

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 which weights against dismissal, to-wit:

Attached hereto, from The Florida Bar's own web site, is a summary of its Standards for Imposing Lawyer Discipline. The Bar has been repeatedly asked to identify for plaintiff the following, found in the Standards themselves:

- (1) duties violated;
- (2) the lawyer's mental state;
- (3) the potential or actual injury caused by the lawyer's misconduct;
- (4) the existence of aggravating or mitigating circumstances.

As to #1 above, Thompson has asked The Bar not just to cite Bar Rules allegedly violated but tell him *what* he has done to violate them. The Bar refuses to do so.

As to #2 above, The Bar asserts that Thompson is mentally impaired. Thompson asks, repeatedly, what is the basis for that. The Bar refuses to answer that question and refuses to avail itself of the mandated procedures in Rule 3-7.13 to assert "mental state"

problems. Interestingly, if Thompson is in fact impaired then that should be mitigation, when in fact, The Bar has used that allegation as a sword for it rather than as a shield for Thompson.

As to #3 above, Thompson has been asking The Bar, in writing, for ten months to identify what “actual injury” or “harm” Thompson has caused. The Bar utterly refuses to answer that question, even stating in writing that “to identify the harm Thompson has done would call for a legal conclusion.” No, that would be a conclusion as to fact. The Bar, under its own Rules, must assert and then prove *harm*, or there is a failure of any rational for punishment. The Bar cannot identify any harm, and thus there must be no punishment. This alone is a reason for these state disciplinary proceedings to be enjoined. Thompson has annoyed some people, including this court. That is not a basis for permanent disbarment, which The Bar seeks.

As to #4 above, the mitigating circumstances are extraordinarily in Thompson’s favor, and yet The Bar is seeking permanent disbarment, which fact alone indicates bad faith. The mitigation is this: The vast bulk of this disciplinary effort against Thompson arises out of the SLAPP complaints filed by and encouraged by Take-Two Interactive Software, Inc’s attorneys at Blank Rome. This company makes cop-killing simulation games that have resulted in numerous killings around the country, including those in Alabama. The school massacre in Red Lake, Minnesota, was rehearsed on *Grand Theft Auto: Vice City*. Ten died. Michael Hernandez who cut his classmate, Jaime Gough’s head off in Pinecrest, Florida, just south of where this judge sits, trained on *Grand Theft Auto: Vice City* to do just that. These are not surmises; these are facts.

The following statement appears in the current issue of *Time* magazine by one of Thompson's key experts, Lt. Col. Dave Grossman in the Alabama case, whose name Thompson gave to the *Time* reporter when the *Time* reporter called Thompson three weeks ago:

"Other experts and activists cite the desensitizing effect of popular culture, most notably violent video games, as a key reason that more young people have no compunction about opening fire on a man or woman in uniform.

Lt. Col. Dave Grossman, author of *On Combat* and *On Killing*, who trains the FBI and other law enforcement agencies, subscribes to that controversial notion. Grossman relates how officers raiding methamphetamine labs and gang hangouts often find violent video games left behind. "Every time they take down a gang house, there's always one thing that will always be there," Grossman says. "It's a video game. The video games are their newspaper, their television, their all-consuming narrative. And their video games are all cop-killer, criminal simulators."

<http://www.time.com/time/nation/article/0,8599,1666750,00.html>

The following picture leads the above-noted *Time* article entitled "A Surge in Cop Killings." Note the location of the funeral:



Miami Dade police officers carry the casket of slain police officer Jose Somohano, who was killed in the line of duty. NURI VALLBONA / AP

On the *60 Minutes* story featuring Thompson that was aired on March 6, 2005, which lit the fuse on Take-Two's decision to use The Florida Bar to destroy Thompson, Ed Bradley reported that a carjacking gang in Oakland, California, was using Take-Two's *Grand Theft Auto* as a carjacking simulator, according to Oakland homicide detectives, to get pumped up to do the carjackings and to hone carjacking methods. Said one perpetrator in the Oakland carjackings and slayings: "We played the game by day and lived the game by night."

Thompson wants this court to understand, if it should deny Thompson simply his day in court at which he can prove the illegal, criminal means by which The Florida Bar is doing the video game industry's regulatory dirty work, that it does so on behalf of an industry targeting cops for death.

If this court should be so abusive of its discretion as to grant The Bar's and Referee Tunis' motions to dismiss, then it should do so knowing that Homestead, Florida, High School has asked him to address all of its teachers about the role that violent video games play in acts of teen violence, because one teacher there saw one of Thompson's presentations to students at the request of the entire Miami-Dade Public Schools.

How ironic that Thompson is trying to save kids lives in our schools, and this court is pondering whether to enable The Florida Bar to stop him from being effective in that effort. This is not just ironic, it is outrageous and it breaks the undersigned's heart, in that he ever became a lawyer to be faced with such utter nonsense.

It is all very well and good for this court to condescendingly lecture Thompson, in one its contradictory Orders, no less, about how Thompson allegedly wants this court to be the moral arbiter for the world over which this court cleverly claims it has "no

jurisdiction.” The very last thing Thompson wants is this court to be a moral arbiter, particularly in light of this court’s own conduct over the last week or so. Stopping The Bar from being the thought police for the rest of us is what this case is about. That single statement by that court, which mocks Thompson, serves to show how utterly out of touch this court appears to be not only with what is going on in this case but what is going on in this country. The next time this court is touched by random violence, it should pause for at least the amount of time it has taken to try to harpoon and mock Thompson with its condescension, and ask if maybe The Bar has got this “discipline” thing as to Thompson a bit upside down.

Asking The Bar to do its job is not asking for this court to assist Thompson to police the morals in this country. No judge who knows this case would suggest such a thing. What Thompson is suggesting is that nobody made The Bar the American Taliban.

It is fascinating to see how certain people are oh so fastidious about “Rules” whose real effect is to protect the tender sensibilities of judges (Ron Friedman) and pornographers (Beasley Broadcast Group) to criticism, when what Thompson has been trying to do is save lives. He has sat with these bereaved families that The Bar forgot long ago are part of the “public” that it is supposed to care about..

It is a messy business getting into the public square and slugging it out with industries and their lawyers who pimp adult products to children. It is an even messier business to tell the illiberal liberals who think they own our profession that they are not the Guardians of Democracy. Voltaire noted that “It is dangerous to be right when the government is wrong.” It is also dangerous to venture into a courtroom in which Barry

Richard is given *carte blanche* to lie to this court about facts and case law, and this court, by its disinterest or bias, issues no show cause orders about that demonstrated mendacity.

If this court denies Thompson his day in court, then it should do so knowing that it has come down on the side of those who are making the above flag-draped caskets of slain police officers more plentiful.

If it does so, then it comes down on the side of individuals marketing “obscenity” to anyone of any age on the Internet, while the court wags its disciplinary finger at the lawyer who told him about it and proved it. Since this court has an aversion to Paul Revere analogies, then it can try this one out: If this courthouse were on fire, would this court, upon Thompson’s showing up with buckets of water and using them, have him arrested for littering? What this court has done to Thompson as to Norm Kent is akin to that analogy, but worse.

While this court and this Bar tut-tut at Jack Thompson for having put himself in harm’s way so that kids might not be harmed and so that cops might not be killed, Thompson has been more than willing to pay the price of opprobrium for doing so.

But snickering at Thompson is one thing. Taking his law license away from him permanently is quite another, and that is not going to happen.

Christ died on a cross so that all might be saved. That was the price He paid. Thompson cannot fathom such a price, such sacrifice, but because Thompson is a follower of Christ, he is called to things for others, despite his own fallen nature, because that is what is called of followers of the Cross.

Norm Kent, on the other hand, since he is the one who turned The Florida Bar into a legal terrorist at his request, actually moved a Broward Court Judge to enter an

order commanding Thompson not to quote Scripture. This is the guy with whom The Bar continually makes passionate regulatory love. They deserve each other. How any court could miss what is going on here is troubling.

The folks at The Bar have maintained for 38 months that the pursuit of Thompson is about “ethics.” They are absolutely right. It is about The Bar’s and the porn-to-kids industry’s flight from *ethics* and in headlong pursuit of both money and depravity. The Bar will be depraved long after this fight is over. What The Bar does not get to do, under color of state law, is seek to normalize its and Norm Kent’s depravity at the expense of Thompson’s career. These are not ethics regulators. They are legal terrorists. Justice Black in *Lathrop* nailed it right on the head.

Let’s not have this court pretend, if it dismisses Thompson’s complaint, that it has done so on the basis of the law and the facts.

The above recitation of the four Standards for Lawyer Discipline makes it abundantly clear that there is no basis for the court to deny Thompson his day in court.

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

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