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

REBUTAL BRIEF OF APPELLANT

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ORAL ARGUMENT REQUESTED
WITH EXPLANATION

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TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

COMES NOW, Appellant, Pejman Maadani, ("PM") and files his leave to supplement and correction to Statement of Facts in the original brief and rebuttal brief in this case. Appellant respectfully presents to the Board of Disciplinary Appeals ("Board") as follows:

Appellant, PM, asks the court for leave to correct the following:

Statement of the Facts title to be changed to background facts, and now, PM states the following to be Statement of Facts to satisfy internal rules of the Board:

I. Statements of Facts

On or about January 15, 2020, PM filed the no-contest divorce petition title Kristy Ward v. Pejman Maadani et. Al. in Fort Bend County, Texas. The parties lived in the same house during the time of divorce and no contest divorce was finalized in a friendly manner in July of 2020. See Petitioner's Exhibit 34. AA was not the attorney of record. *Id.* KKW continued to act offensively and rule manner toward PM, and PM reported each conduct that was improper in his mind to the Court in writing. See Petitioner's Exhibits 1-9. KKW would disrespect PM in front of the kid and would not teach the kid to respect others. PM Notified the Court of the same. See Petitioner Exhibit 10. KKW.

PM reported misconduct of KKW to the Medical Board, including mixing drugs, spanking the child, spreading the disease of Covid when failed to disclose to PM that the child had been exposed to Covid, and failing to preserve evidence of child molestation. KKW apologized and made corrections to take her medications and PM did not ask the Medical Board to continue the investigation, KKW made her license inactive and left the state of Texas. AA destroyed evidence of child molestation, State Bar refused to investigate a complaint of the father of PM, and in retaliation, AA filed a grievance against PM without waiver of privilege signature from KKW. See

Appellee APP 2. PM filed a response. APP 1. Appellee reset the hearing in front of the investigatory panel without the consent of PM at least 4 times because AA claimed AA did not have a desired quorum. However, a quorum would hold Summary Dispositions hearings. PM objected to the findings and quorum because of: 1. Comments of the Chairman and 2. The hearing was held by Zoom. App 3. The PM was informed that Will Nichols has the discretion of having a hearing by Zoom or not. PM elected to have a hearing by the evidentiary panel. CR 27-31.

On September 13, 2022, PM filed his answer and Rule 12 Motion. PM's attorney was Attorney Barr however, Lawrence Clifford who was under investigation for conspiracy with the State Bar became attorney of record instead of Mr. Barr. Lawrence Clifford had never represented anyone in a similar case before. *See PM Motion for New Trial.*

The Qurom that was present was made of two attorneys and two public members. CR 202-04. PM objected to the quorum. *See Motion for New Trial. The PM also raised objections and facts in the Motion for a New Trial.*

PM did not have an attorney in the Child Custody case. PM did not cooperate with the medical board as he testified for personal reasons such as not being vindictive and did not want to hurt KKW who was emotionally fragile and did not want her to commit suicide. SEE PM testimony. AA untruthfully claimed financial problems of PM caused divorce as she was done with her testimony to taint the panel. AA made many comments that were false such as allegations against family members of KKW without any personal knowledge. AA testified in Court that she has personal knowledge that no one was in the bedroom of the child and the child was not raped, then on cross-examination took her false testimony back as she was not present in the room on the day that the child complaint about someone sneaking in his bed. See Exhibit 34.

State Bar of Texas has admitted that there are no cases that address reported cases. Page 15, Lines 19-25. The Witness of the State Bar of Texas has agreed that the Appellant was not representing a client in this case, he was representing himself. Page 15, Lines 19-25. AA stated that the conduct of the Appellant did not cause delay. Page 34, Lines 14-17. AA stated that communication was not embarrassing. Page 34, Lines 18-19. AA admits that her client was not providing a Social Security Card and Passport so the appellant could travel with the child during his possession time. Page 46, Line 8-17. AA admits that the email simply says withdraw your motion. Page 48 Lines 13. AA admits that the reason for turning KKW to the medical board was: that KKW was unfit to practice medicine, mixing drugs, and not allowing the child to be examined by police officers. Page 58, lines 13-21. AA further admits to not being willing to return calls or negotiate on behalf of her client. Page 58, Lines 22-25. AA also admits Appellant made no threats against AA. Page 61 lines 13-17. KKW was calling the police without reason at every exchange of child before even the appellant made it to the location of the exchange. AA admits that any threat to the Appellant was conditioned on the conduct of KKW. Page 61, line 21. AA admits Appellant stated Appellant would ask for an investigation to be performed. 62- Line 2-4. AA admits that AA does not know the intentions of the Appellant. Page 62- Lines 18-19. AA admits that AA was notified to preserve evidence of sexual assault. Page 65- Lines 17-21. State Bar of Texas claims the Appellant was Pro Se Litigant. Page 68- Lines 17-19.

Doctor Peerwani claims mixing drugs is problematic, and causes danger to the child, and the Appellant correctly reported KKW to her board as it was responsible and reasonable. Page 73 Line 1 to Page 75 line 12.

AA admits AA only got ugly emails after AA failed to preserve evidence of rape of the child. Page 99, Lines 13-18. AA admits the statute does not apply to the Appellant. Page 103, Lines 21-25. AA admits the statute does not apply because he is representing himself. Page 104, Lines 24 to Page 105, line 4. AA admits Rule 4.04 (a) and Rule 4.04 (b)(1) do not have the same intent. Page 108, lines 2-5. AA admits rule 4.04 (a) is ambiguous. Page 109, lines 17-24. AA admits that the Appellant was Pro Se. Page 125, Line 15-19.

Appellant testified that Appellant requested preservation of evidence on the same day that he found out. On the same day, he reported to the mother of the child. KKW refused to take the child to the doctor even when the child had a fever. Page 134, Lines 21- Page 136 Line 24. KKW did not preserve evidence of rape of the child although she knew how to do that, because the way the Appellant asked for it to be preserved was against what she thought was a proper way to do so. Page 137, Line 3-10.

The appellant did not hire a lawyer because the Appellant believed parenting should be resolved between parents. Page 135, Lines 9-14. The child was never examined by any forensic psychologist. Page 189 lines 4-11.

II. Rebuttal Arguments and Authorities

Appellee claims Maadani's issues are not properly before the Board.

a. **Maadani has supplemented facts with leave of the court.** The facts are presented to clarify the confusion of the Panel. Regardless of the factual issues, it is undisputed that the panel consisted and formed from two attorneys and two public members. Appellee to refer to a record has to show there is a record to begin with. The appellant states that when Rule 2.17 is not followed, the Court is not a court and therefore the record does not exist as a court record. The appellant is asking this Court, to strike the record of the Court together, dismiss the case against Appellant, and reinstate Appellant. Appellee claims laws regarding the word "must" not need to be followed when it comes to the ratio of attorney to the public based on Rule 2.17. Appellee has a selective, self-serving, fluctuating interpretation of the word "must" within the statute which evidence more of Appellee's retaliatory nature to go after attorneys instead of its original intended purpose which was to promote the practice of law. Appellee also does not dispute that the panel included 4 members and the ratio was 50-50 public to attorney vs. 1/3 to 2/3 ratio as mandated by the rules and Appellee does not even mention why Rule 2.17 does not apply or apply.

b. **Appellee completely ignores Rule 2.17.** The disciplinary rules are "rules of reason", the rules must be read all together. Rule 2.17 applies to the evidentiary hearing. A prosecutor has the responsibility to see that justice is done, and not simply to be an advocate. *Tex. Disc. R. Prof. Conduct 3.09, cmt. 1*. Appellee's arguments that the number of panel members in the hearing does not matter if matches the ratio specified in rules are similar to making the argument that in a Murder trial, selection of 12 jurors is required, however, if only if seven jurors show up, which would be more than 50% of jurors showing up, the defendant cannot object to the improper panel. Appellee's argument is self-serving, arbitrary, and without any basis or common sense and does not conform to the responsibility that Appellee's job is to see justice is done and not simply to be an advocate. The hearing panel can consist of three people, with the ratio of two attorneys to one public member, or six with two public members and four attorneys. Rule 2.07 does not mean the panel with fewer numbers does not have to follow the ratio of attorney to public and public to attorney when read with Rule 2.17 at the same time. State Bar relies on *Allison*'s case which *Allison* challenges the improper ration based on Rule 2.07. In this case, the Appellant challenges the improper ration based on Rule 2.17. Allison did not challenge Rule 2.17 and therefore waived that rule. The appellant is challenging and mandating compliance with Rule 2.17, and the Appellant claims Rule 2.17, read with Rule 2.07 and other rules altogether, showing the Shafer case is a proper case that supports the Appellant's position. *Allison*'s case was modified by Shafer's case because Allison's case is a 2009 case and *Shafer* clarified what evidentiary panel must be in 2011. Appellee remains completely silent on why Rule 2.17 is not followed and simply ignores the question as Appellee has no legal basis to claim why Rule 2.17 which controls the hearing altogether should not control the ratio of attorney to public. Appellee claims due process and the number of members on the panel makes no difference because lawyers are not equal to individuals or others, United States Supreme Court disagrees. The Self-Incrimination Clause of the Fifth Amendment has been absorbed in the Fourteenth Amendment, it extends its protection to lawyers as well as to other individuals, and it should not be watered down by imposing the dishonor of disbarment and the deprivation of a livelihood as a price for asserting it. *Spevack v. Klein,* 385 U.S. 511, 87 S. Ct. 625, 17 L. Ed. 2d 574, 1967 U.S. LEXIS 2504. In that case, the State Bar of New York, very much similar to Appellee was claiming lawyers are not equal to others, and disbarred an attorney. An attorney is entitled to due process just like any other person whether that due process is administrative or through the Court system, makes no difference. Appellee did not follow Rule 2.17 which completely controls the procedure and panel of the hearing.

c. **Appellee claims the conduct of Maadani subject to ethical rules without presenting any evidence in record that Family matters are within the scope of the preamble of TDRPCs.** Appellee had the burden of proof that Maadani's conduct was defined within conducts covered by the Rules of Ethics. Appellee disregards the constitutionality of interfering with the family affairs of members of its organization and claims the United States Constitution does not protect family affairs. In *Meyer v. Nebraska*, 262 U.S. 390 (1923), the Court held that a statute forbidding the teaching of the German language impermissibly encroached on the liberty parents possess. The Court explained that the Due Process Clause of the Fourteenth Amendment protects this liberty, incorporating "the right to marry, establish a home, and <u>bring up children</u>." State Bar of Texas now claims welfare of children of attorneys is subject to Rules of Ethics. This false, misleading, and dangerous rulemaking of State Bar prosecutors means if a minor child of an attorney drives intoxicated at age 14, then the attorney can be disbarred.

Another example would be, an attorney's minor age of 16 gets a 12-year pregnant which would be statutory rape, after suddenly, the father or mother of the child would lose her license to practice law because legally the father may be responsible for a tort the child. State Bar prosecutor's allegation that personal affairs include all things that a lawyer would do in the privacy of his life or public, would have made any gay or lesbian lawyer from 1970s to 2011 subject to disciplinary action for being gay or lesbian. No State Bar from Florida to California interprets the statute this way. These types of radical, irrational, narcissistic, or socialistic interpretations of the rule are not the spirit of the rules and were never intended to be the rule. Based on the interpretation of the agency, the lawyer has no freedom or liberty or choice as a person to have equal rights as others. If in the mind of a prosecutor of the State Bar and panel being gay is a crime like it was in the 1900s or sickness like it was in the 1950s, or sin by the church which it was until 2023, then personal affairs of the lawyer is same as family affairs. However, the family affairs of the lawyer are not the same as the personal affairs of the lawyer and the State Bar has no right to interfere with the family affairs of anyone without just compensation. State Bar of Texas has not compensated any lawyer, but rather collected dues and cannot legally interfere with family affairs of lawyers. State Bar of Texas has provided no argument at all that would support its position that the family affair of a lawyer is the same as the personal affair of a lawyer.

d. **Appellee claims that Appellee does not have any law to support its position but advocates a change of Law.** This arbitrary rule-making and change-of-rule advocacy is not something that should be performed in these types of hearings. If the State likes to propose a change of laws, then the State Bar needs to utilize the proper avenue of doing so. State bar claims that they do not have a law on their side but wish to change the law and therefore suspended PM from the practice of law in the hope of future amendment, which is similar to this board granting a symbolic $2 trillion judgment against State Bar Prosecutors in their capacity in hope of a change of law. This is simply not the law and not in the best interest of the public or the State Bar of Texas. Appellee advocates anarchy and wants a change of law that the word "must" means whatever the prosecutor of the State Bar wants, and law is what the State Bar says not what the constitution and letter of law are. The ratio of attorney to public must be 2-1 and there must be at least 1 member of public for every two attorneys. Every evidentiary panel must pass both tests to be a panel. If the panel does not meet both standards, the panel is not a proper panel, therefore, there is no Court, and the order is void or voidable.

e. **Appellee claims Rule (a) A lawyer shall not:(1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of <u>a client-lawyer relationship</u>**. Appellee without any basis wishes and hopes to modify any and every rule, and preamble of the Rules without any authority, case law, or opinion. This is a false, misleading, and incorrect interpretation of the Rule 8.04 (a) (1). Appellee has not provided any argument, case law, or opinions to support that the United States Constitution and equal protection clause which is the foundation of Opinion No 457, does not apply to Appellant. Appellee simply believes Attorneys to be under the control of the State Bar of Texas 24/7 and need permission to talk to their children if the child would have an ad litem attorney regarding any matter. This ridiculous interpretation of rules of ethics which has only occurred after 2020 shows working from home is not working well with reality for prosecutors of the Appellee and may be mandatory to return to office work is best for the public and State Bar of Texas. The impractical aspect of these State Bar of Texas change of rule advocacy is beyond irrational. For instance, if the father mother, and older sister of a 14-year-old are attorneys, and the Court appoints ad litem, per interpretation of Appellee no one can talk to her brother, sister, or parents if they are licensed. This is not what the law is. This is a self-serving arbitrary and anarchy, monarchy with Hitler-level dictatorship advocacy of the State Bar of Texas prosecutors. Appellee's advocacy that attorneys be on the clock with the State Bar 24/7 and not be equal to others, amounts to involuntary servitude and is not in the best interest of the public or the State Bar of Texas. Appellee's panel, witness, and prosecutor who were all from the genes of slave owners, wished and hoped their good old days be back for them and wanted to destroy free society by asking declaration that there could be unequal people, and all are not equal against all rulings of Supreme Court of United States. In a more recent case, in 2023, the 5th Circuit in *Gonzales v. Dankel*, 2023 U.S. Dist. LEXIS 19524 has ruled there is a need for **CONCRETE** evidence that the attorney filed a complaint to gain advantage in the case. A witness testifying was not enough. In that case, similar to this case, the movant has no evidence but their testimony and interpretation of what has happened. The Court held that: It is an allegation, no more and no less. *Gonzales v. Dankel*, 2023 U.S. Dist. LEXIS 19524. Appellee does not have any concrete evidence and only speculates what the intention of the appellant has been. Appellee's witness does not even testify with any certainty that the purpose of the complaint was not to make the child's living environment a safe environment.

In different way of looking at the issue is whether or not reporting child abuse by an attorney is a violation of the rules of ethics. It should be noted that, if, by failing to report the criminal activity of an adverse party or witness, the lawyer is himself committing a serious criminal act or obstructing justice, then Rule 8.04(a)(2) and (4) would be implicated. A lawyer violates Rule 8.04(a)(2) if the lawyer commits "a serious crime" or "any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects .... " Rule 8.04(a)(4) prohibits a lawyer from engaging in conduct that constitutes obstruction of justice. In this case, the Appellant if he would not report the complaint of the child, mixing of drugs, or physical and psychological abuse of the child, the attorney would violate the Rules of Ethics. The expert also testified that the Appellant had a duty to report the abuse. Appellee has advocated allowing child abuse to go unreported is proper which is not the law.

The Sole reason has been interpreted to be different than "but for". *Little v. Tech. Specialty Prods. LLC*, 2013 U.S. Dist. LEXIS 152042, 2013 WL 5755363, and mandates much more evidence such as **Concrete evidence**. The question is would the Appellant, a father report the child abuse and potential child molestation even if the child was not his or there was no case pending? The answer is clear yes as the Appellant must report child abuse. The appellant followed his legal duty family duty, and fatherly duty to report child abuse and is not sorry for reporting child abuse and will report any child abuse regardless of who the child belongs to.

Appellee falsely claims Appellant made threat of Criminal Charges. The appellant has a right to report child abuse to all authorities. The appellant being a lawyer was not barred from reporting the rape of his child to Texas Rangers. Appellee advocates the lack of protection of law enforcement for lawyers just like slaves. Appellants restate the fact that the 14th Amendment and the United States Constitution prohibit unequal protection of law. Calling officers to report a crime or asking law enforcement agencies are not threats of criminal prosecution. Appellee again just tries to change the law, the 14th amendment, and the United States Constitution without any basis.

f. **Attorneys who represent themselves are subject to some of the rules where and when applicable**. Appellee seems to be confused that some of the rules state while representing a client and some don't. There is a difference between the rules. Appellee claims that Appellee advocates a change of law. Again, the State of Texas adopted the rule of leniency in 2015, which means the Appellee has to pass the law first and then try to enforce it. This change in the State of Texas in 2015, means the application of the case law that the State Bar of Texas is relying on in the State of Texas is no longer valid because of this change of law. Furthermore, the State Bar fails to distinguish and read the case law correctly. Appellee relies on the Vickery case to support its argument, however, Appellee misunderstands the Vickery case. Said case was a conspiracy case where an attorney committed fraud in Court, and conspired with at least two other attorneys over about 9 years to mislead his wife into getting a divorce with the claim of malpractice and paid for the attorney of his wife which was his friend, then later made threats of jail time and indictment by and through his other friend to offer $ 400,000 to settle with his ex-wife outside of presence of ex-wife's attorney which was recorded by the ex-wife. Then he proceeded with instructing others to violate the rules of ethics and trick his wife to settlement. This is not even remotely the case here, as his wife did not mix drugs, or hit the child daily, and the current dispute is regarding some not-so-civil emails that were sent out of frustration of a mountain of accusations. Appellee has further admitted to this board that an attorney representing himself is a prose person on Appellee's brief. See page i, Identity of Parties. Appellee has further admitted that the fact that the State Bar Number is next to a Pro-se person does not mean that the Pro-se person has an attorney. In this instance, the Appellant cannot be legally a representative of another person, but the Appellee has put his license number under his name. The license number is a form of identification and not proof of representation.

Even if Appellee claims that the case was the same as this case, in that case, the sentencing for the attorney in Vickery's case who was white was less than the sentence for the Appellant with such different proportionality which also shows how unreasonable and arbitrary this panel has been. In that case, three attorneys were defendants and found liable to the wife of one defendant as co-conspirators for 5.7 million dollars for breach of fiduciary duty and fraud in 9 years in court. For all of this fraudulent action, conspiracy, etc Vickery was suspended for 3 months of active suspension which compared to 48 months of active suspension over an email or even if assuming a series of emails in litigation, which none were with wrong intention or false or misleading or harmful to the level of 9 years of fraud and conspiracy. How Appellee can argue that punishing Appellant 16 times more than Vickery is justified? If anything, if all emails were followed, the result would have created harm harm-free environment for the child who would have been polite, and open-minded in their relationship with his father, grandfather, uncle, and maybe 50-100 cousins. The result of not following a simple request from the Appellant, is the child simply does not have a father, grandfather, uncle, and many cousins, and got excluded from the family trust fund. Furthermore, when the public heard about the way the family Court ruled, the Judge of said court was not elected in the primary and lost in third place out of three candidates.

In Vickery's case, Each member who was involved in committing fraud was equally responsible for the act of another. Therefore, in that case, Vickery who was held to be liable under the rule is liable not because he represented himself or he was an attorney, but he is liable as he acted as the ring leader of the fraud, for actions that were performed based on his instruction to a licensed attorney. If that licensed attorney was to be reprimanded, based on fraud then Vickery was to be held responsible to the same level. This is not the case here. In a different case, Yetiv v. Comm'n for Lawyer Discipline, 2019 Tex. App. LEXIS 2042, 2019 WL 1186822, a lawyer made the threat of grievance in the trial against opposing counsel, the punishment NOT the parties. In that case, the attorney was given 4 months of probated suspension. That sentence also was given to a white attorney. It appears, based on the race of the attorney Appellant desires for the sole purpose of discrimination against the Appellant to punish the appellant more than 1600 times the white attorney without any justifications.

Again as late as February 8, 2024, the Texas Appellate Court confirmed and affirmed that an attorney who represents himself is not his attorney and cannot recover legal fees. *Sagredo v. Ball*, 2024 Tex. App. LEXIS 1027, Court of Appeals of Texas, Thirteenth District, Corpus Christi – Edinburg, NUMBER 13-23-00122-CV. Furthermore, an attorney who represents himself can be sued in Court as a counter-sued. However, an attorney who is representative of another enjoys immunity. Attorney immunity is an affirmative defense based on the concept that attorneys are authorized to practice their profession, advise their clients, and interpose any defense or supposed defense, without making themselves liable for damages. *Id.* Appellee is unclear how an attorney representing himself, would not be immune from Counter-suit. This is exactly why Appellee's attempt to legislate from Appellee's prosecutor's couch in a different County is not in the best interest of the State of Texas and change of law should be left for proper authorities to change law.

G. TDRPC 3.03(a)(1) does not apply to a lawyer representing himself in an attorney disciplinary proceeding. This case does not apply here either because the language of the rule does not say while representing a client which is not the same as Rule 4.04 (a)(1). This case supports the Appellant's position that there are rules that apply to lawyers when they represent clients and rules that apply to a person by sole virtue of being a member of the State Bar. These are not the same.

Appellee claims somehow magically a father must tolerate his child being raped, searched every time he tries to see his child, called a slave, called a brown color person, called similar and same as a dog and not even complaint, or if he does complaint that is abuse. Appellee's racist and sexist motives and intentions show clearly from their appellee brief. US Constitution and equality do not matter to State Bar because their narcissistic behavior and dictatorship without accountability gave them the audacity to claim when a child of an attorney is being raped or molested or abused, the attorney cannot file a police report or mandate investigation. Appellee has even made the argument that what is the difference between a full panel and half panel, Appellee claims Appellant should have accepted and admitted fault, when he is not at fault for things like, his ex-wife's brother being a drug addict. If we assume Appellee is correct that there is no difference between half panel and ratio and full panel and ratios, then why don't we select 12 jurors and ask however many desire to stay here the case and rule, and as long as 6 people are there on the panel we have a jury that can decide the fate of people. Simply because that is not the law, that is a ridiculous interpretation of the law and does not serve the State of Texas. AA the witness of the State Bar, was not exactly truthful in this case. AA presented to the Court the following false information and obtained a judgment that would have been signed over to her anyway if she had asked:

1. Completion of evaluation of the child by Doctor Bevan, when Doctor Bevan never saw the child,
2. Claiming brother of the Kristy Ward is an insurance adjuster when he was not,
3. Claiming Doctor Goonan did not find anything wrong with the child and made Doctor Goonan tamper with the medical records, and unfortunately for Goonan, she had forgotten that she produced records already with the diagnosis
4. The police report is showing KKW either show a female child to show the officer or the officer did not investigate properly or did not write a proper report, that there was no rape when the child is indeed a male with a penis, and the report indicated female child, are all indication what a broken justice system we have.

Appellee falsely claims the judgment of the family court shows something to support the suspension of Appellant. The Judgment of the family court did not consider any of the issues of the Appellant because the appellant nonsuited his case before he found out about the grievance filed against him. That by itself is evidence that the Appellant did not have the intention to gain an advantage in the case. Furthermore, the Appellant correctly has part away with seeing the child for the following reasons: 1. Either the child was being brainwashed to make accusations against the father as the child was either brained washed to rob his penis on others or 2. The child was telling the truth about the bed incident and someone robbed their penis on him and that was a learned behavior that the child predator had started with him. If the issue is number one, then it is unsafe for the Appellant to see the child and the Appellant did not advocate seeing the child or custody in the trial, the Appellant asks to protect the child from rape or brainwashing by putting the child in the custody of the State until all forensic evaluations are completed. However, AA lied to the Court and said the evaluation was completed by Dr. Bevan, however, Dr. Bevan never saw the child per his email and AA lied to the Court about Dr. Bevan seeing the child.

H. Appellee claims Appellant did not apologize. There was no sentencing hearing as Appellant's alleged attorney forgot to ask for a separate trial because he had agreed with Appellee that there would be a bifurcate trial. Why would the Appellant apologize when the Appellant was not even found to be in error for anything? That is an improper suggestion of practice of law and falls below the standard of practice of law and is consistent with the anarchy advocacy of the Appellee. Appellant stated that he did not want any of these, and expressed remorse and regret, however, none of these are unethical.

We live in an era where if a biologically male or female person claims, he is she, or she is he, the constitution protects that person, however, if a lawyer says my child was potentially being raped, preserve evidence for the sole reason of that person who was suppose to keep evidence being white, and a non-white lawyer's intention was not what he says, is what Appellee wants you to believe. This is exactly the reason why the Appellee's skewed interpretation of the rule results in an understanding of the Appellee to claim that the ratio of lawyers to public members must be an error, not a law.

The appellant has not made any mistake regarding the following, and any reasonable person would have done the same:

1. Turning his ex-wife in for drug abuse and her failure to disclose mental problems to her medical board;
2. Turning his wife into the medical board for destruction of evidence of sexual assault of the child;
3. Turning his wife in who would refuse to pass an in-person hearing in violation of 42 Supreme Court orders which would have resulted in certain death of at least one person and may be up to 3 people;
4. Turning his wife in who abused him for many years for making statements such as: "I rather see you dead in a ditch" in front of the kid after the divorce.

The appellant has no remorse or regret for turning her ex-wife into her board for the listed matters. The appellant's act and report of misconduct was the right thing to do at the time based on the information available. However, AA acted to retaliate against the Appellant. KKW is no longer a doctor in Texas. KKW has not been a doctor in Texas for more than 2 years. Appellant objects to any word of Doctor being used to describe KKW and Appellee knowingly and intentionally attempts to mislead the Board in that regard.

The odds of a repeat of this situation do not exist. KKW has moved out of state and she did not disclose her mental condition to the West Virginia Board either. This confirms the narcissistic view of the life of KKW, along with other problems that led to divorce, to begin with. KKW has moved on with life and married again. The appellant has moved on and married again.

Appellee fails to even present any case or justification of interpretation of the rules and claims to wish to change the law. The State of Texas has adopted a rule that prohibits legislation from the bench, let alone legislature from a panel that does not even meet the requirements of a court. Appellee admits that the law does not support their finding, and admits that it wishes to change the law. Appellee must go to the Supreme Court of Texas and demand amendment to the Rules first then try to enforce. Appellee simply works from home and does not spend time reading the case laws that Appellee has cited to see the difference. If the Appellee claims the case law that the husband abused the wife for 9 years applies, then the sentencing should have been similar. In that case sentence was 3 months of active suspension, vs 48 months of Active Suspension here. Appellee fails to state what other than the race of Maadani was considered to punish him for nothing but emails, 16 times harsher than a white attorney who conspired with 3 other white attorneys to abuse his wife for a total of 13 years.

Appellee claims delay, however, not even one day of delay was present in the case. Appellee claims calling the police, or Texas Rangers are wrong, the Appellee has no authority to support that. Appellee only claims that non-white attorneys can call the police or demand an investigation. Appellee did not prosecute Nichole Deborde for demanding Texas rangers investigate a situation for her on live TV. As equality applies, if a panel member was not even investigated for demanding Texas Rangers to investigate, neither should the Appellant be investigated. Appellee claims violate the United States Constitution and Texas Constitution. Appellee knows that Appellee contacted the Court interfered with Court business and intimidated the Court to make sure the continuance of Maadani during the Child Custody issue was denied when the Child Evaluator had not even seen the child. If Will Nichols had not contacted the Court clerk and demanded the trial to go forward, the trial would have never gone forward because the Court Appointed Psychologist had not finished understanding the problems to evaluate all. State

Bar of Texas needs and must stay out of the business of Courts and does not need to call ahead to see if the trial is going forward or not. This is not their business and their conduct prejudiced the child.

Appellee also contacted the family Court and interfered with the Court business. Appellee claim that they needed the family Court hearing to end causing the Court to deny continuance and go to trial without:

1. Completion of work of Dr Bevan
2. The child was never examined by Dr. Bevan
3. The court violated its own local rules by not allowing the case to be mediated either.

For these reasons, it is proper to reverse all findings of the Panel and dismiss the complaint.

III. Summary of Arguments

Appellee has not followed Rule 2.17. Appellee has violated the due process of Appellant. Appellee has not followed the rule of Leniency. Appellee has changed the word of the law to make their agenda fit. Appellee has lost any right to advocate a change of law after the 2015 adoption of the Rule of Leniency. Appellee is not qualified to change the law, and their proposed change of law creates ridiculous issues such as a pro-se person going to the restroom would not be able to wipe themselves because it assumes a lawyer touched the private part of his client in the course of representation. Furthermore, passing a law that a person representing himself is his lawyer, clears the path for unauthorized practice of law because, with Power of Attorney, anyone can legally be another person and represent himself. State Bar of Texas prosecutor who intends to legislate from the comfort of his couch in a Zoom hearing who interjects himself in the case and claims claiming immunity under government code a threat against him to play with the emotions of the board, which was a selected board consist of prosecutors with zero experience in family matters and extremely limited civil experience, who acted as initial prosecutor for Attorney General Paxton, now serving to change the law, are certainly not qualified to change law. Appellee advocacy for Anarchy or bypassing legislative who spend endless hours evaluating changes to the law is outside of the scope of its intent formation which is to promote the practice of law. Promotion of the practice of law is not the same as promotion of legislative change of law. Later is called Lobbying which is not within the scope of the intended purpose of the formation of the Appellee's organization. The appellant was a concerned father and acted in a similar situation that a father would act when he finds out his child was molested and the mother of the child throw away evidence of rape.

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

<u>Certificate of Compliance</u>

According to Texas Rules of Appellate Procedure, the enclosed brief of the Appellant contains 6560 words and it is less than 50 pages. Pro-Se Appellant relies on the word count of the Word Program. Appellant ask for the leave so additional total pages and word be allowed in this case. It was necessary for Appellant to file rebuttal to clarify issues.

/s/ Pejman Maadani

Certificate of Service

This is to notify you that this Appellant Rebutal Brief has been served on CFLD on 03/08/2024 via email.
/s/ Pejman Maadani