

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, JOHN HARKNESS,
AND FRANK ANGONES,

Defendants.

PLAINTIFF'S NOTICE TO THE COURT OF MORE BAD FAITH BY THE BAR

COMES NOW petitioner, John B. Thompson, and provides notice to the court as follows:

Attached hereto is a remarkable letter from Ken Marvin, The Florida Bar's Director of Lawyer Regulation.

Thompson on October 13 filed a sworn Bar complaint against Sheila Tuma, The Bar's assistant prosecutor in its Orlando office, because of Ms. Tuma's multiple violations of The Bar's own ethics Rules pertaining to professional conduct. Thompson did not expose himself to perjury, if the allegations were false, lightly. Ms. Tuma has eclipsed, in what she has actually done, anything that is even *alleged* that Thompson has done. Ms. Tuma is a one-person ethics-violating tsunami.

What has Mr. Marvin done in response to receiving this sworn ethics complaint? He says: **"I...decline to treat it as a bar complaint. The matters of which you complain all have to do with her job performance..."**

Mr. Marvin's response is one of the most outlandish proofs of The Bar's selective prosecution, bad faith, and lack of fairness to date. Here are only a few responses thereto:

First, if this were a matter of "job performance," then Mr. Marvin, by virtue his being Ms. Tuma's supervisor, has a duty, in good faith, to review that "job performance."

Second, since the Bar complaint was in fact a Bar complaint against Ms. Tuma as to her prosecutorial misconduct, and not the functional equivalent of a customer at a McDonald's drive-through complaining to the restaurant manager that the attendant got the order wrong, Mr. Marvin knows full well that a Bar complaint against Ms. Tuma cannot be filed with the referee or the Florida Supreme Court. In point of fact, Bar prosecutors are members of The Florida Bar and are subject to the same Rules that the rest of us are subject to, unless, of course, they're Norm Kent, Tom Tew, Al Cardenas, and anyone at Bar Governor Ian Comisky's law firm, Blank Rome. It is bad faith of a remarkable kind that leads the head of lawyer discipline in this state to place in writing the assertion that one of his staff counsel is above the law, so thoroughly so that he will not even process a complaint as a complaint!

Third, the Arkansas State Bar tried this kind of nonsense when it refused to process bar complaints against President Bill Clinton just because "Slick Willie" was who he was, his obstruction of justice in a federal sexual harassment suit notwithstanding. The Supreme Court in Arkansas granted a writ of mandamus instructing its own state bar to knock it off and treat Clinton as if he were no better and no worse than any other lawyer in Arkansas. This fair treatment led to his disbarment.

Contrast this with what has happened here in Florida. Thompson has repeatedly raised to the Florida Supreme Court the patent misconduct, in violation of our own Bar Rules, of The Bar's prosecutor, Ms. Tuma, with petitions for writ of mandamus. What has our High Court done? It has completely ignored these petitions. Thus, when The Bar's record counsel, Greenberg Traurig, solemnly assures this federal court that he has an "adequate state remedy," it is a lie. Here is The Bar's chief prosecutor, Mr. Marvin, committing to writing the assertion that because Thompson is the target of The Bar's prosecution of him, his staff attorneys can do anything they want and get away with it.

Thompson asserts to this court, yet again, that these people are in such a rage against Thompson and so determined to "get" him that one of them, Ken Marvin, has now authored this "smoking gun" document that asserts complaints from Jack Thompson can be utterly ignored. If these people were the least bit smart *and* fair, they would have taken the complaint against Ms. Tuma, opened a formal file, investigated it thoroughly, and, if it was their fair determination that she had done nothing wrong, then and only then get rid of it. They did not do that. They discarded the complaint precisely because a) they thought they could get away with it, and b) *a real investigation*, as Mr. Marvin knows, would result in Ms. Tuma's discipline, her termination, and her likely disbarment.

If this federal court did not know prior to now how bad the bad faith of The Bar is, it knows now. The foxes are not only guarding the hens but also protecting the other foxes in the coop. Ken Marvin says that Sheila Tuma is a untouchable. How foolish can a bureaucrat get? At The Floriduh Bar, very foolish indeed.

I hereby certify that the foregoing has been provided to opposing counsel through the court's electronic filing system, this November 13, 2007.

/s/ JOHN B. THOMPSON, Plaintiff
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