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 VERIFIED MOTION FOR STAY OF THESE PROCEEDINGS

COMES NOW respondent Thompson, and moves this court for a stay of these proceedings, and as grounds therefor states:

THE SHOW CAUSE ORDER IN *CONWAY*

This court in *Bar v. Conway,* Case No. SC 08 – 326, has entered a show cause order asking both parties thereto to explain to the court, in effect, why the First Amendment to the United States Constitution does not protect a lawyer's criticisms of certain judicial processes.

In *Conway,* that respondent Broward County attorney called a sitting judge an "evil "witch" and suggested she is "mentally ill." Despite these personal attacks, this court has asserted, correctly, in its show cause order entered June 23, 2008, "that attorneys' comments 'play an important role in exposing valid problems within the judicial system.'"

Unlike Conway, the undersigned has never engaged in any such derogatory communications about judges. He has addressed only their judicial failures in proceedings. However, Thompson has nevertheless been charged and convicted by The Bar (if one reads Referee Tunis' improperly leaked to the media "Findings") with

violations of Rule 4-2(a) despite his never having made comments that could be fairly construed to be statements regarding the "integrity or qualifications of a judge."

In short, The Bar knows that Thompson has never even done what Conway has done, and yet The Bar wants a ten-year disbarment of Thompson for his speech which is even more clearly protected by the First Amendment (as will be seen below) than is Conway's.

Thus, if Mr. Conway is entitled to a Supreme Court assessment of his conduct in light of the First Amendment, then Thompson is entitled now to the same. A stay of these proceedings pending this court's First Amendment analysis (in light of *Ray* and other authorities) of Rule 4-2(a) as to comments by lawyers about judges and their procedures should be granted on that basis alone. However, the First Amendment protection of Thompson from such Bar harassment is even more compelling, to-wit:

A LAWYER'S WARNING OF A PUBLIC SAFETY DANGER THROUGH THE NEWS MEDIA ENJOYS AN EVEN HIGHER RUNG OF FIRST AMENDMENT PROTECTION THAN BRANDING JUDGES "WITCHES" AND MENTALLY ILL

If Conway has a possible First Amendment right to ridicule a judge as a "witch" and as mentally ill, then Thompson's alleged Rule 4-8.4(d) violations enjoy an even higher rung of First Amendment protection. More specifically, The Florida Bar since August 2004 has been prosecuting Thompson for statements to the public, through the news media, that there is a public safety hazard caused by the dissemination of pornographic and violent adult and adult-rated entertainment to minors.

Does Thompson have a "reasonable basis" for issuing such warnings? How about the official findings of the American Psychological Association, the testimony to Congress of the heads of six major health care organizations, the peer-reviewed brain

scan studies of youths consuming violent entertainment at Harvard, Indiana, and Michigan State Universities, and the majority opinion of US Supreme Court Justice Kennedy in *Roper v. Simmons* striking down the juvenile death penalty on the basis of brain scan studies showing kids process violent material differently.

Clearly such fact-based public pronouncements by Thompson are First Amendment speech, even if they anger the two law firms, Tew Cardenas and Blank Rome, that have filed the two core SLAPP Bar complaints that seek to punish Thompson for these public pronouncements. Thompson does not exaggerate and does not mislead this court when he states, categorically, that because these two law firms could not possibly rebut what Thompson has said in the public square about their products, even by a libel action, they have enlisted the aid of The Florida Bar to bring protracted Bar complaints against Thompson to try to destroy his public career and effectiveness. The fact that Thompson wrote a fully-vetted book about this Bar assault upon Thompson by the entertainment industry, Tyndale House's *Out of Harm's Way*, has infuriated The Bar and its Board of Governors to pursue this regulatory vendetta wedded to private sector commercial extortion.

Additionally, this Supreme Court has clearly ruled in *Bar v. Brake*, 767 So.2d 1163 (Fla. 2000) that Rule 4-8.4(d) ***cannot*** be used by The Bar to prosecute a lawyer for actions in which he has no client and is thus not engaged in the "practice of law." The vast bulk of what The Bar seeks to punish Thompson for is for conduct in which Thompson engaged as a social activist appearing in the national media attempting to alert the nation to a public safety hazard. He had no clients in this, and thus *Brake* bars a

disciplinary proceeding in these regards! Referee Tunis, below, would not even rule on this issue.

Remarkably, for example, The Florida Bar is prosecuting Thompson for his March 2005 appearance on CBS' *60 Minutes* made at the request of the now late Ed Bradley, because Thompson had appeared on *60 Minutes* six years earlier the Sunday after "Columbine" because Thompson then, back in April 1999, had predicted on NBC's *Today* show "Columbine" a week before it had happened, even identifying the specific movie and violent video game that Klebold and Harris said inspired them to kill.

The Florida Bar presently asserts, and Referee Tunis has found Thompson guilty, of improperly trying to influence an adjudicative proceeding (Rule 4-8.4(d)) in going on *60 Minutes* to warn the public about the cop-killing *Grand Theft Auto* games! Blank Rome, whose Ian Comiskey sits on The Bar's Board of Governors, convinced The Bar and Referee Tunis that *the sole reason* the undersigned responded affirmatively to Ed Bradley's personal request to appear again on *60 Minutes* was to try to rig the deliberations in a jury trial in Alabama. Think about that for a second.

This is a case that is still not noticed for trial. The Alabama Bar Rule that Thompson is alleged to have violated while admitted *pro hac vice* in Alabama allows even record counsel in *criminal proceedings* to convey to the public, through the media, public safety hazards highlighted in a case in which the jury has already been impaneled. If a record criminal defense attorney has a First Amendment right in the midst of a criminal trial, then surely Thompson, a civil attorney, has a First Amendment right to talk to *60 Minutes* about a public safety matter. To buy into The Bar's notion that Thompson is trying to rig a civil case by going on *60 Minutes*, one would have to conclude that

Thompson's appearances on more than 200 national and international television programs, including *Today* eight times, CNN 20 times, ABC's *Nightline* twice, *Oprah*, the Fox News Channel after the Virginia Tech-video game inspired school shooting, the BBC, on close to a thousand radio programs, and more than 250 college campuses is all done by Thompson to try and rig civil court cases by messing with juries that don't even exist!

Thompson is called by the video game industry a "massacre chaser," when in fact Thompson has been merciless in trying to prevent massacres, as indicated by the below motion capture of Thompson's recent appearance on the Fox News Channel about a school shooting in which Thompson had and has no litigative interest:

Thompson has been targeted by the video game industry, through The Bar, because it wants to continue to sell adult-rated games to kids, despite the heightened likelihood that kids, as opposed to adults, will copycat the violent behaviors therein, ***and*** because Thompson, for better or for worse, has become the most visible critic of this

dangerous practice. A recent market analysis reveals that Thompson, because of his relentless and successful activism on this issue, has a name recognition factor three times that of any other person having anything to do with the video game industry. More importantly, 65% of the American people, in a recent national poll, want Congress to pass a law to stop the sale of adult games to kids.

Thompson wants nobody's thanks for this, but what he has gotten is outlandish, thuggish Bar complaints built on a tissue of lies, seeking to destroy him because he is, in a word, dangerous not to the public but to a reckless industry.

It is important to note that the ringleaders of this effort, at least outside the Bar, are the lawyers at Blank Rome. This firm is the official registered lobbyist for Take-Two, the makers of the most violent games in the world, in both the US House and US Senate.

There is no gag rule prohibiting lawyers' comments about civil matters and issues involved therein for a reason, which is precisely why the Alabama judge specifically gave Thompson permission to talk to *60 Minutes!* Nevertheless, The Bar and Blank Rome are now seeking a ten-year disbarment of Thompson for talking to *60 Minutes*, despite the First Amendment and despite the trial judge's permission.

THOMPSON'S DISBARMENT FOR "PETITIONING THE GOVERNMENT"

It is axiomatic that the highest rung of First Amendment protection is for any citizen's speech "petitioning the government for a redress of grievances." Those words are right in the Amendment. Nevertheless, The Florida Bar has been prosecuting Thompson for just such "petition speech" for forty-six (46) months. In August 2004, Thompson wrote a letter to the FCC complaining about the illegal content of the *Howard Stern Show*. The FCC has vindicated Thompson's concerns by handing down $4 million

in decency fines against the *Howard Stern Show* in formal actions in which Thompson has been a formal participant. This vindication should have ended the matter.

Instead, The Bar believes such citizen-to-government communications can give rise to a ten-year disbarment for Thompson! The Bar clearly has a "Jack Thompson Rule" in part because he did not fold the way Sean Conway did and which Conway's own attorney, Fred Haddad, did not want him to do.

Al Cardenas, now a lobbyist partner in SLAPP Bar complainant Tew Cardenas and formerly the Florida GOP Chairman, filed his Bar complaint against Thompson ***because Thompson wrote a letter to his friend and recipient of huge campaign cash bundling, Governor Jeb Bush, complaining to Bush that his GOP "Family Values" friend, Cardenas, was using his law firm to front for and protect Howard Stern's criminal distribution of adult porn to children***.

When Thompson asked Cardenas on the stand at Thompson's nine-day Bar trial why Cardenas did not bring a libel action against Thompson if anything Thompson said to Bush and to the FCC was not true, Mr. Cardenas had no answer. Thus, The Bar has turned Thompson's ***petitioning*** of the state and federal government into a criminal libel action which the complainant himself did not privately bring. Cardenas asked The Bar to do what he was afraid to do on his own. This is an outlandish subversion of the First Amendment at Thompson's expense that makes Mr. Conway's suffering appear minuscule by comparison.

Why is Thompson now bothering this court? Because Thompson asked to present his First Amendment defenses to the Grievance Committee. He was denied that opportunity. He then, three years ago, asked to present his First Amendment defenses to

the Board of Governors. He was repeatedly denied that written request. When Thompson then sought federal relief for that denial, Barry Richard of Greenberg Traurig trotted out to US District Court Judge Adalberto Jordan the Middle District of Florida case of *Mason v. Florida Bar* which ***holds that federal courts must abstain from hearing First Amendment defenses of Florida Bar lawyers because such lawyers have an absolute right to appear before the Florida Bar's Board of Governors to present those defenses***. "Abstention" was then obtained by Mr. Richard for his client, The Bar, on the basis of *Mason*, and Thompson's federal suit was dismissed on the basis of Thompson's right to appear before the Governors.

When Thompson then went to Bar President Angones, prior to Thompson's trial, after that dismissal, and asked, of course, for his audience with the Governors, which M.r Richard told the federal court Thompson had a "right" to, Mr. Angones wrote back and said "You have no legal right to appear before the Governors with your First Amendment defenses." This was bait and switch. It was fraud, which then melded with criminal activity in retaliation for seeking this federal redress when Bar Governor Steve Chaykin went from a demand for a 90-day suspension to a three-year suspension solely because Thompson had sought federal relief under *Mason* and other First Amendment authority!

IT IS A CRIME TO EHANCE PUNISHMENT OF LITIGANT WHO SEEKS JUDICIAL RELIEF. STEVE CHAYKIN SHOULD BE ARRESTED AND PROSECUTED FOR THIS, and yet Thompson is the one who is facing a ten-year disbarment just because one man, Steve Chaykin, with his bizarre gay rights agenda, wants it.

FIEGER V. MICHIGAN SUPREME COURT

The US District Court in the Eastern Michigan District held that the celebrated personal injury lawyer Geoffrey Fieger had a First Amendment right to call his state's Supreme Court Justices "monkeys" and "Nazis." This Florida Supreme Court cannot possibly analyze what the Florida Bar can and cannot do in the face of the First Amendment without reviewing *Fieger*.

US District Court Judge Tarnow points out in *Fieger* that the involvement of the actual lawyer in the actual cases that has given rise to such vitriolic speech has *more* of a First Amendment right to utter such expletives about judges than that the right of someone like Sean Conway who simply took a "cheap shot" at a judge at a blog as a bystander. Does Conway have such a right? Yes, but it is on a rung of First Amendment protection lower than that occupied by Fieger and Thompson. Yet, who is facing disbarment? Not Fieger. The federal court exonerated him and did not abstain because there was no Greenberg Traurig representation to Judge Tarnow to deal with. Is Mr. Conway facing disbarment? No, he agreed to a reprimand. Thompson is the one who truly needs relief in the form of a stay until this court sorts this all out.

Thompson's status is identical to Fieger's, in that Thompson was actually involved in the case in which Alabama attorney Clatus Junkin claimed he could fix a case before Alabama Circuit Judge James Moore. Thompson went to Moore and to the local district attorney, and what did Moore do to "thank" this whistle-blower? He filed a Florida Bar complaint against him for doing what Thompson had to do—report the violation of a specific Alabama Bar Rule that Florida also has prohibiting any assertion by a lawyer that he can improperly influence a judge.

Thus, The Florida Bar now seeks to disbar Thompson for this "petition speech" that is clearly protected by the First Amendment. The Bar has this entire First Amendment issue upside-down: It seeks to punish lawyers who are doing a better job of protecting "judicial independence" and "judicial integrity" than The Bar is. A Bar can't claim to care about either if it seeks disbarment of lawyers who take the judiciary and its duties seriously. Conway's criticisms were in effect validated by the JQC. This obviously concerns the Supreme Court. But Thompson went Conway one better. Twice now the Third DCA has reversed Ron Friedman for doing PRECISELY to other litigants what he recklessly, foolishly, and unethically did to Thompson. What did Thompson get in return? A Bar complaint from Judge Friemdan which he wouldn't even sign and swear to!

THE BAR IS PROSECUTING THOMPSON FOR THE "UNLICENSED PRACTICE OF LAW" IN RETALIATION FOR HIS FIRST AMENDMENT SPEECH

What follows is possibly the most bizarre of all of the infringements by The Bar of Thompson's First Amendment rights, which this court indicates by its show cause order in *Conway*, it is possibly sensitive to. With apologies for the common parlance, get a load of this:

Thompson had what amounted to a *faux* "mediation" with The Bar to settle this entire dispute in the spring of 2007. The Bar's prosecutor, Sheila Tuma, showed up at the mediation with no representative of The Bar, which violated the terms of the mediation. She then proceeded to tell Thompson that Bar Governor Steve Chaykin wanted a coerced mental health exam to settle these matters. If that is not an assault upon Thompson's First Amendment activism, then there is no such thing as an infringement of the First Amendment. But wait, it gets worse:

Ms. Tuma then announced at this "mediation" which was intended to at least try to settle this dispute, that The Bar had ***a new Bar complaint*** from Blank Rome, the lawyers for the company, Take-Two, that makes and markets the *Grand Theft Auto* Mature-rated video games to children and for whom they are lobbyists on Capitol Hill.

Blank Rome had provided to The Bar a letter Thompson had written to a prosecutor and the public defender in Ohio who were involved in a nationally-reported case in which a 13-year-old boy had committed more than 100 crimes, inspired to do so, both the prosecutor and the public defender concluded, by his immersion in the *Grand Theft Auto* video game. Thompson simply wrote these two public officials and alerted them to the fact that there is a substantial body of medical, scientific, and psychological evidence, from places such as Harvard, that explains this copycat phenomenon, and Thompson offered these two government employees the hard evidence if they wanted it.

The Bar's assertion then and now is, if you can believe it, that writing such a letter, identifying oneself as only as a Florida lawyer, never asserting that he, Thompson, had a client in this situation, and offering to provide experts to these government officials was in fact ***the unlicensed practice of law in Ohio!*** This is not just silly; it is mendacious at best and insane at worst.

This is clearly "petition speech" protected by the First Amendment, and The Bar's harassment this very day, today, with this new "Blank Rome complaint" is an attempt by The Bar to shred both Thompson's career and more importantly the First Amendment rights of us all. The Bar scuttled the possible settlement by saying that unless Thompson agreed to a long-term suspension involving a guilty plea to this "unlicensed practice of law" charge, then there could be no settlement. The Bar was clearly taking its marching

orders from Blank Rome, which did not want anything but a total annihilation of Thompson's legal career.

THIS WEEK'S CRIME SPREE ON LONG ISLAND THAT THOMPSON PREDICTED

Finally, we come to what precipitates this verified supplement to Thompson's already filed motion for a stay of these proceedings in light of this court's show cause order in *Conway*:

Two days ago, an impromptu gang of teens went on a crime spree on Long Island, New York. Thompson has been correctly warning for years that video game copycat events like this are growing in frequency, and that the *Grand Theft Auto* games are the primary primers of this random teen violence. Such events have been the school massacre in Red Lake, Minnesota, to the beheading of Jamie Gogh in his Miami Middle School. Thompson could provide this court with a hundred news releases he has written both predicting these tragic events before they occurred and then proving the link to the *Grand Theft Auto* games after they occurred.

Because Thompson has been so often bang-on in his predictions, the Blank Rome law firm hatched a plan to use Florida Bar complaints to destroy Thompson's law career, thus his reputation, and thus his ability as a latter-day Paul Revere to warn the American people that the "Mayhem Is Coming." This assault through The Bar began the instant Thompson appeared on *60 Minutes*. It intensified after Thompson worked with Senator Clinton on the subject, specifically as to the *Grand Theft Auto* games and the embedding of oral and anal sex scenes in the *Grand Theft Auto: San Andreas* game sold to tens of thousands of minors. Because Senator Clinton believed Thompson, she was proven right,

and this resulted in a worldwide recall of the game and the loss of hundreds of millions of dollars by Take-Two.

The “shoot the messenger through The Bar” strategy was fully implemented after Thompson was the subject of an original article in *Reader’s Digest* about this problem. And this assault on the First Amendment of us all found a willing accomplice in a Florida Bar which had been bested by Thompson back in 1991 when it tried this SLAPP-happy nonsense the first time at the behest of the shock radio industry.

Look at what Thompson has predicted and has now become shockingly true on Long Island this week. This, below, was on the front page of the *New York Post* yesterday, just as it has engulfed the electronic media in New York this day:

VIDEO VILLAINS COME TO LIFE

COPS: GTA4 INSPIRED CRIME SPREE

By KIERAN CROWLEY

http://www.nypost.com/seven/06262008/news/regionalnews/video_villains_come_to_life_117336.htm

An image from Grand Theft Auto IV

PREVIOUS NEXT

Last updated: 5:06 pm

June 26, 2008

A gang of six teens decided to take Grand Theft Auto IV from the television screens to the streets of Long Island, with a two-hour crime spree meant to copy the game's violent hero, cops said.

The game-crazed youth's real-life robbery romp featured such staples of the mega-popular game as a mugging, several break-ins and an attempted car-jacking at an intersection in tony Garden City, police said.

"They decided they were going to go out to commit robberies and emulate the [lead] character Nico Belic in the particularly violent video game Grand Theft Auto,' said Nassau County Police Detective Lt. Raymond Cote. "These teens have difficulty separating fact from fiction, fantasy from reality . . . It was quite alarming.'

The rampage started at 11:30 p.m. Tuesday, when four of the teenagers - Brandon Cruz, 15, Gurnoor Singh, 14, Samuel Philip, 16, and Jaspreet Singh,

17, - were sitting in Memorial Park in New Hyde Park looking for something to do, cops said.

Cops said that they decided to act out the game, in which players live out the life a Belic, an Eastern European criminal who uses murder and robbery to rise to the top of the underworld in "Liberty City,' which bears a close similarity of New York City.

"They were bored and they decided this was a good idea,' Cote said.

According to cops, the boys first mugged a man at a bus stop near the park, beat him and knocked out some teeth. They then broke into some sheds and garages, stole some bats and crowbars and met up with a few more teens to continue the spree.

The six then attempted to stage some carjackings in Garden City. But it was game over when one of their would-be victims - a 23-year-old woman in a 2008 BMW - called the cops, who quickly arrested them.

All four of the original teen plotters were arrested, along with the two youths who joined them, Stephen Attard, 18, of New Hyde Park and Dylan Laird, 17, who was visiting Long Island from Southborough, Mass. They were all charged with first-degree robbery, except for Jaspreet Singh, who was charged with possession of stolen property. The other charges were pending.

Police would not say specifically how they knew that the teens crimes were motivated by Grand Theft Auto, and not by some other motive. They said they discovered it during their investigation.

Thompson will not burden this busy court with the scores of letters that Thompson has written to countless public officials warning that kids as young as fourteen years of age (see Gurnor Singh, aged 14, above) have been getting their hands on the *Grand Theft Auto IV* video game, rehearsing peculiar acts of violence, and acting them out. Thompson's own 15-year-old son did a sting on the Dadeland Best Buy months ago to prove the point. Thompson's own minor son has more concern about public safety than the entire Board of Governors of The Florida Bar. They ride through "bad" and good neighborhoods in their BMW's, mindless that with a nation of teen boys primed to

act out violence they have rehearsed that in fact there is "no place to hide." In Nassau County, these thugs did their impromptu mayhem in "toney" neighborhoods. Referee Dava Tunis thinks she is safe and secure from such random acts of violence living in her toney home on Key Biscayne. She is deluded not only about the First Amendment but about her own lack of safety. Thompson is more concerned about it than she is. She is thus foolish, and for that Thompson is to be punished.

Blank Rome based its Florida Bar complaint on Thompson's letters warning of the danger and complaining about the extortion of him for sounding the alarm. The Florida Bar now has the utter gall and temerity to seek the disbarment of Thompson for daring to defend himself in court pleadings from this fascistic assault upon his rights which Blank Rome began in that same court file. So Thompson, according to this Bar, not only has no right to warn the American people, but he has NO RIGHT to defend that right. These are the "goose-stepping brigades" of this integrated state bar that Justice Douglas warned about. This court is *offended* by a picture pleading that displayed an image of those goose-stepping brigades because it has been so blind that it will not see. Would that this court might be more offended by the brigades themselves and that if Thompson does down, then the First Amendment rights of all lawyers in this state, even those of the cheap shot artist Sean Conway, go down as well.

Because rather than The Bar's proving Thompson to be a danger to the public, which is what Bar Rules are supposed to address, Thompson has proven himself to be a danger to Blank Rome, a danger to Take-Two which makes these cop-killing, prostitute bashing murder simulation games, and a friend to law enforcement and innocent citizens everywhere. The National Organization for Women fetes and thanks Thompson for his

activism against these female-killing simulators. The Florida Bar, which is supposed to stand for "diversity" seeks to destroy the First Amendment rights of a man who is trying to protect women as a class of citizens. Go figure.

In the name of God, if Sean Conway may have a First Amendment right to call a sitting judge a witch and mentally ill, Thompson has a right, under the First Amendment, to warn citizens of a public safety hazard that now the police themselves not only understand but are willing to publicly identify and prove.

In an act of serendipity that maybe only a person broken by a Bar can appreciate, while typing these very words, Thompson received a phone call from the reporter who wrote the above *New York Post* article because he is going to the acquaintances of these Mini-Manchurian Candidate lost boys to establish further the video game link. "Will you be available to talk to me afterwards, Mr. Thompson?" asks Mr. Crowley. Answer: "Not if Blank Rome and The Florida Bar have anything to say about it." These people, The Bar included, couldn't care less about the loss of human life. On May 15, when Thompson met with the Chairman of Take-Two in a condo on Central Park West, Strauss Zelnick snarled at Thompson and threatened, ***We brought Bar complaints because we have declared war upon you Mr. Thompson. We will do whatever it takes to continue to sell these products to whomever we want.***

Thompson has been a decade ahead of the disastrous curve that we are now on as we reap the whirlwind that The Florida Bar and its porn-to-kids collaborators have helped sow.

At Thompson's Bar trial, Thompson tried to assert his First Amendment defense to the Referee. Dava Tunis, put on the bench by a Bush, presiding over a disciplinary

case brought by the two largest Jeb/George Bush campaign cash donors in American history, would not allow Thompson to argue those First Amendment defenses.

She went beyond even that denial. She branded Thompson from her bench a "propagandist" and a mere petty "culture warrior." She then refused to recuse herself from the proceedings in the aftermath of these outlandish comments, even though the law in Florida is clear: She had to recuse herself upon receiving such a motion to recuse. She now refuses to produce e-mails as to her communications with third parties about Thompson. She is in open defiance of Florida's Public Records Law. I'm sorry, but if this court does not need a picture pleading to connect the dots and sound the alarm that we have a First Amendment problem here, then what is it going to take to rouse this court if not that? Annihilation of this Bar in federal court? Thompson, though reluctant is happy to oblige. This court's threats of contempt simply compound the problem for it and The Bar, not for Thompson.

When Thompson brought to this court's attention the refusal of Tunis even to entertain his First Amendment defenses and to even hear his recusal motions, this court, in what appears to be an attempt to insulate itself from its duty to "oversee The Florida Bar," *actually entered an order telling Thompson just to take it up with Referee Tunis.* This is arguably the greatest judicial *non sequitur* has ever seen. And now that this court and this Bar have totally ignored what was going on herein to shred the First Amendment, it now, in a perceived panic, opens the case of Sean Conway, and not even upon Conway's request. Conway's problem pales in comparison to the one posed by Thompson's case, and it is clear to all who look at this situation that it is not *Conway* that troubles this court. It is *Bar v. Thompson.* For it is Thompson who is prepared to do

something about this shredding of the First Amendment, because what this Bar and this court have done to Thompson is a hundred times worse than what it has done to Conway. The happy news is that Thompson, and this court, can lead us all out of this swamp in which the First Amendment is being chomped into bits by The Bar's crazed gators.

Put another way, this court cannot express a concern about the "rights" of Sean Conway to take a cheap pot shot at a judge with Thompson's right to warn the American people to danger. A stay must be had herein.

If this court, with all respect, does not grant this stay moved for by the undersigned, in light of the First Amendment issues involved in this Bar's attempt to punish constitutionally-protected speech, then the door will be flung wide open to Thompson ***NOW*** to proceed in federal court against The Bar and this court. If a stay is not granted to Thompson now, in light of the above, then this Supreme Court will be unable, with a straight face on Barry Richard or on anyone else, to say to any federal court that Jack Thompson has "an adequate state remedy" for The Bar's and this court's First Amendment deprivations are ongoing, peculiar, consequential, and criminal.

This court has even gone so far as to threaten Thompson with criminal contempt for filing a pleading such as this stay motion. This judicial threat is itself prohibited not only by the First Amendment but by an application and prosecution of federal ***criminal*** civil rights laws that apply to state judicial officers who enjoy absolutely no immunity in making such threats. Thompson has already asked the Justice Department to act.

Thompson could go on. If he did so he would be accused by this court of being "rambling," when in fact he is simply trying to be thorough. The First Amendment is a big notion. It take time to elucidate. It is the cornerstone of our Republic. Thompson

has amendmentone@comcast.net as his e-mail address for a reason. Blank Rome's video game client identifies Thompson at its www.rockstargames.com site as a bisexual pedophile for a reason. Tew Cardenas lawyers Kellogg and Cardenas have committed perjury, known to be perjury by The Bar, for a reason. The reason is that The Bar and these entertainment industry lobbyists and lawyers fear the truth in the hands of those who would protect innocent women and children from harm. These fascist thugs, who seek to wed government to industry, are afraid of Thompson. They are afraid of the truth, and as cowards always do, they ask others to do their dirty work for them.

Al Cardenas once got drunk and ran over a bicyclist and fled the scene. This Bar complaint assault upon Thompson's rights is jus the latest hit-and-run by a lawyer who couldn't litigate his way out of parking ticket.

The single greatest disappointment in the undersigned's professional career is not that The Bar and these porn-to-kids merchants would do what they have tried to do to him. That does not surprise him. Jesus said, "The world hates you because it first hated me." The undersigned follows Jesus.

What disappoints Thompson to the marrow of his bones is the fact that this High Court has for four years heard Thompson's plaintive pleas for help, and yet it has turned a deaf ear. The Justices on this court are supposed to be role models for us all.

Justice Bell came to his position on this court proclaiming the need of lawyers to act upon the guidance of God. Forrest Gump would say to Justice Bell, "Righteous is as righteous does." This same Justice Bell, a man of God, has turned a deaf ear to the undersigned's years-long plea that somebody up on that court in Tallahassee at least give him a hearing. But, no, Thompson is not an enemy combatant in Guantanamo so he gets

no due process from a fellow Christian sitting on a court that is supposed to "oversee The Florida Bar. If that studied nonfeasance is what Christianity is supposed to about, then the undersigned will renounce his faith.

How can this court not stay these proceedings in light not only of the above but of the following from the *Preamble* to The Florida Bar's own Rules? Here is the language in our *Preamble* that, along with the First Amendment, restrains this court and this Bar:

"Many of the lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct and in substantive and procedural law. A lawyer is also guided by ***personal conscience*** and the approbation of professional peers. A lawyer's responsibilities as a representative of clients, an officer of the legal system, and a ***public citizen are usually harmonious***. Zealous advocacy is not inconsistent with justice. … In the practice of law ***conflicting responsibilities*** are often encountered. ***Difficult ethical problems may arise from a conflict between a lawyer's responsibility to a client and the lawyer's own sense of personal honor, including obligations to society*** and the legal profession. The Rules of Professional Conduct often [but not always] prescribe terms for resolving such conflicts. Within the framework of these rules, however, ***many difficult issues of professional discretion can arise***. Such issues must be resolved through the exercise of sensitive professional and ***moral judgment guided by the basic principles underlying the rules***. …The rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are ***not*** designed to be a basis for civil

liability. Furthermore, ***the purpose of the rules can be subverted when they are invoked by opposing parties as procedural weapons***. The fact that a rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does ***not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the rule***." [emphases added]

With the highest regard for what this court is *supposed* to be, which includes being a guardian of the United States Constitution, Thompson asserts that there could not be a clearer indictment of The Florida Bar for its allowing the "disciplinary machinery" to run off the rails that is found in our own *Preamble*. This Bar has allowed pornography industry lawyers to hijack the disciplinary processes as a means of "collateral" attack upon a person—a lawyer—who has acted upon his "obligations to society" as a matter of "personal honor." These quoted words are not Thompson's. They are the words in our Preamble—***our*** Preamble, not just The Bar's Preamble to be ignored and subverted, like the First Amendment, at will, as if it were toilet paper.

Thus, in conclusion, after not having provided even close to a full rendering of the four-year-long assault upon Thompson's First Amendment rights, Thompson moves this court—nay, he *begs* this court—not just for his sake but for its own, to ***stay*** these proceedings until this court engages in a long-overdue full assessment of the meaning and reach of the First Amendment when it comes to "Bar discipline." As this court knows, Thompson has applied to it to serve as an amicus curiae on these First Amendment issues in the *Conway* matter. The court could do worse; it could ask Steve Chaykin and Ben Kuehne for their opinions.

Mr. Conway, to be frank, is one of the least inconvenienced lawyers in the state by all of this nonsense. He has suffered, but hardly. Thompson is facing a ten-year-disbarment at the hands of an oathless referee ***who refuses him even a hearing*** on the very issues that are before this court by its own hand. Thompson faces the vocational death penalty. Why? Because, as Bar President Hank Coxe put it, of his "vitriolic" speech which even Barry Richard told Thompson was protected by the First Amendment.

Thomas Paine was "vitriolic." Winston Church was "vitriolic" when it came to the harm that thugs brought to bring to British children. Jesus himself was "vitiriolic" when calling out the Pharisees as "hypocrites, liars, and vipers." The Bar is people with the newest version of the Pharisees. They have "Rules" that subvert the purpose of the Rules themselves. They seek "judicial integrity" with no judicial accountability. They seek to vocationally crucify anyone who has a First Amendment protected view that he dares express. Who died and made these people the Thought Police? Is this court going to let this go on until the public totally disrespects our profession? The problem is not Thompson. The problem is a Bar that neither takes oaths to the Constitution nor believes in the Constitution. And it shows.

With all respect, either this court will either temporarily stay The Bar's ongoing criminal persecution of Thompson and its assault on his First Amendment rights, or a federal court will. There is no "state remedy" available to Thompson if this stay is not granted now by the Supreme Court of Florida. Thompson suggests that this Supreme Court should at least look after its own best interests. They do not lie in a knowing assault upon any lawyer's rights under the First Amendment. Enter the stay.

As a last minute addition to this supplemental request for a stay, Thompson attaches Exhibit A hereto, which is a request by Thompson to his Bar prosecutor, Sheila Tuma, for just one instance of his every questioning the "integrity or qualifications" of a judge. Just one instance. And if she manages to come up with one that she thinks fairly described such a pronouncement, Thompson asks for proof that he, Thompson, had no "reasonable basis" for making such an assertion. Ms. Tuma is unable to come up with that either.

So, as to Sean Conway, he indeed went down that road in part. The JQC's findings as to Judge Aleman seem to indicate he had a basis for saying about her what he wrote. But The Bar, as to Thompson, has simply made up out of whole cloth this assertion that Thompson has violated Bar Rule 4-2(a) by questioning the fairness and integrity of a judge and with no reasonable basis therefore.

The Bar had no proof of that going into trial. The Bar put on no evidence at trial to that effect, and it has no evidence still. Five o'clock will come and go and Ms. Tuma will be proven again to be what she is—a liar.

I SOLEMNLY SWEAR, UNDER PENALTY OF PERJURY, THAT THE FOREGOING FACTS ARE TRUE, CORRECT, AND COMPLETE, SO HELP ME GOD.

I HEREBY CERTIFY that I have provided this to The Florida Bar, 1200 Edgewater Drive, Orlando, Florida, June 27, 2008.

John B. Thompson, Attorney, Respondent
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