

## IN THE SUPREME COURT OF THE STATE OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case Numbers SC 07 - 80 and 07- 354

JOHN B. THOMPSON,

Respondent.

**RESPONDENT'S PETITION FOR WRIT OF PROHIBITION/MANDAMUS,  
DISMISSAL OF ALL CHARGES, OR *DE NOVO* PROCEEDINGS**

COMES NOW respondent, John B. Thompson, hereinafter Thompson, on his own behalf, and petitions this court for a writ of prohibition and/or mandamus herein, stating:

Thompson's designated reviewer herein, Bar Governor Ben Kuehne, yesterday was indicted by the federal government for money laundering. Thompson told The Bar and Referee Tunis this would happen ever since Thompson met with federal investigators about Kuehne at the feds' request. The referee and The Bar couldn't have cared less about the clear way in which Kuehne's ethical cloud vitiated these proceedings. This was bad faith by The Bar to allow Kuehne to be anywhere near this case once his alleged money laundering was known.

Kuehne is charged with laundering money of the Medellin cocaine cartel that has less money than the corporate Bar complainants against Thompson. Kuehne should have been off grievance committees, off the Board of Governors, and away from Thompson's money-driven case from the get-go. We now learn today in news coverage that Kuehne resigned from the Board of Governors awhile back, but that has been hidden from the public. Why? He should have been off the day he received the DOJ target letter two

years ago, yet he was allowed to continue to serve as Thompson's designated reviewer for those two years despite his ethical cloud, despite his ideological, ACLU activist bias against Thompson, and despite the federal government's conclusion that Kuehne could not be trusted in a legal situation in which money was at stake.

The Bar's pursuit of Thompson herein has been at the behest of wealthy corporations who used the disciplinary process overseen by Kuehne not to protect the public but to protect their criminal distribution of porn to children.

All attempts by Thompson to remove Kuehne from this case were thwarted by The Bar, but now it has suddenly awakened to the ethics problem of having Kuehne on the Board of Governors? This conscience-driven move by The Bar is too late to give Thompson an uncompromised designated reviewer. Kuehne's damage has been done to Thompson, which was The Bar's plan from the get-go.

Kuehne should have been off this case for his left-wing ideological extremism on the very issues that have animated Thompson's social activism and have led to his being targeted by wealthy, influence-peddling entertainment companies. Who knows how far lobbyists/Bar complainants Tew Cardenas and Blank Rome have gone to influence Kuehne? Referee Tunis would not even execute a subpoena Thompson submitted to her so that he could ask Kuehne about this prior to his trial. Referee Tunis broke the law in this regard, ignoring the Rules of Civil Procedure, in order to protect The Bar and protect the now indicted Kuehne. Tunis denied Thompson ALL discovery in these and other regards. This court has been told that repeatedly, and this court has not cared. Maybe now with this indictment it will care that the referee herein has consistently acted to protect Kuehne even from *questions* by Thompson.

**But it gets worse. We now find that Tunis has herself received money from Kuehne, and on the eve of Thompson's Bar trial:**

Shortly after Dava Tunis was appointed referee in this matter in January 2007, she was told by Thompson of Bar Governor Ben Kuehne's involvement in this case, which he first pointed out was improper because of the ideological bias of Kuehne and then was compounded by the DOJ target letter. Tunis could not have cared less.

Months before October 2007, Dava Tunis was notified in open court and in writing by Thompson that Bar Governor Ben Kuehne had received a target letter from the Department of Justice for his alleged illegal involvement in money laundering. Thompson had met with DOJ officials, one of whom is John Sellers, whose business card is immediately below:



UNITED STATES DEPARTMENT OF JUSTICE  
ASSET FORFEITURE AND MONEY LAUNDERING SECTION

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Prior to the handing down of Kuehne's indictment yesterday, Thompson in December 2007 formally asked, by pleading, Dava Tunis to disclose *all of her ties* to anyone who might have any ties to her in any fashion whatsoever which might

conceivably impact her impartiality or lack thereof. The bias she displayed at the trial of Thompson was extreme and was coming from somewhere. For example, both she and her husband have a long relationship with Ken Marvin, now Director of Lawyer Regulation for The Bar.

Tunis *refused* to disclose such information, despite the clear requirement of the law that she do just that. Dava Tunis utterly ignored this written request by Thompson, treating it as if it were a tissue blowing across a windy parking lot.

Thompson yesterday, the very day that Ben Kuehne's federal indictment was unsealed, went to the web site for the Florida Secretary of State and looked at Dava Tunis' campaign contributors.

He finds that on October 11, 2007, six weeks before the commencement of Thompson's bar trial before Tunis, Ben Kuehne gave a campaign contribution check to Dava Tunis. It amounts to a *de facto* "thank you" to Tunis for facilitating The Bar's assault upon Thompson's constitutional rights and a reminder to Tunis who her "friends" are, in this instance the one person who engineered for The Bar is assault upon Thompson presided over by her. Any sane and fair judge would have immediately given back the contribution given the pendency of this matter before her. But she did not. She wanted the money more than an appearance of propriety.

This court should be reminded of its own history as to how money was perceived to taint its operation. This court went from election of its justices to appointment and merit retention because, as the court points out at its own web site "Lawyers who had matters before the court had donated money to the Justices' campaigns."

Dava Tunis must immediately recuse herself from this case. This is not an ordinary contribution from an ordinary lawyer that impacts an ordinary case. This was a campaign contribution by the key Bar functionary in this case to the very referee who knew Ben Kuehne's fingerprints were all over this highly politicized, ideological case.

A Bar referee, like Caesar's wife, is to be above suspicion. What Tunis has done here, in accepting and keeping the money of someone she knew was about to be indicted by the federal government for money laundering puts her below contempt. It makes her a compensated collaborator in The Bar's criminal assault upon Thompson's constitutional rights.

WHEREFORE, this court must issue a writ of prohibition removing Tunis from this case or a writ of mandamus a) dismissing the charges herein or b) ordering *de novo* disciplinary proceedings against Thompson untainted by Ben Kuehne's influence.

I HEREBY CERTIFY that this has been provided this February 8, 2008, to John Harkness, Executive Director of The Florida Bar, to Circuit Court Judge Dava J. Tunis, to Bar staff counsel Sheila Tuma, to Kenneth Marvin, Director of Lawyer Regulation for The Bar, and to all Bar Governors as well as to Bar President Frank Angones.

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