Dist.] 1999, no pet.); *see also, Molina v. Comm'n for Lawyer Discipline of The State Bar of Texas*, BODA No. 35426, 2006 WL 6242393, at *1 (March 31, 2006).

For these reasons, the Commission asks that the Board strike the exhibit attached to Appellant's Rebuttal Brief as "Appendix 1."

RESPECTFULLY SUBMITTED,

SEANA WILLING
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COMMISSION FOR LAWYER DISCIPLINE

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Appellant via email regarding the substance of the foregoing motion on April 1, 2024. Appellant stated he is **opposed** to the request.



MICHAEL G. GRAHAM
APPELLATE COUNSEL
STATE BAR OF TEXAS

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Appellee's Opposed Motion to Strike Extra-Record Exhibit has been served on Appellant via electronic mail to pj@attorneyaadani.com on the 1st day of April 2024.



MICHAEL G. GRAHAM
APPELLATE COUNSEL
STATE BAR OF TEXAS