

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 SUPPLEMENTAL AUTHORITY**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and hereby provides supplemental authority on the issue of sovereign immunity, stating:

The United States Supreme Court in *Stump v. Sparkman*, a copy of which has already been provided to the court, but on a somewhat different legal point, ruled that a judge, when he acts without jurisdiction to act, strips himself of sovereign immunity.

The Florida Bar has similarly stripped itself of any sovereign immunity because it seeks to discipline Thompson for *conduct in Alabama*, but it is, nonsensically and in violation of its own Bar Rules, prosecuting him for alleged violations of Florida Bar Rules while practicing in Alabama. This cannot be done, as Florida Bar Rule 3-4.6 makes clear that The Florida Bar has *no jurisdiction over Thompson in this fashion*, as he has alleged in his Third Amended Complaint:

**RULE 3-4.6 DISCIPLINE BY FOREIGN OR FEDERAL  
JURISDICTION; CHOICE OF LAW**

**(a) Disciplinary Authority.** An attorney admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the attorney's conduct occurs. An attorney may be subject to the disciplinary authority of both this

jurisdiction and another jurisdiction for the same conduct. A final adjudication in a disciplinary proceeding by a court or other authorized disciplinary agency of another jurisdiction, state or federal, that an attorney licensed to practice in that jurisdiction is guilty of misconduct justifying disciplinary action shall be considered as conclusive proof of such misconduct in a disciplinary proceeding under this rule.

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the attorney's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct.

[Updated: 09-16-2005 ]

The Florida Bar clearly has no jurisdiction over Thompson's alleged violations of Alabama Bar Rules—not now (see above). Thompson has been pointing this out to The Bar for two years and to referee Tunis since January of this year. The formulation is quite simple. When a judge acts or a Bar acts without jurisdiction, then the equation, reduced to its simplest terms, according to *Stump*, is this:

## **No jurisdiction = No sovereign immunity**

When a state agency or officer acts ultra vires, there is no sovereign immunity protection.

I HEREBY CERTIFY that this has been served upon record counsel this 29th day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff  
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