

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.

**PLANTIFF’S NOTICE OF FILING SWORN STATEMENT IN SUPPORT OF
MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and hereby submits to the court the below sworn statement of Miles Gopman, incorporated herein, in support of Thompson’s motion for an order to show cause why defendant, The Florida Bar, should not be held in indirect criminal contempt.

SWORN STATEMENT OF MILES GOPMAN

I, Miles Gopman, am a citizen of the United States, a resident of Florida, more than eighteen years of age, and an attorney practicing law as a member of The Florida Bar.

On Wednesday, October 10, 2007, I was the target of The Florida Bar’s attempt to intimidate me by virtue of my willingness to assist attorney John B. Thompson, Florida Bar #231665, in his efforts in this cause and elsewhere against the illegal, unconstitutional acts of The Florida Bar under the guise of its “disciplinary” powers.

Much of The Bar’s history of its improper use of coerced mental health exams is recounted by my “Respondent’s Motion to Dismiss” and “Respondent’s Plea of Not

Guilty” filed with the Florida Supreme Court, copies of which Mr. Thompson is filing with this court as attachments to this pleading, which must be read in order to get a sense of the factual setting in which we now find ourselves because of the improper acts of The Bar.

As related more fully therein, on January 22, 2007, I received a letter from Scott Weinstein, Ph.D., Clinical Director of Florida Lawyers Assistance, which is partially funded by The Florida Bar and created by a mandate in 1986 of the Florida Supreme Court. FLA’s Dr. Weinstein informed me that The Bar’s Director of Lawyer Regulation, Kenneth Marvin, was demanding that I receive yet another mental health evaluation—what was being called “an updated evaluation.”

I asked Dr. Weinstein and Michael Cohen, Executive Director of FLA, the reason for The Bar’s threats and demands, and they said they did not know. They stated that I should inquire of Mr. Marvin.

There was no factual or legal basis for yet another examination, as I had been found to be mentally fit in previous similar efforts by The Bar. It was clear that this was in retaliation for my litigation against The Bar arising out of its harassment of me as indicated by the attached pleadings filed with the Florida Supreme Court. The Bar uses demands for “mental health examinations” as a criminal and unconstitutional means of coercing compliance with its “disciplinary” machinery by stigmatizing and pathologizing criticism of judges and others, as Mr. Thompson has himself found.

I was threatened by The Bar with a 91-day suspension if I did not submit to this “updated evaluation.”

Operating under that threat by The Bar, I met with Dr. Stephen Kahn for a “psychosocial interview” in July 2007. Dr. Kahn has an ongoing relationship with The Bar for the purpose of conducting such “interviews.” I was found by Dr. Kahn to be mentally fit. I was required by The Bar to pay for this redundant, coercive exercise which was humiliating and disturbing, particularly since it was demanded in the immediate aftermath of my father’s death.

Despite having complied with The Bar’s demands for this “psychosocial interview,” and Director of Lawyer Regulation Ken Marvin’s improper use of the contempt power of the Florida Supreme Court to coerce it, Mr. Marvin has failed and refused to inform the Florida Supreme Court of my compliance; thus, this action is still improperly pending before the Florida Supreme Court for the purpose of adding another layer of intimidation and coercion.

Within hours of making contact with Mr. Thompson as a result of news coverage I had read about his case, I received a call from Dr. Kahn who told me that he wanted to see me again on Wednesday, October 10. This call came out of the blue, unprompted by anything I had done other than offer to assist Mr. Thompson. I asked him if this was related to The Florida Bar. *He assured me that it was not.*

I went to see Dr. Kahn on October 10 and it was clear that this was fully related to The Florida Bar. Dr. Kahn did not conduct an assessment. He conducted an interrogation the purpose of which was clearly to intimidate me on behalf of The Florida Bar.

Dr. Kahn instructed me that I was to “work with The Bar.” He told me that “they’re going to continue to make your life miserable” unless I “worked with The Bar”

rather than against them. “Why don’t you resign rather than stand on principle,” he asked. “Why don’t you stop fighting with them?” I pointed out that I was not fighting with them other than to defend myself in response to The Bar’s unrelenting harassment of me in the form of its continuing demands for mental health examinations.

This was not an evaluation in any fashion whatsoever. This was a meeting clearly intended to send the message that I would be in peril if I assisted Mr. Thompson in any fashion. Mr. Thompson had, with my full permission, identified me previously to The Bar as someone who could and would assist him by testifying about The Bar’s illegal, unconstitutional, and criminal abuse of its “disciplinary” powers to silence criticism of it, the judiciary, and others whom The Bar would protect by threats of “discipline,” augmented by mental health examinations of noncompliant lawyers. I found in speaking with Mr. Thompson that he has been threatened, criminally, with disbarment unless he agrees to a yet another mental health examination, again, by FLA, despite his having previously been found to be perfectly sane and to be motivated to his public-spirited activism by his religious faith, as am I.

What The Bar has done to me it is now doing to Mr. Thompson in full-blown violation of state and federal laws and the United States Constitution.

Mr. Thompson’s name was not mentioned by Dr. Kahn but it was abundantly clear that he was what this coercive interrogation was about. This session was far worse than any others I had endured. This was not a session designed to elicit mental health information. This was a session designed to send the message that if I caused any trouble for The Bar I would be harmed. This session as to its tone and what was said was

unprecedented and clearly prompted by Mr. Thompson's public use, with my permission, of my name as a witness on his behalf.

Dr. Kahn wanted me to understand that if I did not "work with The Bar," then I would be harassed to the end of time. The message having been delivered by Dr. Kahn on behalf of The Bar, I left and called Mr. Thompson to tell him what had transpired.

I am a lawyer familiar with the laws and constitutions of this state and this nation.

Dr. Kahn's out-of-the-blue summoning of me to his offices where he warned and tried to intimidate me on behalf of The Bar constitutes extortion and witness tampering clearly at the behest of The Florida Bar.

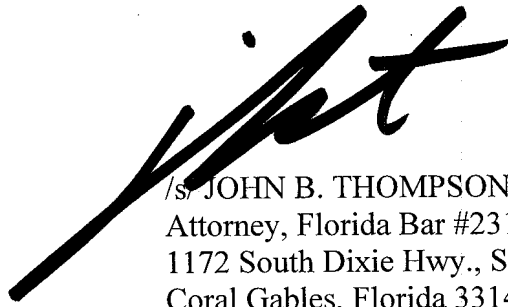
It is my opinion that this must be stopped and it must be punished by this Honorable Court. It is also my opinion, based upon what I know to be the facts of Mr. Thompson's situation, that the same thing is being done to him by The Florida Bar. Its illegal activity is in retaliation for his lawful activities.

I solemnly swear, under penalty of perjury, that the foregoing is a truthful, full, fair, and complete recitation of the facts, so help me God.



Miles Gopman, Signed October 11, 2007

I HEREBY CERTIFY that this has been served upon record counsel this 11th day of October, 2007, electronically by the court's system.



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