

BEFORE EVIDENTIARY PANEL 4-3 OF THE STATE BAR DISTRICT NO. 4
GRIEVANCE COMMITTEE

COMMISSION FOR LAWYER DISCIPLINE, §
Petitioner, §

202102105 [ALLEN]

v. §

PEJMAN MAADANI, §
Respondent. §

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HARRIS COUNTY, TEXAS



FILED
Aug 14, 2023

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

**RESPONDENT NOTICE OF APPEAL AND MOTION FOR DISMISSAL, MISTRIAL,
NEW TRIAL, OR IN ALTERNATIVE MOTION FOR
REDUCTION OF SENTENCE AND LEGAL FEES**

COMES NOW Respondent, Pejman Maadani and would respectfully show unto the Evidentiary Panel as follows:

PARTIES

1. The petitioner is the Commission for Lawyer Discipline, a committee of the State Bar of Texas.
2. Respondent is Pejman Maadani.

FACTS

Pejman Maadani asserted general denial and immunity against claims brought against him. Pejman Maadani asserted: Sec. 160.010. IMMUNITY FROM CIVIL LIABILITY. (a) The following are immune from civil liability:

(1) a person who, in good faith, reports or furnishes information to a medical peer review committee or the board;

Sec. 160.012. DISCIPLINE OR DISCRIMINATION IS PROHIBITED. (a) A person may not suspend, terminate, or otherwise discipline or discriminate against a person who reports to the board under this subtitle.

(b) A person has a cause of action against a health care entity, or an owner or employee of a health care entity, that suspends or terminates the employment of the person or otherwise disciplines or discriminates against the person for reporting to the board under Section [160.002](#), [160.003](#), or [160.004](#). The person may recover:

(1) the greater of:

(A) actual damages, including damages for mental anguish regardless of whether other injury is shown; or

(B) \$1,000;

(2) exemplary damages;

(3) court costs; and

(4) reasonable attorney's fees.

(c) In addition to amounts recovered under Subsection (b), a person whose employment is suspended or terminated in violation of this section is entitled to:

(1) either:

(A) reinstatement in the person's former position; or

(B) severance pay in an amount equal to three months of the person's most current salary; and

(2) compensation for wages lost during the period of suspension or termination.

State Bar of Texas assumed the immunity statute was a threat and testified without allowing cross-examination with Mr. Nichols that the State Bar of Texas is not aware of any immunity laws. State Bar of Texas in retaliation or what appears to be heavy-handedly manhandling this case impanelled two (2) members of public and Two (2) attorneys to hear this matter. State Bar of Texas made certain comments on record and off the record that are prosecutable misconduct.

Lawrence Clifford was an attorney hired by another Attorney named John Barr who was to provide a defense to Pejman Maadani. Lawrence Clifford hired a local counsel so he could perform

investigative work and meet with Pejman Maadani. Lawrence Clifford throughout the time of representation presented to Pejman Maadani that John Barr is a lead counsel and he is assisting Mr. Barr. He also stated that he would take a stand and testify as a legal expert about the meaning of each law and how interprets the law.

When it was time for trial, Mr. Clifford showed up alone and claimed because there was not enough money left out of the \$ 50,000 policy the lead counsel was not showing up. As lead counsel did not show up, now ethically Mr. Clifford is prohibited from testifying. Furthermore, Mr. Clifford who appears to suffer from Alzheimer's or memory loss due to age, made many mistakes in this case such as:

1. He forgot to ask for a bifurcate trial.
2. Forgot to count the members to see if a panel consists of 6 people with a proper ratio of 2-1.
3. Forgot to ask proper questions direct on each exhibit so the board would be clear about what is the problem;
4. Forgot to ask proper questions in the deposition of Amy Allen when he specifically was asked to ask certain questions;
5. He forgot to ask for the deposition of Kristy Ward although he was asked to do so.
6. He failed to bring up the issue of lack of authority of Amy Allen to claim others have a complaint against Pejman Maadani
7. He forgot to object to prosecutorial misconduct such as making remarks about Pejman Maadani in regard to:

“I wish I had his looks” or “Oh is that the suit you want to go down with” which has no purpose but to harass the witness.

8. The prosecutor interjected himself in the case by testimony against Pejman Maadani in violation of Rule 3.08. An attorney is prohibited from testifying against a witness in a case in that he represents another party. Mr. Nichols was offended that he received a notice of immunity law and he thought it was a threat. The State Bar of Texas's purpose is to promote the practice of law, not to suppress freedom of speech.

Exhibits

1. Email From Bevan: No Child Evaluation
2. Email to Goonan
3. Attachment letter to Goonan
4. Amy Allen's firm Abuse of PPP Funds
5. Evidentiary Panel Report
6. Character Witness 1
7. Character Witness 2
8. Character Witness 3

Arguments and Authorities

FIRST POINT OF ERROR: The State Bar of Texas violated its own set of rules, specifically Tex. R. Disc. P. 2.02, 2.07, AND 2.17 in violation of Due Process and Constitutional right of Pejman Maadani. “Each Evidentiary Panel must have a ratio of two attorney members for every public member.” Tex. R. Disc. P. 217. 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.

BODA found that the evidentiary panel lacked the proper ratio of members are not 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 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, although the panel included the proper ratio, 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.

SECOND POINT OF ERROR: Ineffective Assistance of Counsel.

Mr. Lawrence Clifford pretended to be a seasoned and experienced attorney. Mr. Clifford failed to disclose that he had never represented anyone in front of the board. Mr. Clifford lacks of most basic procedural matters related to this case. Mr. Clifford's list of improper trial strategies is long and not necessary to discuss. The fact that Mr. Clifford did not ask for a bifurcate trial, did not object to improper ratio, and once asked to file this motion to preserve errors, turned and withdrew from the case, is undisputed evidence that he has personal gain by losing this case.

The first thing Mr. Clifford did was call and ask a colleague if you could take on the caseload from my office. Mr. Clifford throughout this case was very interested in meeting staff and familiarizing himself with them so he can get referral cases. Mr. Clifford acted with knowledge, and intention to hurt his client for personal financial gain.

Mr. Clifford who was hired to assist in this case, billed over \$ 50,000 to the insurance company and funded the defense of his issues regarding the conspiracy he committed to adopt the child of his daughter which at least is insectary, amazingly he is pro grandparents raising their kid without presence of father, and main issue that caused this case is the same. These types of unprofessionalism are the main core of this complaint against Mr. Maadani. These type of behavior are what given lawyers bad images. This is exactly why Pejman Maadani ended up representing myself in Family Court. This exact type of misconduct and money driven behavior is the main reason why Pejman Maadani helps the community.

Mr. Clifford saw \$ 50,000 and put all rules and regulations and recommendations regarding not practicing law in the area of law that one is not competent under his feet and stumped on it. Mr. Clifford's conduct of representation was below the requirement of the Sixth Amendment and as such failed to effectively assist the respondent Maadani.

To prove ineffective assistance, a defendant must show (1) that their trial lawyer's performance fell below an "objective standard of reasonableness" and (2) "a reasonable probability that, but for

counsel's unprofessional errors, the result of the proceeding would have been different." [Strickland v. Washington](#), 466 U.S. 668 (1984). It is apparent and obvious that Mr. Clifford did not raise proper objections but for his lack of objections to have a bifurcated trial, in person trial, all results would have been different.

THIRD Point of Error: State Bar Complaint is against the laws of the State of Texas is improper and lacks specific violation of law and does not allow cross examination of alleged complainants in violation of Constitutional rights of Pejman Maadani.

Doctor Goonan who is not a forensic psychologist put her rules of ethics under feet over \$ 2000 and stumped on it. As a result, evidence of child abuse was destroyed. Because the practice of forensic psychology differs in important ways from more traditional practice areas (Monahan, 1980) the Specialty Guidelines for Forensic Psychologists were developed and published in 1991 (Committee on Specialty Guidelines for Forensic Psychologists, 1991). Because of continued developments in the field in the ensuing 20 years, forensic practitioners' ongoing need for guidance, and policy requirements of the American Psychological Association, the 1991 Specialty Guidelines for Forensic Psychologists were revised, with the intent of benefitting forensic practitioners and recipients of their services alike.

The goals of these *Guidelines* are to improve the quality of forensic psychological services; enhance the practice and facilitate the systematic development of forensic psychology; encourage a high level of quality in professional practice; and encourage forensic practitioners to acknowledge and respect the rights of those they serve. These *Guidelines* are intended for use by psychologists when engaged in the practice of forensic psychology as described below, and may also provide guidance on professional conduct to the legal system, and other organizations and professions. Forensic psychologists can and frequently do perform varied roles at the point of intersection between psychology and the law, and there is a myriad of ways in which a forensic

psychologist can be called upon to provide specialized expertise in the areas of trauma, complex trauma, and dissociation. A forensic evaluator will conduct an independent psychological evaluation in order to obtain information in response to a specific psycho-legal question (Dalenberg et al., [2017](#)). The evaluator may then be asked to prepare a written report and /or to provide testimony about that evaluation and their expert opinions. For example, in civil contexts, they may be asked to evaluate a plaintiff who has alleged compensable injury as a result of a traumatic event or series of events. In this example, the evaluator may be asked to assess the individual's prior level of functioning, the impact of the traumatic events, and the extent of harm, or damages incurred as a result (Foote & Lareau, [2013](#)). Forensic evaluators may also be asked to determine the time at which an individual reasonably knew or should have known about a connection between a traumatic event or events and any alleged resulting injuries. In criminal cases, forensic evaluators may be called upon to assess an individual's state of mind at the time of an alleged offense and to opine about the possible impact of traumatic events on that person's state of mind. At sentencing hearings, forensic psychologists could be asked to evaluate an individual's history to identify any potential traumatic events that could be used as mitigating factors. A regular psychologist would be violating her code of ethics by pretending to be a forensic psychologist. Doctor Goonan had all concerns of Pejman Maadani in the form of writing. Doctor Goonan knew she was not a proper person to evaluate the kid. Doctor Goonan saw \$ 2000 cash and could not stop and stomped all over her own rules of ethics during the desperation time of COVID shutdown. Her concerns were not anything but collecting cash. Once confronted, Doctor Goonan admitted to being wrong, and she does not take health insurance because she did not, does not want, and cannot afford to pay her malpractice coverage. Asking a doctor to produce a copy of malpractice coverage is not illegal, unethical, or improper.

Amy Allen saw a \$ 100,000 opportunity and stump on humanity and rules of ethics to preserve evidence of child abuse and used her connections and etc to gain an unfair advantage in trial. Amy Allen works for a law firm that took over \$ 4,000,000 in PPP loans. This alleged law firm reported either the wrong number of jobs to collect the loan or violated the ACT by not reducing the salaries of all employees who got paid over \$ 100,000 to that number for purposes of the loan. This law firm of Amy Allen took on average over \$ 9000 per month per job which is obviously in excess of \$ 108,000.00. As you can see these groups of money-hungry and money-motivated individuals gathered to destroy the lives of those who ask for help. Amy Allen although may look credible due to being "Native" her method of practice of law includes lying to government as it appears in Exhibit 5, to take advantage of PPP loans in excess of what she was entitled to. The Greed of Amy Allen caused this case to even exist.

Mr. Nichols who was a prosecutor in Bexer County, dealt with criminals and he thinks his colleagues should be treated this way. Mr. Nichols although fully had informed Mr. Lawrence that there would be two two-part trials, in trial he took his word out and made certain improper comments about how he won. Mr. Nichols thinks the trial is about winning and being ugly to his colleagues. This is exactly a violation of the Texas Creed. A copy is attached.

Mr. Nichols made comments that were improper such as Is this the clothes you are going down with? Referring to a suit that witnesses Pejman Maadani was wearing. Also, Mr. Nichols has allegedly personal problems, and according to himself, he thinks someone stating law such as Immunity is a threat. Mr. Nichols' idea of the practice of law is being a heavy-handed prosecutor instead of a human being. Mr. Nichols and Ms. Allen both had pretended Doctor Bevan had a complaint against Mr. Maadani and two Doctor Bevan found no evidence of child abuse. Doctor Bevan has stated in the form of an email that his investigation was never completed and Kristy Ward never allowed the child to meet with him. See the Email of Doctor Bevan attached.

All comments are made as long as the comments are not in violation of any laws, and comments are protected by the First Amendment, freedom of Speech. All claims of the State Bar of Texas fail as a matter of law.

Mr. Nichols attends trials to win so he can get a raise not so justice can be served. Any prosecutor who moves offers around and makes fun of witnesses and interjects himself in the case and works in a system that provides raises based on conviction rates is improper. Mr. Nichols is concerned about his winning rate and not justice. These conducts are short lists of prosecutor misconduct that conflict with Mr. Nichols from this matter.

Examples of prosecutorial conduct may include withholding material evidence (a Brady violation), inappropriate comments during the trial, and wrongly vouching for witnesses. Mr. Nichols did all of the above.

Fourth Point of Error: Sentencing was never heard.

Pejman Maadani has testified under oath that this was not his character. Kristy Ward was acting under the influence of drugs and his goal to turn her in was to save the life of the child. Everyone recalls Andrea Yates. Andrea Yates mixed drugs. If anyone had stopped her from mixing drugs, four kids would not have died. As you can see from Kristy Ward smiling to hurt the father of her child, wishing him death wishes, refusing to allow the child to see his paternal grandparents who happen to be a dentist and a teacher, and her refusal to allow the child to see her paternal uncle who happens to have at least 3 college degrees and working toward being a dentist, or her refusal to allow the child to see Pejman Maadani's wife, a dentist are all consistent with her vindictive issues. Furthermore, Pejman Maadani would have had at least three witnesses whose testimony is attached to this motion, should Pejman Maadani have been provided a chance to provide character witnesses during sentencing. See Exhibits 2, and 4 attached.

Prevailing Party to collect legal fees. In this case, the State Bar of Texas obtained a void order, therefore Pejman Maadani prevailed. As such Pejman Maadani has incurred \$ 50,000 in legal fees, and is entitled to Statutory recovery against State Bar of Texas as a separate and independent case. Pejman Maadani is asking for this panel to grant \$ 50,000 in legal fees to Pejman Maadani in case of an appeal for dismissal of this order. At this point due to prosecute misconduct, in effective assistance of counsel and improper quorum the panel should **Dismiss the Disciplinary Proceeding.**

Motion to Reduce Sentence

In alternative should the board deny the motions stated above, Respondent is asking the panel to reduce the sentence from Active Suspension to private reprimand so clients of Pejman Maadani would not be prejudiced. This sentence was a harsh sentence for a person matter that is not likely to occur again as Kristy Ward no longer resides in the State of Texas and all ties have been cut. Pejman Maadani is happily married, works and plays sports 3-4 times a week, and attends to his family, friends, and dog. Pejman Maadani is not what Amy Allen painted him to be. This matter is closed and it has been closed for two years. All of these allegations of international abductions, etc are simply false and retaliation against Pejman Maadani because Pejman Maadani refused to take Kristy Ward back and had enough of all of the abuse.

All nasty emails are reactions to be nasty behavior of Kristy Ward. Unfortunately, Amy Allen who is supposed to be professional and supposed to defuse the situation became the sole source of added fuel to the already existing fire. No one here on the panel has been treated like Pejman Maadani before, and if you were treated this way, your reaction would probably be harsher.

Pejman Maadani held two/ three jobs at a time to build his own business in the last 16 years. Pejman Maadani although he has access to millions of dollars of family funds, chooses to build

his own life. What you saw in emails is not who Pejman Maadani is. What you saw was a man who was absent for many years and pushed back the abuser Kristy Ward. Unfortunately, the child abuser got away. Pejman Maadani during his day time takes off from work and speak to kids around age of 12- 14 years of old in regard to what they want to do in future. Pejman Maadani has spoke to at least 8 classes this year alone and help kids decide if they want to be a lawyer. Pejman Maadani has help countless number of Iranian, Afghani and Tajiks who speak some version of Farsi without charging them so they can understand our society and legal system. Pejman Maadani is a good member of Community and has done more than his fair share of helping and welcoming new immigrants. You can see only a few emails sent attached that would have been heard in Sentencing trial.

For these reasons, the sentence if any should be reduced to a small donation to any charity or dismissal, or some type of sentence so Pejman Maadani can continue to practice law.

HEARING REQUEST

This matter is asked to be heard before final judgment is signed because it is related to 1. Motion to Withdraw, 2. Unethical Conduct of Prosecutor which is result of Mistrial, 3. Lack of Standing and Jurisdiction of The Court, as Panel without a hearing does not have a Court effect and any order issued without objection is voidable, and with objection seems to be void. This matter to be heard at same time as motion to withdraw.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Respondent the Pejman Maadani respectfully prays that this Evidentiary Panel discipline either dismisses this allegation against Pejman Maadani, and not sign any document of any type of order, and simply do not issue any void orders as active suspension effects file and cases including 80+ active litigation and will result in substantial liability to State Bar of Texas according to Government Code for bringing this action

when Respondent is immune according to the laws for bringing a reasonable complaint against a doctor.

Respectfully submitted,

/s/ Pejman Maadani
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Certificate of Service

A copy of this instrument has been served on Petitioner by and through the attorney of records on this 08/12/2023.

/s/ Pejman Maadani