

IN THE SUPREME COURT OF FLORIDA

IN RE: REINSTATEMENT OF JOHN B. THOMPSON, FLORIDA BAR #231665

VERIFIED PETITION

COMES NOW JOHN B. THOMPSON, petitioner (hereinafter Thompson) and petitions this court for reinstatement as a member of The Florida Bar, pursuant to Florida Bar Rule 3-7.10, stating:

DISCLOSURE OF DATA AND FACTS MANDATED BY RULE 3-7.10

Thompson is 58 years of age, living at his only residence at 5721 Riviera Drive, Coral Gables, Florida 33146, and married to the same wonderful woman for 33 years, with one teenaged son.

The names and addresses of all participants, including witnesses, are already in the possession of The Bar and this court, per the \$22,000 transcript of proceedings Thompson was compelled, by this court's order, to pay for.

Since being disbarred, Thompson has been paid as a journalist for *Human Events* and a guest lecturer and debater on First Amendment issues. His pay for these activities has been minimal. His law practice has been destroyed, of course. As to the details of his financial obligations, it is none of this court's business. They are totally irrelevant to these proceedings. Thompson and his wife's lone debt is what remains of their mortgage on their house they bought in 1990.

There has been no restitution paid to anyone by Thompson because nobody was harmed by what Thompson did. No client complained. No member of the public complained. The only alleged humans who complained were lawyers for the porn-to-kids industry because Thompson had out-litigated them. They brought Bar complaints as

a means of collateral attack, which is expressly prohibited by the Preamble to our Florida Bar Rules.

When Thompson at the very outset of these proceedings asked The Bar to explain what “harm has been done to anyone,” The Bar answered, “That calls for a legal conclusion.” The Bar Referee did not order an answer, even though the question called for facts. No restitution has been paid because there was no harm, just good, resulting from Thompson’s faith-based activism in the public square to protect children from adult-rated porn.

There has been no disposition of any criminal proceedings against Thompson, because there were none. Thompson was never charged with a crime, nor could he have been. Lawyers, in this state, on the other hand, like Barry Kutun, who were found by authorities to have paid a minor to have sex with him, received a mere suspension from the practice of law. Thompson was “permanently disbarred” for protecting children from the likes of Barry Kutun.

The only “license” Thompson has sought since his disbarment was renewal of his Florida Driver’s License.

Continuing with answers to the multiple questions posed by Rule 3-7.10, Thompson has not been charged with fraud since he was disbarred. He has lately asserted fraud by Bar officials, however, in pending federal court proceedings.

There are two federal lawsuits pending, Thompson v. The Bar, US District Court, Southern District of Florida, Case No. 09-20327. The other will be noted, *infra*.

In further compliance with Rule 3-7.10, Thompson has continued to appear on national television programs regarding the public safety hazards caused by marketing and

selling adult-rated entertainment to minors. It was his appearance on *60 Minutes* in March 2005 that prompted the video game industry to seek his disbarment to protect itself from Thompson and his utterance, also in *Reader's Digest*, of the truth about its predatory, reckless practices.

Thompson leads a weekly prison ministry in the Glades Correctional Institution, under the auspices of Coral Ridge Ministries of Ft. Lauderdale. Thompson is an ordained Elder in the Presbyterian Church in America. He knows that offends the unanimously pro-gay adoption Board of Governors of The Florida Bar that puts him “outside the core values of The Florida Bar,” as a Bar Governor framed the gay adoption issue.

Finally, Thompson is working on his second book entitled, with apologies to Willie Nelson, *Mamas, Don't Let Your Babies Grow Up to Be Judges*. This court will be acknowledged as providing the author much of his material.

THOMPSON'S ABSOLUTE RIGHT TO PROCEED *PRO SE*

On September 28, 2008, this court entered an order that “permanently disbarred without leave to apply for readmission” Thompson. See Exhibit A attached hereto.

The court, as can be seen, reiterated its earlier March 2008 order, upon pain of contempt, that Thompson shall not file any further pleadings with this court on his own behalf, including even a petition for review of the referee's report. The problem with that “sanction” (the court's term), coupled with the contempt threat, is that there is absolutely no legal authority for such a sanction. Irrefutable proof is found in the fact that The Florida Bar's Board of Governors, *after* that “sanction” was imposed, proposed a brand new Bar Rule 3-7.17 (dubbed “The Jack Thompson Rule”) which gives to this court the power to prohibit “vexatious” Bar respondents from representing themselves in Bar

proceedings and from filing pleadings with this court. Query: If this court already had the power to do that, then why did it need a new Rule? Answer: It didn't have that power, which is why it sought the new Rule.

The Bar's and this court's specific and crucial reliance upon the United States Supreme Court case of *In re McDonald*, 489 U.S. 180 (1989), which both entities claim give this court the common law power to prohibit a party from proceeding *pro se* in a bar matter, is both telling and fatal to this bizarre and contrived legal position. Why so? Because the U.S. Supreme Court in *McDonald* says just the *opposite* of what The Bar and this court claim it said.

In *McDonald*, the U.S. Supreme Court held that McDonald could *not* be prevented from filing pleadings on his own behalf. It simply ruled that because he was no longer a prison inmate, he could no longer file pleadings *in forma pauperis*, thereby avoiding, as he was trying, paying the filing fees, since he was once again a civilian able to work. The High Court said that was the only restriction—he had to pay the filing fee. Transmitted herewith is Thompson's mandated costs check for \$500.

Now, if a lawyer had miscited, intentionally, case authority as this court and The Florida Bar's lawyers both have, in misrepresenting the ruling in *McDonald*, then such unethical conduct would and should be severely punished.

Further, Florida Statute 454.18 and Article I, Section 21 absolutely guarantee the right of self-representation and full access to any court in this state to any resident. Further, the Sixth Amendment to the US Constitution guarantees that same right. See *Faretta*. This court had to fabricate the finding in *McDonald* and to ignore these legal

and constitutional strictures in order to prevent his filing of his petition for review of the referee's report.

Further, any first year law student should know that the use by any court or the threat of the use of its contempt power based upon a legal authority that is groundless renders the contempt power void. Besides, the fact that this court bitterly complained, in both its first "sanctions" order of March 20, 2008 and then in its September 28, 2008, Permanent Disbarment Order, that Thompson has dozens of times violated that "sanctions" order and that he could be held in contempt for doing so, and yet this court never proceeded with contempt reveals what this court, even in its mendacity knows: That it has absolutely no legal authority to hold Thompson in contempt for filing pleadings pro se and it did not do so because then Thompson would have the proceedings in which to prove the utter vapidness of both its "sanction" and its empty contempt threat.

Indeed, the proposal of a new Bar Rule, which hasn't even been adopted by this court yet but which was inflicted retroactively upon Thompson as if it were already a preexisting rule," violates both the state and federal constitutional provisions against ex post facto laws and bills of attainder." The Bar and this court came up with a rule, still not exacted, and then tried to apply it, after it concocted it, to a specific individual, retroactively. This is basic first-year law student stuff as to what an ex post facto law and a bill of attainder targeting one individual is. This is in the US Constitution. The Florida Supreme Court is supposed to know these things. It does know these things. Thompson, however, was a prize it simply had to have, as the following proves:

**THERE IS NO SUCH THING IN FLORIDA AS “PERMANENT DISBARMENT,”
AND THERE IS ABSOLUTELY NO LEGAL AUTHORITY TO IMPOSE IT**

Thompson is quite certain this court knows who Alan Schwartz is. He was the Chief Judge of the Third District Court of Appeal for many years, and he is now a Senior Judge on that court. He is widely known by the trial bar and bench, statewide, to be, quite likely, the brightest man ever to serve on the bench in this state, present company excluded of course. Judge Schwartz also did not suffer fools gladly, as his Third District Court of Appeal repeatedly reversed Circuit Court Judge Ron “The Terror” Friedman for the very same unethical conduct that Thompson pointed out about Friedman. Imagine that.

In recognition of his remarkable judicial wisdom and service to this state, The Honorable Alan Schwartz was appointed recently by *this Florida Supreme Court* to chair the 15-member Florida Board of Bar Examiners Character and Fitness Commission. Thompson thanks this court for that wise selection, as we are about to see why.

As a result of being “permanently disbarred,” The Florida Bar has stopped sending the undersigned his copies of *The Florida Bar News* to which he was entitled by virtue of his compulsory dues. But recently going on-line, Thompson has found that both the April 15, 2009, and June 15, 2009, editions of *The Florida Bar News*, published by The Florida Bar itself, report what Judge Schwartz and his Commission have found. Apologies are extended to this court that these Bar articles and thus exhibits contain *pictures*. Judge Schwartz and his Committee found the following to be the law:

There is no such thing as permanent disbarment in the State of Florida and no legal authority for such a punishment. Thompson

helpfully attaches as Exhibits B and C these two Bar articles proving the point. A new Rule is needed to create the sanction of permanent disbarment.

Schwartz and the Committee, as this court can see, recommend the passage of legal authority to enable such a sanction, but it never existed when Thompson was purportedly “permanently disbarred with no leave to apply for readmission.” Here we go again with this court’s penchant for unconstitutional ex post facto laws and bills of attainder. Thompson looks forward eagerly to deposing The Honorable Alan Schwartz, either in these reinstatement proceedings or in other proceedings in federal court, about all this.

This fatal error by this court would be hilarious, except that this sloppiness, wedded to bad faith, has destroyed Thompson’s legal and public career. As the court knows, the first time this court did that, back in 1992, The Bar’s insurance carrier paid Thompson money damages for the reckless, illegal acts of this very same court, which is the only payment of money damages, in the history of the United States, by a bar for the wrongful discipline of a lawyer. What this court has done again was no fluke. It was intentional, and there is no rational construct of “judicial immunity” that insulates it from liability therefor.

This second time around, The Bar prosecutor, the same Sheila Tuma who committed perjury in falsifying the Costs Affidavit by padding it with phony “taxable costs” for vacations, luxury suites for witnesses and herself, and bogus travel expenses, is supposed to know, as she is paid to know, what “sanctions” can be legally recommended by The Bar.

The Referee, the learned “Judge” Dava Tunis, who served on the bench as a result of a forged state loyalty oath which legally voids her judicial office, and who took bribes from three Bar operatives, is supposed to *know* what disciplinary sanctions she can recommend to this court to end a career. But Ms. Tunis ordered Thompson to be silent at his sanctions hearing, upon threat of contempt if he spoke, and she refused to avail herself of The Bar’s offered training sessions for new referees, which she sorely needed because she had *never* handled a Bar disciplinary matter before, let alone a complex one, save the one against Arthur Teele, who ended that Bar foray at its very inception by blowing his brains out in the lobby of *The Miami Herald*. Maybe he had to appear once before Tunis. Maybe Ms. Tunis thought that that is how *all* Bar persecutions end. Not this one. Suicide is too easy. Getting your good name back is much, much harder, as Mark Twain noted, “A lie is halfway around the world before the truth puts on its shoes.”

And last but not least, the Justices of the Florida Supreme Court, who all took an oath to uphold the laws and the constitutions of this state and nation, are *supposed* to know what those laws and constitutions allow, particularly as they contemplate ending the career of a lawyer in continuous good standing for 31 years who never had a client nor a member of the public file a Bar complaint against him.

Because there is *absolutely no authority in Florida’s Bar Rules for permanent disbarment, the Florida Constitution comes into play*. Surely this court has read it.

Article I, Section 18 provides that no “agency...shall...impose any other penalty except as provided by law.” Any such unauthorized penalty is thus a legal nullity, in this case permanent disbarment

Further, Article I, Section 17 of the state's constitution provides that in this state there shall be no "Excessive fines, cruel and unusual punishment, attainder." This Section 17 further notes that Florida agrees to be bound by U.S. Supreme Court rulings as to the federal constitution's Eighth Amendment, which similarly prohibits cruel and unusual punishment and excessive fines. This is important, because the U.S. Supreme Court has defined state disbarment proceedings as quasi-criminal and penal (criminal) in their essence and that they are forfeiture proceedings. Thus, punishment handed down for which there is no authority and which is excessive violates both the federal and state constitutions. That is precisely what happened here. It is absurd that a mere lawyer in South Florida should have to point these things out to Justices of the Florida Supreme Court.

Thompson had his ability to earn a living as well as more than \$42,000 taken from him by means of The Bar's and the Bar complainant's demonstrable, provable perjury. Bar Rule 3-7.10 invasively asks for all information as to how Thompson has spent his time since he was disbarred. Well, here it is. He has also spent his time and energy expertly refurbishing his family's 1926 Coral Gables home. Disbarment has its few benefits.

The permanent disbarment of Thompson was not authorized by Florida Bar Rules and was cruel and unusual and excessive, as to both the "license" forfeiture and the seizure of his money, under the Eighth Amendment and the parallel state constitutional provision.

As a result, the “permanent disbarment” of Thompson is a legal nullity, and he is, in fact, therefore, able to practice law with or without this court’s permission to do so. He has chosen not to do so, for now.

The fact that Thompson has that legally-defensible option, which he has chosen not to exercise, shows how thoroughly this court, by its reliance upon a) the perjury of a Bar prosecutor that Thompson has repeatedly alerted this court was perjury, and b) the fraudulent Final Report of a bribed referee, has painted itself into this corner.

Thompson repeatedly filed with this court, before the Referee lied to it, his petitions for writs of prohibition and mandamus, and because Thompson was ably trying to save both himself and this court from the combined antics of an incompetent, at best, Referee, and a dissembling prosecutor, with a phalanx of porn lawyers, this court branded him vexatious and then bound and gagged him. The time will come, and it will come soon, that this court will wish it had listened.

Thompson is graciously offering this court a way out of this corner, which he need not do.

THERE WAS ABSOLUTELY NO FACTUAL BASIS FOR DISBARMENT EVEN IF SUCH A SANCTION WERE AVAILABLE TO THIS COURT

The Referee made no findings of fact in her Final Report. She could not, because there were no facts to support any punishment, let alone “permanent disbarment,” which, as we have seen, thanks to this court’s hand-picked expert, Judge Schwartz, is a sanction that does not even exist. That is why it needs a new Rule to create such a sanction.

Without laborious going through the paid-for work of fiction that the Referee’s Final Report is, Thompson notes, just for the sake of illustration as to how contrived it was, the following disturbing real facts that are verifiable independent of him:

The Permanent Disbarment Order, entered by this court finds:

“respondent falsely and publicly accused various attorneys and their clients of engaging in a conspiracy/enterprise involving ‘the criminal distribution of sexual materials to minors.’”

Thompson had asserted that certain radio stations which were broadcasting *The Howard Stern Show* in violation of 18 USC 1464, which is a federal criminal statute that prohibits the airing of indecent material when there are substantial numbers of children in the listening audience. These shows were aired with kids on their way to school. See *FCC v. Pacifica*. Thompson secured the first decency fines levied by the FCC in our nation’s history. He knows the law. He knows what violates that law. This court surely has no idea what 18 USC 1464 is.

Miami lawyers Larry Kellogg and Al Cardenas of the powerful Republican law firm of Tew Cardenas swore in their Bar complaints and at Thompson’s bar “trial” that their client station *never* aired such indecent material and that Thompson made that all up. The referee prohibited Thompson from introducing any evidence as to the airing of indecent material by these radio station Bar complainants.

But what goes around comes around. In October 2008, one month *after* Thompson’s permanent disbarment, Tew Cardenas’ broadcast client, **WQAM-AM**, **entered into a Consent Decree with the Federal Communications Commission, whereby it agreed to pay fines for the airing of the indecent material, pursuant to the FCC decency complaints the undersigned had filed!** They thought the coast was clear and that Thompson would never know. But a lawyer for one of that station’s shock jocks spilled the beans as to the FCC action on the pages of the *Miami Herald*. But for that slip, Thompson never would have known, as this station’s lawyers apparently

persuaded the FCC not to give Thompson, the complainant, notice of the FCC action that completely vindicated what he had said about these broadcasters and their lawyers.

So now this court knows—*it knows*—that one of the core findings of its permanent disbarment order is a lie. All the other findings are similarly and demonstrably false as well.

Or maybe this court was not referring to the *Howard Stern Show* half of the SLAPP (strategic litigation against public participation) bar complaints against him and was instead referring to the other half of the complaints brought by the lawyers (Blank Rome of Philadelphia) for Take-Two, the makers of the *Grand Theft Auto* murder simulation video games. Thompson was targeted with their complaints when he appeared on 60 Minutes for the second time in six years. Maybe *that* was what this court was referring to when it stated, as a fact that Thompson

“falsely and publicly accused various attorneys and their clients of engaging in a conspiracy/enterprise involving ‘the criminal distribution of sexual materials to minors.’”

If *that* is what this Supreme Court meant, then it is kindly invited to read the following from today’s, September 2, 2009, *Wall Street Journal* found on-line at <http://online.wsj.com/article/SB125183733081177307.html> and attached hereto as Exhibit D. Here is an excerpt:

“Take-Two agreed to pay \$20.1 million to settle a previously disclosed class-action lawsuit dealing **with hidden sex scenes** in ‘Grand Theft Auto: San Andreas’” [emphasis added]

Thompson was prohibited from introducing any evidence, in any form, at his nine-day Bar trial by the Referee as to this, so he was, illegally and unconstitutionally prohibited by the Referee from proving that the Federal Trade Commission had fined Take-Two for putting “hidden sex scenes in *Grand Theft Auto: San Andreas*,” featuring oral sex, anal sex, and rough sex, and that that particular game was sold to millions of minors around the world, which also featured having sex with prostitutes, who were then killed by teens to get their virtual money back. Thompson was prohibited from putting on the stand the aide to Senator Hillary Clinton, who could have stated, under oath, that the Senator was prepped by Thompson, at the Senator’s request for a national news conference, at which she told the world that Take-Two had placed “hidden sex scenes” in this game sold to millions of children.

Senator Clinton believed Thompson. We all know how easily she is hoodwinked by life-long Republicans like Thompson. Referee Tunis did not even allow Thompson to say what he knew and could prove as to this distribution of sexual material to minors, on the sole word of the lawyers for Take-Two who committed perjury in her court room in saying none of this was true.

Thompson was prohibited from proving at his alleged “trial” that all copies of this particular game were in fact recalled worldwide because even the video game industry’s own Entertainment Software Rating Board concluded Thompson and Senator Clinton were right about the illegal embedding of sex scenes in this game sold to millions of kids.

If one does not believe the *Wall Street Journal*—that Thompson’s assertions that Take-Two was distributing to minors a video game with sex scenes embedded in it, then one should read news coverage today at a video game industry site, called GamePolitics,

which collaborated with Bar Referee Tunis. She leaked a copy of the draft of her Referee's Report to it weeks before it was provided to Thompson:

Reheating Hot Coffee: Take-Two Reaches \$20M Settlement with Investors

September 2, 2009



Take-Two Interactive [announced](#) yesterday that it has reached a \$20 million settlement in a class-action lawsuit filed over the 2005 Hot Coffee scandal.

Although T2's press release is regrettably light on details, securities are mentioned, indicating that this case is related to loss of equity value caused by Hot Coffee and its fallout.

[Venture Beat](#) has dug up a link to the complaint, *Feninger vs. Take-Two*. Kotaku offers an explanation of the details:

The nut of the allegations contained in the 34-page suit, is that Take-Two was spending more than it was bringing in and couldn't survive until the next Grand Theft Auto. So, the suit alleges, the company pushed Grand Theft Auto: San Andreas out the door knowing that there was pornographic material in the game because delays would have cost the company too much. If the material was known to be in the, the suit continues, major retailers wouldn't have sold it.

The outcome, according to the suit, was inflated stock prices based on bad or uninformed information from the company and a plunge in stock values when the truth came out.

The suit also alleges that Take-Two lied about the included sex scenes, nicknamed Hot Coffee, when they first came to light, with the company the scenes were "the work of a determined group of hackers who have gone to significant trouble to alter scenes."

GP: We should point out that, as the record shows, the notion that Take-Two lied about the origin of the Hot Coffee scenes is a fact, not merely an allegation. In one [of] the sleaziest moves ever seen in the game biz, Take-Two tried to pin the rap for the hidden sex scenes on its biggest fans, the GTA mod community. To be fair, there was a different management team in place back then.

<http://www.gamepolitics.com/2009/09/02/reheating-hot-coffee-take-two-reaches-20m-settlement-investors>

Thus, this very day, Take-Two, on the pages of the *Wall Street Journal* and on an industry web site that spent much of the last five years trying to get Thompson disbarred, reveals, by its settlement of the class action against it, that Thompson was telling the truth all along about a conspiracy to sell sexual material to kids. The lie to the contrary told to Thompson's Bar Referee, who repeated that lie to this court, and this court, on the functional equivalent of unopposed testimony from the Flat Earth Society, entered an order that the Earth is flat. This would be comical if it had not destroyed not only a legal career but served mightily two industry giants who mentally molest minors for money. This court has collaborated with them, and it should have known better.

This court—the highest in the state—had the temerity to treat Thompson's disciplinary proceedings as “uncontested” when it ordered him not to respond to them upon pain of contempt.

The “shoot the messenger” Bar complaints—was not just a lie but a damnable, monstrous lie—that has cost the undersigned his career, his reputation, countless friends, the befuddlement of his father, who weeks after his only son was disbarred, died thinking his son's professional career was over.

But it has not cost Thompson his salvation in Jesus Christ who warned, “If any of you should cause one of these little ones to stumble, then it would be better for you that a millstone be tied around your neck and that you be cast into the uttermost depths of the sea.”

Thompson has been that millstone around the neck of the *Stern* and *Grand Theft Auto Bar* complainants, who worked in close tandem to lie about and get disbarred their

mutual enemy. Now Thompson is, by this court's own hand, and through no desire of Thompson, a millstone around its neck as well.

If Thompson had the patience and the energy, he would, as he has above, disprove every single finding in this Court's Permanent Disbarment Order, thereby eviscerating any and all factual and legal bases for this sanction. That is left for another day and another venue. Thompson is the plaintiff in a federal lawsuit against this Supreme Court in the Northern District of Florida, which will hear all of the above and more, to exonerate Thompson and impale this court if it does not awaken from its self-righteous, smug slumber.

Thompson will note, however, that in the last week he has, pursuant to a Florida Public Records Law, obtained a "smoking gun" document from the bowels of this court's archives that shows the unconstitutional means by which Bar referees are chosen. Only the Eleventh Circuit Court of Florida (Miami-Dade) allows judges from that circuit to sit as referees against lawyers from their circuit. All other referees in all other disciplinary matters brought anywhere else in the state must be from a circuit other than the targeted respondent lawyer, in order to assure impartiality. No competent judge can look at the attached Exhibit E and not understand the fatal due process and equal protection problems that render voidable any and all disciplinary actions in the Eleventh Circuit, not just those against Thompson. If this court can't comprehend that you can't have a rule that applies everywhere but in Miami and that this brings down the entire disciplinary machinery in this Circuit, then Judge Schwartz can explain it.

OTHER SPECIFIC REQUIREMENTS PER RULE 3-7.10

Deposit for Costs: Thompson paid the \$42, 252 to The Bar in costs. The Bar and the court already have this proof.

Costs Deposit for the Reinstatement Proceedings: A check in the amount of \$500 accompanies this petition. If your Court Clerk, Tom Hall, takes the deposit while at the same time either not filing this petition and/or this court does not appoint a referee to preside over full and fair reinstatement proceedings, as Rule 3-7.10 mandates, then he shall sue the Clerk and this court for conversion.

IRS: Petitioner moves that this court waive the production of his joint tax returns for the past 33 years. This is an absurd requirement. It is absolutely irrelevant to any issues in this case. There is no allegation of financial misconduct. It is an unconscionable invasion of privacy, and if The Bar behaves the way it has in the past, then all of these tax returns will be dumped into the public domain. If this court can come up with a plausible explanation for this requirement in this case, then petitioner would really like to hear it.

THIS PETITION MUST BE ACCEPTED, DOCKETED, AND CONSIDERED

If your Clerk refuses to accept this petition and does not docket it for full consideration by this court and a referee, as state and federal laws require (see *supra*), then Thompson shall secure a court order from the United States District Court for the Northern District of Florida in the case that is already pending there, Thompson v. Florida Supreme Court, Case No. 4:09-CV317RH/WCS Whereupon, a federal Deputy Marshal will walk Thompson through the front doors of this Supreme Court's courthouse

to file this petition in a reprise of the below scene of more than four decades ago when another Southern state sought to defy the United States Constitution:



CONCLUSION

Thompson could not be permanently disbarred. Nobody can be in this state.

Thus, the permanent disbarment order is a legal nullity. Thompson, in a gracious act extended to this court, files this petition for readmission, thereby giving this court the opportunity to correct and make amends for its multiple layers of “mistakes” made at his considerable expense. This is not the first time this court has illegally targeted Thompson. Thompson has the money damages paid to prove it. It had better be the last.

Prior to Thompson’s bar “trial,” he was offered a 90-day suspension for all that he had done. This suspension would have been followed, as this court knows, by an

automatic reinstatement, with no need whatsoever, under our Rules, for Thompson to apply for reinstatement.

The 90-day suspension was upped to “permanent disbarment” by Bar Governor/Thompson’s Designated Reviewer Steve Chaykin, with a criminal extortion scheme Chaykin came up with that scuttled the 90-day suspension deal.

Any vestige of any common sense left in this court’s “official arm,” The Florida Bar, cries out for imposition of that 90-day suspension deal which The Bar’s late terrorist, Steve Chaykin, sabotaged. That 90-day suspension sets in concrete what The Bar, *sans* Chaykin, thought should be done to Thompson by way of punishment. Thompson was charged with absolutely nothing new after the 90-day deal was offered and sabotaged. Good luck to anyone trying to prove any rational basis for going from 90 days to permanent disbarment, the latter of which does not even exist.

Thus, this court will either, *sua sponte*, a) impose that 90-day suspension, or b) grant this petition for reinstatement so Thompson can argue his case at his reinstatement hearing, or Thompson will assert and vindicate his legal and constitutional positions elsewhere.

A less forgiving individual would not be so kind.

Further, Florida law and Florida Rules of Civil Procedure provide and mandate that any court order procured by fraud and/or by fraud on the court must be vacated and full relief therefrom granted. This court has no choice but to vacate its Permanent Disbarment Order, as it is already void and a legal nullity by virtue of the fraud, not only *upon* this court but *by* this court.

What this court has knowingly done to the undersigned is a working definition of bad faith which breathes life into all sorts of legal remedies Thompson now has at his disposal, only one of which its judicial expert, Alan Schwartz, has provided him.

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

I HEREBY CERTIFY that a copy of the foregoing has been served by mail this September 2, 2009, upon Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399, and hand-delivered to Dava Tunis.

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