

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON)
)
Plaintiff)
)
vs.)
)
THE FLORIDA BAR, et al)
)
Defendants)
)

**ORDER REFERRING MR. THOMPSON TO AD HOC COMMITTEE ON ATTORNEY ADMISSIONS,
PEER REVIEW, AND ATTORNEY GRIEVANCE FOR APPROPRIATE ACTION**

On September 24, 2007, I ordered Mr. Thompson to show cause why he should not be referred to the court's Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance for appropriate action on account of his filing of graphic images of oral and genital sex between adult males in the public record in this case without prior permission from the court. In response to my order, Mr. Thompson filed 14 different responses and motions.

Rather than accept responsibility for his actions, Mr. Thompson blames the court for failing to recognize that these materials were already available to children on the internet on other websites. Each of Mr. Thompson's 14 responses misses the point – by filing the irrelevant materials on the court's website, he placed the offensive images in a different location, easily accessible by members of the public, and where they can be viewed inadvertently by members of the public who find them offensive. To the extent Mr. Thompson believes that he can file anything in the public record in this case, simply because it may be accessible to members of the public elsewhere, it is my opinion that he is mistaken. Similarly, Mr. Thompson, in my view, cannot avoid responsibility by merely putting the word "warning" before the images he filed.¹ Finally, Mr. Thompson is off base in attacking my citation to *Adams v. Nankervis*, 902 F.2d 1578 (Table), 1990 WL 61990 (9th Cir. 1990). I never indicated that the facts of that case were similar to those here. I cited the case for a general

¹ I find no merit in Mr. Thompson's attempt to equate his actions with the use of Nazi concentration camp photographs to challenge those who deny the atrocities of the Holocaust. On the same note, Mr. Thompson is not the modern-day version of Paul Revere, as he suggests.

proposition of law, and then applied that proposition to Mr. Thompson's filing. What Mr. Thompson cannot seem to comprehend is that attorneys -- even when they are representing themselves as litigants -- cannot file anything they want in the public record, no matter how irrelevant to the case at hand.² This case is about a Florida bar disciplinary proceeding against Mr. Thompson. It is not about the alleged conduct of other attorneys licensed by the Florida Bar. For this reason, taking account of Mr. Thompson's responses to my order to show cause, I conclude that I have no choice but to refer Mr. Thompson to the court's Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance for that committee to decide whether Mr. Thompson's filing was inappropriate, and if necessary, the appropriate sanction.³ For the same reasons, Mr. Thompson's motion to vacate the order to show cause is [D.E. 126] DENIED.

Mr. Thompson repeatedly refers to the show cause order as a criminal contempt ruling, and contends that the court lacks the authority to hold him in contempt. Nothing in the show cause order indicates that I have held Mr. Thompson in contempt, let alone criminal contempt, or that I considered doing so. The only issue which I asked Mr. Thompson to address in response to the order to show cause is why he should not be referred to the court's ad hoc committee, for *that committee* to decide whether his filing was appropriate.

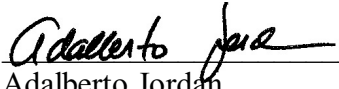
Accordingly, Mr. Thompson is referred to the court's Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance for appropriate action concerning his filing of graphic images of oral and genital sex between adult males in the public record in this case [D.E. 115] without the court's permission. Although the images have been blocked from public access, a printed copy of the images is available for review by the committee upon request.

² This is why Mr. Thompson is wrong in alluding to Judge Gonzalez's public filing of the sexually explicit lyrics from a 2 Live Crew album. In that case, the critical issue was whether the lyrics were obscene. The lyrics, therefore, were relevant to the litigation. This case is not about pornographic websites, no matter how much Mr. Thompson would like to make it so.

³ Also of note is Mr. Thompson's inaccurate characterization of the show cause order as a judicial determination of obscenity. The show cause order did not purport to be a ruling on whether the images have any First Amendment protection. Not surprisingly, Mr. Thompson is using this case (and the show cause order) to further his social and moral views.

Mr. Thompson's motion for a hearing and oral argument on the show cause order [D.E. 129] is DENIED.

DONE and ORDERED in chambers in Miami, Florida, this 1st day of October, 2007.


Adalberto Jordan
United States District Judge

Copy to: All counsel of record
All members of the Ad Hoc Committee on Attorney Admissions, Peer Review, and
Attorney Grievance
Chief Judge Moreno