

IN THE SUPREME COURT OF THE STATE OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case Numbers SC 07 - 80 and 07- 354

JOHN B. THOMPSON,

Respondent.

and

JOHN B. THOMPSON,

Plaintiff,

v.

Case Numbers SC 07- 80 and 07-354

THE FLORIDA BAR,

Defendant.

**RESPONDENT’S/PLAINTIFF’S NOTICE TO THE REFEREE
AND TO THE FLORIDA SUPREME COURT**

COMES NOW John B. Thompson, hereinafter Thompson, respondent and plaintiff in the above two proceedings, and provides notice in both matters, stating:

At the heart of our system of jurisprudence, which is the envy of the world, is the concept of “Equal Justice Under Law.” It is a *guarantee*, not a chimerical hope, chiseled into the West Pediment of the U. S. Supreme Court building in Washington, D.C.:



On August 24, 2004, a porn industry lawyer who now uses his official law firm web site as an Internet portal to adult gay porn sites, threatened Thompson, in writing, with Bar complaints if he did not *apologize* for filing a formal complaint with the Federal Communications Commission in response to the illegal broadcasts of *The Howard Stern Show*, which had aired, along with other indecent material, the following:

“Ever bang any famous nigger chicks? What do they smell like? Watermelons?”

Clear Channel Communications responded to Thompson’s complaint about the above misogynistic, racist, indecent comment by pulling *Stern* off all of its stations air in appreciation of the legitimacy of Thompson’s FCC complaint. Beasley Broadcast Group ultimately responded with a SLAPP (strategic litigation against public participation) Bar complaint, which is now before both of these tribunals. Beasley surmised what Thompson now knows—that The Florida Bar, particularly its self-styled “Guardians of Democracy” (see below) has even less collective sense than the radio broadcast industry.

Thompson will not burden both of these tribunals with another recounting of the SLAPP Bar complaints that brought us all, from August 24, 2004, to this point, because he knows how such a recounting of The Bar’s harassment of Thompson exhausts these tribunals. Does anyone care to consider for one moment how these thirty-seven months of harassment has exhausted and at times exasperated him? Of course not.

It is corroboration of The Bar’s formal, official finding fifteen years ago that Thompson is “sane and simply acting out his Christian faith” in opposing the porn industry’s illegal distribution of its swill to children, that he has been able to *endure* this Bar assault upon him. More importantly, it is proof of God’s tender mercy and abiding grace that He has honored the Apostle Paul’s admonition to the Ephesians at 6:13:

“Therefore put on the full armor of God, so that when the day of evil comes, you may be able to stand your ground, and after you have done everything, to stand.”

Flawed, imperfect, at times angry, and increasingly heartbroken by a profession to which he as a young man took an oath to serve, Thompson has come to a point on this day, September 11, 2007, from which there is no turning back. He has honored that oath, and The Bar, the Florida Supreme Court, and Referee Tunis have obviously violated that same oath.

On this September 11 on which we as a nation remember the galvanizing events of six years ago, Thompson has had his resolve steeled as well. On this day, September 11, 2007, Referee/Judge/defendant Dava J. Tunis transmitted to Thompson an order denying his motion for her recusal. She refused to recuse despite the unanimous ruling of the U.S. Supreme Court in *Johnson v. Mississippi*, 403 U.S. 212 (1971) that a state court judge cannot possibly continue to preside over state proceedings that have spawned a federal civil rights action in which that judge is a defendant.

Referee Tunis said at her August 20 “status conference” that she is so troubled and so potentially compromised by her status as a defendant in Case No. 07-21256 that she is forcing herself not to read the pleadings therein. This is akin to suggesting that one not think about the pink elephant in the middle of the room. The problem, of course, which she has inadvertently admitted, is not caused by her reading the federal pleadings; it is caused by her *defendant status* in that proceeding.

Nevertheless, Referee Tunis has now refused to recuse, and in doing so and *in refusing to provide a reason for her refusal*, she has managed to encapsulate, in this one

injudicious snapshot of an order, all of the wrongs in which she, The Bar, and the Florida Supreme Court have engaged for thirty-seven months.

It is not ironic but indeed fitting that two days after September 11, 2001, Howard Stern—the man who kicked off this Bar assault upon Thompson—graphically asked on the air Manhattan prostitutes to come to Ground Zero to provide oral sex to rescue workers taking breaks from their sifting through smoldering rubble for victims’ body parts. When Stern wound upon on SLAPP complainant Beasley’s Miami-based WQAM-AM, Stern asked female amputees to describe how they lubricate their stumps and place them into men’s anuses to help them achieve orgasm. This represents the “ethical” level of the people who complain about Thompson’s ethics, much as Bar Governor Ben Kuehe, accused by the federal government of laundering Medellin cocaine cartel money, sits in judgment of Thompson’s ethics as the “designated reviewer.” What’s next, Frank Fuster’s release from prison so he can run Florida’s Department of Children and Families?

It is shocking, however, that The Florida Bar, Judge Tunis, and the Florida Supreme Court have sided with such depravity used to mentally molest minors for money at the expense of Thompson’s constitutional rights. It is the Florida Supreme Court which opined in *Tyson v. Florida Bar*

“As we explained over forty years ago in *In re Harper*, 84 So. 2d 700, 702 (Fla. 1956), the purpose of an attorney disciplinary proceeding is the protection of **the public**, not the vindication of private rights: “Disciplinary proceedings against attorneys are instituted in **the public interest** and to preserve the purity of the courts. **No private rights** except those of the accused attorney are involved.”

The Florida Supreme Court has now abandoned its standard that “the public”

is to be protected and served by attorney discipline. The Supreme Court's operative principle now, obviously, is seen in how it has mistreated Thompson and cavalierly and illegally ignored his petitions for writs of mandamus. Instead, the Florida Supreme Court and Referee Tunis and The Florida Bar seek to protect pornographers who distribute illegally their material to children *to the detriment of "the public" and "the public interest."* The Supreme Court is actively, knowingly protecting the alleged "private rights" of the pornography industry by processing Bar complaints not brought by the public but by these *private* commercial interests! This is not the High Court acting upon *Tyson*. It is these hypocritical Justices standing *Tyson* on its head and subverting what the entire disciplinary process is to be about.

In doing this—in protecting private commercial interests rather than the public—the Florida Supreme Court Chief Justice and Justices violate their oaths of office. It's not even arguable. No member of "the public" has complained about Thompson. No client has complained about Thompson. What we have is the porn industry and two judges corrupted by that industry trying to use unconstitutional "speech codes" to protect this industry and their own judicial misconduct.

This Supreme Court would have sentient beings think that a lawyer's truthful blowing of the whistle on two dishonest judges somehow violates Florida Bar Rule 4-8.4(d) which mandates that lawyers must not do anything "prejudicial to the administration of justice." The attempted discipline of Thompson for exposing the corruption of these two judges must be the only instance in modern American history in which such exposure has been deemed by a governmental entity "prejudicial to the administration of justice."

When Thompson recently wrote Broward State Attorney Michael Satz and alerted him to apparent unethical activity by Broward Judge Larry “Hand me a Hanky” Seidlin, Mr. Satz wrote Governor Crist, attached Thompson’s letter, and told the Governor that because of Thompson’s letter we need a special prosecutor appointed to investigate Seidlin. The Governor did just that, thanks to Thompson, as reported in both the *Miami Herald* and the *Sun-Sentinel*. What does Thompson get for blowing the whistle on Judge Friedman and Judge Moore? Bar complaints.

What does “superlawyer” Roy Black get from The Bar when he goes on national television, week after week, and month after month, ridiculing specific judges, in Florida and outside of this jurisdiction, questioning their integrity and their intelligence? Why, Roy Black gets invited to speak at Florida Bar events and is feted because Roy is one of the “untouchables” because of who Roy is and whom he knows. Has there been “selective prosecution” of Thompson. Anyone who thinks not needs a lunacy proceeding.

No clearer proof as to how the Supreme Court of Florida and its two operatives in this “disciplinary” assault upon the Constitution have stood *Tyson* on its head is to be found in two nearly identical orders by Referee Tunis and the Florida Supreme Court entered two months ago. When Thompson shared with both courts the impropriety of one SLAPP complainant’s running his official law firm web site as a portal to adult porn and himself labeling it as “adult porn,” both the Florida Supreme Court and Referee Tunis *entered orders* castigating Thompson for alerting them to this fact, so offended were they. The High Court and Referee Tunis were not offended by what the porn that this lawyer made available to minors on the web. They were *offended* by Thompson’s

pointing out that this was the toxic waste that this SLAPP-happy lawyer was seeking to protect through his use of The Bar's disciplinary levers. Those two orders mock the legitimacy of the two courts that entered them far beyond Thompson's meager ability to lampoon them.

So, in six years, from that September 11 to this one, we have gone from a profane radio call heard by children, for oral sex for Ground Zero rescue workers to a Bar referee's thumbing her nose at the United States Supreme Court and its unanimous ruling in *Johnson v. Mississippi*. If Referee Tunis could manage to thumb her nose with her gavel in her hand, she might manage to knock herself out, and that would save The Bar much trouble which is on its way.

"Judge" has denied discovery mandated by Bar Rules and by the Rules of Civil Procedure, she refused to sign subpoenas, she has ruled "privileged" information sought by questions that have not been asked in depositions that have not been convened. Finally but not exhaustively, this jurist who came to Governor Bush's attention because of her involvement in "women's issues" has, in a an act of robed cruelty which only a female jurist would dare think she could get away with, denied Thompson a continuance on the basis of his wife's courageous battle with ovarian cancer. Any male judge that would do such a thing would be hauled from her courtroom by N.O.W. and should be.

What thirty-seven months of The Bar's mendacity and vitriol have failed to do, Referee Tunis' refuse to recuse order has accomplished. It has laid bare the utter depravity of this "disciplinary process." It is not about serving the public. It is about serving the porn industry.

It is now clear even to a blind mole cricket that state disciplinary proceedings in which the referee refuses to acknowledge the standard of fairness in *Johnson v. Mississippi* cannot, *ipso facto*, be fair. “Judge” Tunis has managed to do to The Bar what Thompson apparently has to date been unable to do: She has laid bare the unfairness of these state bar disciplinary proceedings. Thompson is forever in her debt.

WHEREFORE, Thompson puts The Bar, the Florida Supreme Court, and Referee Tunis on notice, this day, September 11, 2007, that until they hear otherwise (and they may), Thompson is done in these proceedings. He is going to wait for U.S. District Court Judge Adalberto Jordan to rule in Case No. 07-21256 as to whether a state bar can violate the U.S. Constitution and get away with it. U.S. District Court Judge Arthur Tarnow in his ruling last week in *Fieger v. Supreme Court of Michigan*, held that *state bars must abide by the Constitution and that lawyers are not second class citizens when it comes to the First Amendment*.

So Thompson, until U. S. District Court Judge Adalberto Jordan rules, is done begging Referee Tunis to comply with the law at “status conferences” that are nothing but latterday Star Chamber proceedings. He is done begging Bar Prosecutor Sheila Tuma to produce crucial Bar documents that The Bar’s own official says are properly produced. He is done trying to make this regulatory horse, led to water, drink.

The Bar, knowing who and what it was dealing with and its history of getting it wrong back in 1992 in its bizarre effort to pathologize Thompson’s faith, should have been careful to cross its t’s and dot its i’s in its efforts to squelch his activism against the porn-to-kids industry. *Careful* racketeers would have done so. Michael Corleone in *The Godfather* gave counsel to The Florida Bar which is chose to ignore:



“Never hate your enemies. It clouds your judgment.”

I HEREBY CERTIFY that I have provided this to the respective tribunals, to the parties, and to all record counsel herein, the day after it penning, this 12th day of September , 2007.

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