

IN THE SUPREME COURT OF THE STATE OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

PETITION FOR WRIT OF MANDAMUS

v.

CASE NUMBERS SC07-80, SC07-354

THE FLORIDA BAR,

Defendant.

**NOTICE TO THE SUPREME COURT AND TO THE CHIEF JUSTICE
AND JUSTICES OF THE SUPREME COURT**

COMES NOW John B. Thompson, hereinafter Thompson, an attorney in continuous good standing with The Florida Bar for 31 years, and provides notice to the court and to the Chief Justice and Justices presiding over it, as follows:

Since June 5, 2006, which is a period of twenty-eight (28) months, this court has ignored plaintiff's writs of mandamus which have provided evidence, not mere allegations, of gross misconduct by The Florida Bar in its illegal and indeed criminal use of its "disciplinary" powers to infringe upon Thompson's state as well as his federal constitutional rights guaranteed under the First, Fifth, and Fourteenth Amendments.

During all of this time, The Bar and its counsel at Greenberg Traurig, specifically the famous Barry Richard, have misrepresented to the federal courts that Thompson has a current "adequate state remedy" to redress any wrongs by The Bar, not after the disciplinary process is completed, but *right now during their pendency*.

For example, Mr. Richard has repeatedly cited to U.S. District Court Judge Adalberto Jordan, in Case No. 07-21256, Southern District of Florida, that it should abstain from granting Thompson any relief now because under *Mason v. The Florida*

Bar, Thompson has a *right, prior to his disciplinary trial* on November 26, 2007, to appear before The Bar's Board of Governors to argue his "constitutional defenses." This is a lie by Mr. Richard to U.S. District Court Judge Jordan, as the Governors have denied Thompson that "right" for more than two years, most recently refusing even to respond to his written requests to appear this month before the Governors on these constitutional defenses at the Ritz Carlton in Coconut Grove not more than three miles from Thompson's home. The Bar cannot invoke "abstention" because of a right it has thwarted.

When the federal court system disintegrates this integrated Bar, either at the trial level or in the Eleventh Circuit Court of Appeals, pursuant to *Keller v. State Bar of California*, 496 U.S. 1 (1990), this state Supreme Court can look not only to Mr. Richard's serial misrepresentations to the federal court but also to due process and equal protection denials by The Bar highlighted, but not exhaustively described, by the following three *facts*:

1. Thompson's "designated reviewer," Bar Governor Ben Kuehne, has received a "target letter" from the U.S. Justice Department accusing him of laundering money from the Colombian Medellin cocaine cartel. Thompson has met with DOJ officials from Washington who have told him just that. Nevertheless, Kuehne has continued on the Board of Governors, serving as "designated reviewer" on grievance committees. In that capacity, Kuehne demanded that Thompson be formally evaluated for mental illness by Florida Lawyers Assistance, in violation of The Bar's own Rule 3-7.13 and despite a similar stunt by The Bar in 1992 which resulted in money damages being paid to Thompson and the everlasting embarrassment of The Bar. There is more about Kuehne

which Thompson has told this court that is verifiable as true independent of Thompson, and this court couldn't care less. One thing is certain: The Bar complainants against Thompson have more money at their disposal than does the Medellin cartel. If Mr. Kuehne is allegedly on the take via Bogota, he can be on the take via New York City and Philadelphia.

2. A Florida lawyer who is a SLAPP Bar complainant against Thompson has been disseminating to people of all ages material that Judge Jordan has now labeled in an order to be "obscenity." This lawyer, on his Bar-regulated official law firm web site, is linking on its home page to an Internet gay porn portal which offers this "obscenity" unrestrictedly through sites such as www.justusboys.com, which one user calls a site for "pedophiles," as it depicts, graphically, sex acts between older men and younger men. The Bar refuses to do anything about this despite this court's own recent holding that The Bar's advertising rules now apply to lawyer's Internet sites and that such sites must not "diminish the dignity of our profession."

3. A prominent South Florida attorney, in order to deter a woman from keeping Thompson as her attorney, stalked her, despite repeated written pleas that he stop doing so. Thompson asked for The Bar's help. This stalking caused her to have a precipitous spike in blood pressure, which caused a disabling stroke, as diagnosed by respected and qualified health care providers. She is now permanently disabled.

The Bar's incompetent staff prosecutor in Orlando, Ms. Sheila Tama, refused to address this lawyer's misconduct stating that he was not stalking Thompson's client on behalf of a client of his own, and thus The Bar was not interested in this behavior. The Bar, on the other hand, has harassed Thompson for thirty-eight (38) months in retaliation

for his successes against Howard Stern's criminal distribution of indecent material to children in violation of 18 USC 1464 at the behest of SLAPP Bar complainants representing Stern's broadcasters. *Thompson represented no client* while engaging in this public-spirited, successful effort.

The above three items are simply the tip of the iceberg as to the demonstrable criminal violations of federal civil rights statutes by The Florida Bar.

Finally, the staff person arguably the most responsible for putting The Florida Bar in harm's way with these bizarre shenanigans is John T. Berry. Mr. Berry sat on the ABA Committee that in 1992 issued the "McKay Report," which delineated the fatal flaws in state bars' disciplinary structures. The Florida Bar and Mr. Berry failed to heed his own recommendations in the McKay Report, available on-line at http://www.abanet.org/cpr/reports/mckay_report.html. You'll see Mr. Berry's name on the first page.

Mr. Berry then left the Sunshine State to head up the Michigan Bar. While there, Mr. Berry oversaw that Bar's decision to prosecute noted lawyer Jeffrey Fieger for his criticism of certain judges. U.S. District Court Judge Arthur Tarnow, Eastern District of Michigan, in *Fieger v. Michigan Supreme Court* struck down the Michigan Supreme Court's and Bar's Rules as violative of the First Amendment. Thompson has asserted in his pending federal lawsuit that The Florida Bar's similar "speech codes" are facially unconstitutional, and they are. It's not even close.

Mr. Berry has returned from his "success" as the Chief of the Thought Police for Michigan lawyers to once again oversee such matters for The Florida Bar. It was Mr.

Berry who first tried to pathologize Thompson's faith in 1992, and when he returned to Florida in 2006, he tried again.

Thompson is aware that this High Court was burdened on October 9, 2007, with weighty arguments before it in *Strand v. Escambia County*, Case No. SC06-1894, regarding "tax increment financing" through bonds. Thompson is mindful that *Strand* posed such a cataclysmic threat to governance in Florida that this court could not, in 38 months, find time to provide ten minutes' argument to Thompson to address before it the criminality of its alleged "arm," The Florida Bar. But now that the State has survived the mortal danger posed by *Strand*, possibly this court could take the time to address, for the first time, the ongoing criminal activity of The Bar that now is highlighted by a sworn statement of another attorney that your Bar is engaged in criminal witness tampering as well in Case No. 07-21256.

WHEREFORE, plaintiff Thompson again requests that this court discharge its absolute duty to oversee its "arm," The Florida Bar, and provide Thompson an opportunity to appear before it to provide not allegations but *evidence* of The Bar's ongoing criminal activity. This court's remarkable and abiding negligence in its failure to oversee The Bar will harm The Bar far more than anything Thompson, by his own initiative, can do to this Bar. When that harm happens, this court should not blame Thompson. It can most assuredly correctly blame itself and the criminality of individuals such as John T. Berry, The Florida Bar's Legal Division Director. Mr. Berry's title should be "American Taliban."

I HEREBY CERTIFY that the foregoing has been provided to The Florida Bar and to Referee Tunis this October 15, 2007, and to the federal District Court, Case No. 07-21256.

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