

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

v.

Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and
DAVA J. TUNIS,

Defendants.

PLAINTIFF'S NOTICE OF FILING SUPPLEMENTAL AUTHORITY

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and files with this court, one day before its second hearing on the defendants' motions to dismiss, the attached supplemental legal authority upon which the court can and must base a denial of these motions, stating:

**THE BAR'S WORST NIGHTMARE SURFACES:
"THE OTHER JACK THOMPSON," WHO CORROBORATES THE FACTUAL
ALLEGATIONS IN THE THIRD AMENDED COMPLAINT WHICH THE BAR
HAS ASSURED THIS COURT CANNOT BE PROVEN**

Not for the purpose of argument but in order to provide the context in which the attached are filed, plaintiff notes to the court that because of news coverage of this case, plaintiff was contacted, as he previously indicated, by Florida attorney Miles Gopman. Remarkably, Thompson represented Mr. Gopman's father early in Thompson career as an associate to William Meadows, former United States Attorney for the Southern District of Florida.

As one can see by the attached, Miles Gopman has been harassed by The Florida Bar in part because of Gopman's truthful assertions about one or members of the judiciary here in South Florida. The Bar tried to pathologize what Mr. Gopman had done

apparently because The Bar felt it could not with certainty secure an ethics finding against Mr. Gopman. Mr. Gopman passed with flying colors the psych evaluation ordered by The Florida Bar and conducted by the Florida Lawyers Assistance Program. When he passed that test, The Bar, as it has done with Thompson, demanded yet another test to “get it right this time,” even though The Bar’s own expert had done the first testing. This pattern of The Bar’s use of psych evaluations and threats of psych evaluations has been visited upon the plaintiff herein, and Mr. Gopman’s recounting of his horror story corroborates the plaintiff’s.

With all respect, this court’s order in this instant case in which it states that Thompson can file the Forensic Evaluation of the respected psychologist Dr. Wunderman, who has been called upon by The Bar in the past because of his expertise in these regards, *but that the court does not see the relevance of the Report* is very troubling in light of this court’s other entries and actions which cast grave doubt upon the fairness of this court toward plaintiff.

This court knows that The Bar has, in writing, tied resolution of ALL of these disciplinary matters, to Thompson’s acceding to The Bar’s demand that he be psych evaluated, even though The Bar wrongly did this before (see damages payment by The Bar’s carrier) and even though it has the Wunderman Report. Thompson has no earthly idea how this court could think, let alone assert, that this recidivist lunacy stunt by The Bar is at least not probative of its “bad faith.”

The court, now confronted with not just Thompson’s but also Mr. Gopman’s nightmares of The Bar’s attempt to pathologize their actions and views with which The Bar is simply annoyed, cannot possibly dismiss Thompson’s complaint. He must be

allowed to prove his case as adequately alleged within the four corners of the third amended complaint.

Mr. Gopman, for example, has graciously offered to serve in this case as a witness who will, under oath, explain to the court that The Bar has in fact done all that he alleges it had done, illegally, to him, in his remarkably thorough brief filed with the United States Supreme Court in 2006. Note, for example, that Mr. Gopman points out in his briefs/memoranda which are now provided to this court because of their usefulness as supplemental legal authority, that The Bar sought to punish him even for actions in which *he had no client*. The court will recall that The Bar's position is that when Tom Tew stalks one of Thompson's clients, thereby giving her a stroke, that is conduct of no interest to The Bar *because Tew is not stalking her for a client* (we have that in writing), but if Thompson files a letter with the Federal Communications Commission, not on behalf of any client but in order to protect children from criminally indecent broadcasts that violate 18 USC 1464, then The Bar can harass Thompson on behalf of Norm Kent for now *38 months!* Gopman then, as a fact witness, can prove to this court both the selective prosecution (equal protection) and the due process outrages by The Bar that Judge Huck calls "wild allegations about a vast conspiracy by The Bar." With all respect, it is Judge Huck who is seeing ghosts where there are none when a lawyer, whom Thompson didn't even know existed until one week ago and comes forward, thanks to the real First Amendment, and corroborates everything Thompson alleges in his Third Amendment Complaint—and more.

It would be, clearly, an astounding act of abuse of this court's discretion to dismiss Thompson's complaint, then, knowing that Miles Gopman is real, that the

attacked legal authority exists, and that The Bar has gone so far as to enlist the great Barry Richard of Greenberg Traurig to patently misrepresent, to this court, both the law and the facts that control in this case. As noted before, Mr. Richard is not up on charges before the *Ad Hoc* Committee on order of this court for his patently unethical acts in trying to hoodwink this court, but he should be.

Finally, and with all respect to all those involved herein who are due any respect, the court *needs to know* the following, which in an of itself shows how thoroughly unfair, bad faith ridden, and due process denying The Florida Bar has been in its treatment of Thompson, thereby denying him any state remedy, let alone an adequate one:

Thompson served a formal request for production upon The Florida Bar in the state proceedings, seeking the names of all lawyers who had been ordered to have mental health examinations in the last several years. The Bar did not even respond, and Referee Tunis did not require The Bar to respond.

Why? Because if The Bar had complied with Florida's Rules of Civil Procedures, which The Bar's own Rules state apply to state disciplinary proceedings, then Thompson would have gotten the name of Miles Gopman and Thompson would have known two months ago about this damning corroboration of his allegations that he now knows.

This Bar has denied Thompson **DISCOVERY IN THE STATE DISCIPLINARY PROCEEDINGS SO BASIC IN ITS NATURE THAT THOMPSON DOES NOT EVEN NOW KNOW WITH ANY SPECIFICITY WHAT IN THE WORLD THE CHARGES ARE AGAINST HIM!**

This is clearly improper because The Bar will roll into its November trial of Thompson with a case that Thompson cannot even begin to anticipate and defend himself within. This is the plan, and this is the method. Note that Gopman alleges, accurately, that The Bar has a history of improperly changing charges against lawyers when it finds the formal ones don't fit. This is trial by ambush. This is precisely what the Rules of Civil Procedure have are there to avoid. Maybe Referee Tunis does not know this, as her experience as a lawyer is solely within the criminal court system, as a public defender and now as a criminal court judge. She is taking the word of a Bar prosecutor, Sheila Tuma, as to what the Rules of Civil Procedure require, when Tuma has never practiced law in any capacity other than to go after actual people who have actually practiced law.

Thus, in Tuma and Tunis, we have the blind leading the blind at the behest of a Bar that Justice Black correctly predicted in his opinion in *Lathrop* would devolve into "goose-stepping brigades" marching in rhythm with ideologically driven agendas.

Does this sound familiar? Of course it does. This is precisely what has happened to Thompson and Gopman at the hands of the same crew.

Finally, as pointed out to the court last week, The Bar's John T. Berry is the fellow who first in Florida and then in Michigan and now in Florida again who thinks and acts as if The Florida Bar's Guardians of Democracy are right to adopt the techniques of Hitler's SS and Stalin's *Gulag Archipelago*.

FLORIDA'S ANTI-SLAPP STATUTE

Attached hereto, as supplemental legal authority, is a fabulous statute passed by the Florida Legislature and signed into law.

This court, in reading this ANTI-SLAPP Statute, will see that no state agency (The Bar claims to be one) can rightly bring “a cause of action” against any resident of this state in retaliation for what amounts to his whistleblowing against the state.

Thompson alleges in his third amended complaint herein that The Bar has for 38 months been pursuing an illegal vendetta against Thompson as payback for his success against The Bar 20 years ago. The players are, many of them, the same people: John T. Berry, John Harkness, Tony Boggs, and they are doing this not only on their own behalf but at the behest of the same attorney who did this, with them, 20 years ago.

Look at the whistle blowing that Thompson has done: he has pointed out the grossly unethical conduct of Miami-Dade Circuit Court Judge Ronald Friedman. The Bar feels so strongly about the significance of the recent Third DCA Ruling against Friedman that it has published it in the past week at its www.flabar.org site.

But because Thompson caught Friedman doing the same thing in the case he had before Friedman, what does The Bar do? It is prosecuting an unsworn Bar complaint by Friedman against Thompson for having identified Friedman’s misconduct that the Third DCA has nailed. This proves that The Bar’s pursuit of Thompson for what he has done. The Bar is pursuing Thompson because he is Thompson. Period. Otherwise, it would give him a *Pro Bono Award* for having been so far ahead of the curve as to shock radio, rap music, video games, and now judicial corruption as to deserving a Bar sponsored Clairvoyant Attorney of the Decade Award. That is a joke, for the satirically challenged among the Guardians of Democracy.

The state's Anti-Slap Statute is powerful proof of both the growing problem of SLAPP assaults upon citizen's rights "to petition the government" and our State Legislature's resolve to give someone like Thompson a remedy for it.

The Bar is doing nothing but harassing Thompson with a civil "cause of action" against him to shut him up, intimidate him, and end his legal career as the ultimate SLAPP remedy against an uppity conservative Christian lawyer.

WHEREFORE, this court must not ignore the mountain of legal authority that mandates his surviving the defendants' motion to dismiss.

If Thompson's case is built upon some Huckian "wild allegations about a vast Bar conspiracy against him," which Thompson does not even allege, then the paranoids alleging the possibility of such a thing consist of the majority of Florida legislators.

I HEREBY CERTIFY that this has been served upon record counsel this 8th day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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