

**IN THE UNITED STATES ELEVENTH CIRCUIT COURT OF APPEALS**

IN RE:

JOHN B. THOMPSON,

Petitioner,

v.

Case No. 07-14968-A

THE FLORIDA BAR, DAVA J. TUNIS,  
FRANK ANGONES, and JOHN HARKNESS,

Respondents.

**REQUEST FOR RULING ON:****PLAINTIFF'S EMERGENCY MOTION TO STAY DISTRICT  
COURT CASE AS WELL AS STATE DISCIPLINARY PROCEEDINGS**

COMES NOW petitioner, John B. Thompson (Thompson), an attorney on his own behalf, and requests that this court rule, if not on his petition for writ of prohibition then at least, this day or the next, on his emergency motion to stay both the district court case below and the state disciplinary proceedings, stating:

A number of weeks ago petitioner filed this action because the trial court below, Judge Adalberto Jose Jordan, had repeatedly shown to any lay person aware of the facts that he could not reasonably be expected to be fair toward Thompson. Thompson has never appeared, in his 31 years of practicing law, before any judge who had ever made his bias clearer.

Judge Jordan had repeatedly attacked Thompson's motives, and when that did not deter Thompson, Judge Jordan improperly sought discipline of Thompson with the very same illegal tactics utilized by The Florida Bar. It escaped Judge Jordan that to do that in a case about lawyer discipline might raise questions about his impartiality, particularly

when it could be shown that Judge Jordan had grossly misrepresented, for example, an obscure Alaska case upon which he based his aborted attempt to discipline Thompson.

When Judge Jordan refused to recuse himself despite his patent and oft-expressed bias, this petition seeking his removal was filed.

Petitioner is seeking in the case below an injunction against The Florida Bar because of its denial to him of due process and equal protection in certain “disciplinary” proceedings against him, intended to deny Thompson his First Amendment right to criticize two corrupt judges and speak out against the illegal commercial activities by two entertainment companies criminally distributing adult-rated pornographic and violent material to children. **Fifteen years ago The Florida Bar so thoroughly violated Thompson’s constitutional rights that its insurance carrier paid Thompson damages. Now The Bar, as a recidivist, is doing this again.**

Thompson’s state disciplinary trial is set to begin this Monday, November 26, 2007, and eleven months after the Florida Supreme Court referred this matter to a referee sitting in Miami, Thompson still has been allowed no meaningful discovery in the case and has been denied his right even to present his constitutional defenses to the referee, to a grievance committee, and to the Florida Bar’s Board of Governors prior to trial. This right to present these defenses prior to trial is even admitted by The Bar’s counsel, Barry Richard of Greenberg Traurig, and yet it is denied him.

The “trial” set for next week will be an utter sham reminiscent of the Star Chamber and predicted by Justice Douglas in *Lathrop v. Donohue*, 367 US 820 (1961). The Florida Bar is seeking to “discipline” Thompson for conduct that no client and no member of the public have complained of. The complaints against Thompson are

nothing but SLAPP complaints brought by two criminal commercial enterprises and two corrupt judges, one of whom, Miami-Dade Circuit Court Judge Ronald Friedman, was caught recently by Florida's Third District Court shredding the rights of another litigant in precisely the same fashion as he had shredded Thompson's. Neither of these two corrupt judges could even bring themselves to affirm under oath the allegations in their complaints. Sworn testimony has shown to The Bar the fact that the other judge, Judge Moore in Fayette County, Alabama, entered an order against Thompson that he knew to be based upon fraud.

Thompson, by now, should have been granted a preliminary injunction by the trial court below. Instead, Thompson was denied even a hearing on the injunction because Judge Jordan allowed the defendants to go far beyond the four corners of the complaint, in violation of pleading practice, in an attempt to turn what should have been motions to dismiss into on-the-fly evidentiary proceedings. Judge Jordan compounded the derailment of the case and also remarkably revealed his bias against Thompson with his own bizarre push for discipline of Thompson when Thompson appropriately came forward with clear evidence of The Bar's illegal conduct.

If Judge Jordan had simply discharged his judicial duties and had granted Thompson a mere hearing on his motion for a preliminary injunction made months ago, this matter would have been decided by now well in advance of the November 26 trial date. Thompson was not demanding and does not expect a certain result at any hearing; but he does demand a hearing, which Judge Jordan improperly denied him. Instead, Judge Jordan's clear misconduct necessitated a motion for his recusal, which he denied, and that denial made this petition for a writ of prohibition and other relief necessary.

The result is that a trial is set to occur two business days from today, with no ruling on the preliminary injunction below and no ruling, to date, from the Eleventh Circuit on Thompson's emergency motion to stay the lower court proceedings and the state disciplinary proceedings pending Judge Jordan's replacement with a fair judge. Thompson is entitled to a fair judge, to a stay of the federal and the state proceedings pending the assignment of a fair judge, and to a timely ruling from this court on the motion to stay prior to Monday, November 26.

Finally, a well-known South Florida attorney by the name of George F. Knox, Jr., who has and deserves the respect of The Florida Bar and who serves on the Southern District's *Ad Hoc* Committee for Lawyer Discipline has, in the last day, offered, in writing, to serve as the certified mediator in an effort to mediate and thus resolve this twenty-year-old dispute between The Bar and Thompson.

Judge Jordan, when presented yesterday with an emergency motion to appoint Mr. Knox as the mediator to do just that, punted on the emergency motion and informed the defendants that they need not respond until long after the November 26 trial was over. If Thompson was the least bit uncertain about Judge Jordan's animus before, he is not uncertain of it now, nor should the Eleventh Circuit Court of Appeals be uncertain.

WHEREFORE, petitioner Thompson respectfully requests a ruling on his motion to stay the lower court federal proceedings and the state disciplinary proceedings, if not today, then tomorrow, the day before Thanksgiving. Ironically, Thanksgiving is a holiday created, as a matter of federal law, by President Abraham Lincoln, in recognition of the fact, not the surmise, that this nation is the handiwork of a sovereign God. The Florida Bar's attempts to drive God out of the public square, over Thompson's protests,

are a fulfillment of Justice Douglas' prediction in *Lathrop* that integrated state bars would eventually feature ideologically crazed "goose-stepping brigades." The brigades are here, in this case, this Thanksgiving, unless this court orders a halt.

HEREBY CERTIFY that this has been provided to all defendants' counsel this November 20, 2007.

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