

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 VERIFIED NEW MOTION TO RECUSE/DISQUALIFY  
JUDGE ADALBERTO JORDAN**

COMES NOW plaintiff, John B. Thompson, as an attorney on his own behalf, and moves this court to disqualify itself from further presiding in this cause, stating, for the first time:

The court is aware that one of the SLAPP bar complainants who has filed an unsworn Bar complaint against Thompson is Miami-Dade Circuit Court Judge Ronald Friedman. Judge Friedman's view is that lawyers act "unprofessionally" when they point out misconduct by certain judges. The Bar, when it comes to Thompson, agrees.

Within the last ten days, Judge Friedman was reversed by Florida's Third District Court of Appeal for having refused to recuse himself from a particular case. The Bar feels this finding by the Third DCA to be so significant that it is presently displaying it at its Internet site at [www.flabar.org](http://www.flabar.org).

Judge Friedman is not, as the Third DCA ruling suggests, always fastidious about his recusal.

However, Judge Friedman *immediately* recused himself from all further proceedings in Thompson v. Wal-Mart which was the case before him in which he felt

Thompson had acted unethically, upon Friedman’s announcing that he was initiating a disciplinary inquiry against Thompson. Friedman understood that in seeking possible disciplinary action against Thompson, Friedman went from judicial decision-maker to accuser against Thompson. Even Judge Friedman understands that once a judge presiding over a case crosses that line then he can longer preside over the case. See, for example, the US Supreme Court’s agreement with that concept in *In Re Murchison*, 349 US 133 (1955).

Plaintiff herein is stunned by the failure of this court to grasp what Judge Friedman grasped—that when this court entered its show cause order threatening Thompson with discipline and then in fact acted upon its show cause order it went from adjudicator to accuser. This court has no “right” to preside over this case, but Thompson surely does have a “right” to an impartial judge. Impartiality went out the window when this judge entered its show cause order, even if it had merit.

WHEREFORE, plaintiff moves this court to recuse/disqualify itself from this case, given the fact that a reasonable person would understand that a judge who seeks discipline against a lawyer who happens to be a party in the underlying action, with that judge attacking the ethics and thus the honesty and credibility of that party, *particularly in a case about lawyer discipline*, cannot possibly fairly preside in that case as a decision-maker.

I solemnly swear, under penalty of perjury, that the foregoing is a true, correct, and complete account of the facts, so help me God.

I HEREBY CERTIFY that this has been served upon record counsel this 8<sup>th</sup> day of October, 2007, electronically, and upon Chief Judge Moreno, who should remove Judge Jordan from presiding over this cause.

/s/ JOHN B. THOMPSON, Plaintiff  
Attorney, Florida Bar #231665  
1172 South Dixie Hwy., Suite 111  
Coral Gables, Florida 33146  
Phone: 305-666-4366  
[amendmentone@comcast.net](mailto:amendmentone@comcast.net)