

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.

**ADDENDUM TO PLAINTIFF'S VERIFIED MOTION TO
RECUSE/DISQUALIFY JUDGE ADALBERTO JORDAN**

COMES NOW plaintiff, John B. Thompson, as an attorney on his own behalf, and notes in furtherance of his motion to recuse, that

The court in its omnibus order of October 15 states

“This case is about the Florida Bar’s disciplinary proceeding against Mr. Thompson. It does not involve Mr. Kent, despite some of Mr. Thompson’s filings.”

A review of plaintiff’s third amended complaint reveals that Mr. Kent’s name is found twelve times in that pleading. No mere allusions. No veiled references. Mr. Kent’s name comes up twelve times. Mr. Kent is at the center of The Bar’s assault upon Thompson’s constitutional rights and has been since 1988, having previously persuaded The Bar, with the former chairman of the Florida ACLU, to secure a Supreme Court order compelling Thompson’s psych evaluation. Kent’s continuing collaboration with The Bar’s Sheila Tuma to generate a new complaint in the last few months is documented and appalling. It was even brought up by Tuma at the aborted “mediation” at which she demanded Thompson’s newest psych evaluation.

In one of the more remarkable statements found in one of this court's remarkable orders, this court actually stated that it did not see the relevance of Dr. Oren Wunderman's formal Forensic Psychological Evaluation of Thompson as shedding light on The Bar's present demand that all of this "discipline" could not be resolved unless Thompson, in violation of Bar Rule 3-7.13, submit to yet another psych evaluation.

How in the world could any court think let alone reduce to an order such a remarkable assertion? The Bar's history of attempting to pathologize Thompson's faith-based activism is specifically set forth in the third amended complaint. Maybe Thompson needs a latter day Paul Revere to ride into this court's court room, the court's mocking of the apt metaphor notwithstanding.

The court may, for whatever reason, want to pretend that this case "does not involve Mr. Kent, despite *some* of Mr. Thompson's filings," but every single one of the complaints filed herein says otherwise.

What should reasonably vex and trouble any litigant, as well as any reasonable lay person apprised of the facts is the situation in which plaintiff finds himself: here we have a judge who repeatedly asserts as *facts* things that are demonstrably not true: you exposed children/I didn't say you exposed children; you could have only provided a link to a site when providing a link provides nothing; an Alaska case prohibits what you did/I cited an Alaska case that just generally sort of suggests what you did is prohibited; you attacked me (plaintiff defended himself against this court's assertion of Thompson's unethical conduct); I'll give you until October 5 to show cause; I won't give you until October 5 to show cause; and, finally, Kent has nothing to do with this case (see twelve specific references to him in the complaint).

In addition, the court's *gross* mischaracterizations of the bases for Thompson's motions to recuse reveals a court that seems more interested in protecting its reputation than rendering an ultimate ruling that both sides can consider the court's best good faith effort at justice.

What's going on here? Why is a judge who enjoys an excellent reputation saying things and placing in orders things that are patently not true? Plaintiff does not know, but the court's behavior cries out for recusal and undercuts the authority and validity of *any* ruling it now enters.

None of this was in play until this court decided, on its own initiative, to commence an ethics inquiry against Thompson and in doing so unfortunately opened this Pandora's Box of finger pointing that the court now, remarkably, blames Thompson for as "attacks upon me."

Chief Judge Moreno's letter to Judge Jordan and plaintiff, which Judge Jordan, not Judge Moreno, decided to make public (another troubling act by this court) by placing it in the court file, has a fascinating construct therein: that passive virtue can crowd out active vice. If Judge Jordan himself actually believes such a thing, then he should act upon it. Judge Jordan's "virtue" in this setting which would "crowd out" the vice of his bias would take the form of recusal.

This case used to be about The Bar's misconduct, which includes its criminal collaboration with Mr. Kent. Now, for this court, as its omnibus order of October 15 indicates, it is about Thompson's latest attacks upon the judiciary, which, of course, is the basis for two of the SLAPP Bar complaints. There is obviously an inherent problem with any *judge* presiding over a case in which one of the issues is whether one party, in this

case The Bar, is properly seeking discipline of another party, in this case Thompson, for his truthful statements about two corrupted judges.

The irony and the difficulty of a judge's presiding over *criticisms of judges* are not lost on Thompson. Thompson sought to limit the appearance of bias by at least securing a judge who is not a member of one of the parties, once this court adopted the "discipline as a means of control" techniques of the party of which he is a member and that is now before him.

Judge Jordan has managed, by his own hand, to undercut the authority and weight of any ruling he now enters in this case. Why he could not decide the issues before him without resorting to unseemly *ad hominem* attacks by the court, which even took the form of requested formal action against Thompson, is not known.

Thompson has lived, as a litigator and trial lawyer, with adverse judicial rulings all his professional life. Any lawyer must. That is not what troubles. What troubles is that a federal judge presiding over a case in which one of the parties is an entity in which that judge is a member would so brazenly reveal his bias by his creative, fact-challenged orders.

Thompson is going to have his day in court, but apparently not in this court. Thompson would like to be pleasantly surprised, but he does not expect, not now after the omnibus order of October 15, to be.

As to the standard for recusal found in federal statutory law, assume a *mere* lay citizen (not an August Guardian of Democracy) were to be asked, as he or she walked by this federal courthouse, if a judge therein had sought disciplinary action against one of the parties before him in a case, and that judge then entered a subsequent order (like the

omnibus order of October 15) in which that same judge wrote of that party's "attacks upon me," were asked this question: Do you think that judge can be fair to that party whom he has accused of unethical conduct in a case about the accusations by another party about his unethical conduct? That reasonable lay person would likely respond: "Are you kidding?"

I HEREBY CERTIFY that this has been served upon record counsel this 16th day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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