

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,

Defendants.

**PLAINTIFF'S MOTION FOR RELIEF FROM ORDER DISMISSING THIS  
ACTION ON THE BASIS OF NEWLY DISCOVERED MISCONDUCT BY  
JUDGE ADALBERTO J. JORDAN AND MEMORANDUM OF LAW IN  
SUPPORT THEREOF**

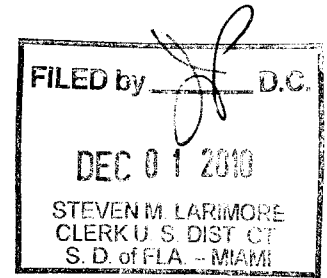
COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, on his own behalf, and moves this court for relief from its order dismissing this action without prejudice, stating:

1. Federal Rules of Civil Procedure, Rule 60(b)(6) provides relief from an order entered more than a year prior for “*any* other reason that justifies relief.” [emphasis added].

2. Plaintiff has just learned of the unethical practice engaged in by literally hundreds of federal judges in receiving “judicial junkets” or vacations provided by influential interests.

See <http://www.judicialaccountability.org/articles/fedjudgeshowtopolice.htm> and a mountain of news coverage of this scandalous conduct by federal judges.

3. Discovery of this information led plaintiff to the web site of the government watchdog organization known as Judicial Watch. Judicial Watch first came to national prominence when it successfully labored against the illegal refusal of Hillary Clinton's



Health Care Task Force to reveal to the public its members. Judicial Watch usefully provides at <http://www.judicialwatch.org/judicial-financial-disclosure> the Financial Disclosure Reports of all federal judges, including Judge Adalberto J. Jordan who has presided over this case.

4. By way of preface, Judge Jordan serves in the District Court for the Southern District of Florida in which his fellow judge, Paul C. Huck, and erstwhile Chief Judge William Zloch, both ruled that no federal judge who is a member of The Florida Bar could preside over a case in which The Florida Bar was a party because the judge as a member of The Bar, had a financial interest in the outcome.

5. When Thompson raised this issue in the case assigned to Judge Jordan in a motion to disqualify, Jordan nonsensically found this ruling did not apply to him.

6. However, the Eleventh Circuit Court of Appeals, in another federal case brought by Thompson, agreed with Thompson on this point and disqualified the entire bench of the U.S. District Court for the Middle District of Florida. Thus, Thompson was right and Judge Jordan was wrong on this key issue as to whether or not Thompson was entitled to a fair tribunal in his case brought before Judge Jordan against The Florida Bar. But what Thompson did not know until this day, November 20, 2010, is just how right he was.

7. Lo and behold, the documents provided by Judicial Watch at the above-noted url, a portion of which are attached hereto as composite Exhibit A, show that Judge Adalberto J. Jordan has had a greater financial interest in The Florida Bar and its kindnesses extended him than Thompson knew.

8. As the reader can see in the attached Exhibit, Judge Jordan has received from The Florida Bar what amount to paid vacations in sumptuous resort hotels in 2003, 2004, 2005, 2007, 2008, and 2009.

9. What has Judge Jordan held forth on while on these junkets? He has held forth on “The First Amendment” and “Media Law,” which just happen to be the two topics at the core of plaintiff Thompson’s long-running dispute with The Florida Bar. Indeed, two giant media entities, specializing in the distribution of adult-rated pornography to children, brought the bar complaints that shredded Thompson’s First Amendment rights. So we have in Judge Jordan a person who receives vacations from the very entity that is so keenly interested in and also appreciative of his views on the media and the First Amendment.

10. Thompson brought his federal civil rights action against The Florida Bar, to Judge Jordan, in 2007. Judge Jordan had an absolute duty to disclose *the fact* that in the two years prior to the filing of Thompson’s action, in the year during the pendency of the action, and in the two years subsequent to Jordan’s ham-handed treatment of Thompson, Judge Jordan was the recipient of multiple all-expenses-paid junkets provided by The Florida Bar. Further, while on those junkets, Judge Jordan was expressing views on the very issues that animated The Bar’s “disciplinary” efforts against Thompson and which, in turn, animated his lawsuit against The Bar.

11. Any truly “honorable court” would have disclosed the disturbing continuing financial interest Judge Jordan has had in The Florida Bar and the recreational pleasure it has routinely provided him. The federal judiciary claims that it wants an independent judiciary. Really? Independent of what? Certainly not independent of the goodies-

dispensing state bars? What this federal court seems to want to be independent of is accountability for its rulings.

12. The fact that Judge Jordan did not disclose his special relationship with The Florida Bar provides a clear basis, under Rule 60, for plaintiff to demand that this court's order dismissing his action be vacated. See *Caperton v. Massey*, 129 S. Ct. 2252 (2009). The judge's undisclosed conduct taints his dismissal order herein.

13. This cozy relationship between The Bar and Jordan helps explain why he, in contravention of federal law, denied Thompson any modicum of justice in this case.

14. But there is even more than the Judicial Watch-provided Financial Disclosure Reports that disqualifies Judge Jordan and requires the vacating of this court's dismissal order. Take a look at Judge Jordan's participation in the 2010 First Amendment Seminar at The Florida Bar's annual convention at the Boca Raton Resort hosted by the Media and Communications Law Committee. Here, below, is the article found, in its entirety, in the May 15, 2010 *Florida Bar News*, with emphases added:

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May 15, 2010

### Convention's First Amendment seminar offers Supreme Court drama at its best

If it's up to Media and Communications Law Committee Chair Thomas R. Julin, this year's First Amendment and the U.S. Supreme Court seminar, set for The Florida Bar's [Annual Convention](#) in Boca Raton, will not disappoint.

He's been coordinating the program for more than 20 years and, in his humble opinion, it gets better with time.

The seminar takes an irreverent look at the court's docket for the first term.

"The Supreme Court's First Amendment decisions this year may be the most

important in the last century," Julin said. **"Chief Justice Roberts' Supreme Court is shaking the foundations of the First Amendment with each new decision.** Anonymous speech, a Christian cross on federal property, and televising a gay rights trial are just some of the topics we'll cover. Any lawyer with an interest in elections should attend because the Supreme Court has completely changed the rules regarding campaign finance."

First Amendment and the U.S. Supreme Court will be held on Friday, June 25 from 2-4 p.m. at the Boca Raton Resort & Club. There is no charge for attorneys who register for the convention. Florida Bar committee members who attend the seminar but do not register for the convention will not receive the available 2.50 general CLER credits.

Julin will moderate the panel that includes: U.S. District Judges Donald M. Middlebrooks and **Adalberto Jordan**; Third District Court of Appeal Senior Judge Alan Schwartz; University of Miami Law Professor Lili Levy; Florida International University Law Professor Howard Wasserman; and attorneys Richard J. Ovelmen and Patricia Acosta.

**"Our veteran panelists know obscene decisions when they see them," laughed Julin, "and will come prepared to let you know if this fresh crop of First Amendment decisions has any socially redeeming value."**

[News HOME](#)


[Revised: 11-30-2010 ]

15. One of the First Amendment cases before the United States Supreme Court at the time of Judge Jordan's above-noted 2010 judicial junket was and still is the California video game case, for which Thompson, as much as other individual in America, is responsible for getting before the Supreme Court. Yet here we have Judge Jordan, improperly, holding forth on pending First Amendment cases whose issues had everything to do with what The Bar, a party before him, did to Thompson.

WHEREFORE, plaintiff moves this court for an order vacating its dismissal order so that plaintiff can have, finally, his day in court denied him by a judge compromised by a financial entanglement that he intentionally and unethically hid from plaintiff. Relief will now be granted by this court or it will be secured from a higher court.

Lifetime tenure for federal judges was supposed to assure their independence. Instead, it has purchased their arrogance, their insulation from accountability, and their brazen cultivation of favor from the organized bar. Judge Jordan is one of the worst examples of this corruption of the federal judiciary, and this now disclosed corruption of him will not stand.

I HEREBY CERTIFY that this has been served upon record counsel for The Florida Bar and Dava Tunis by mailing it to the clerk of this court, who will then provide it via the court's CM/ECF electronic system from which plaintiff is banned, this November 30, 2010. Thompson has also provided it, as a courtesy, to the above via e-mail on this date.



JOHN B. THOMPSON,  
Plaintiff *pro se*  
5721 Riviera Drive  
Coral Gables, Florida 33146  
Phone: 305-666-4366  
[amendmentone@comcast.net](mailto:amendmentone@comcast.net)

**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

Jordan, Adalberto J

Date of Report

6/30/2004

**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions)**A. Filer's Non-Investment Income** **NONE** - (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (yours, not spouse's)
1.		

**B. Spouse's Non-Investment Income** (if you were married during any portion of the reporting year, please complete this section. (dollar amount not required except for honoraria)) **NONE** - (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2003	St. Brendan High School

**IV. REIMBURSEMENTS** - transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 **NONE** - (No such reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. American Bar Association - American Law Institute	April 30-May 2, 2003 - Speaker at ABA-ALI Seminar on Life & Health Insurance Litigation (airfare, food, hotel, & parking)
2. Florida Bar	June 26-27, 2003 - Speaker at First Amendment Seminar (food, hotel, & mileage)
3. Cardozo Law School/Yeshiva University	October 25-27, 2003 - Recipient of Moot Court Distinguished Jurist Award (airfare, food, hotel, & parking)

Composite Exhibit A

**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting <b>Jordan, Adalberto J</b>	Date of Report <b>5/15/2005</b>
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**III. NON-INVESTMENT INCOME** (Reporting individual and spouse; see pp. 17-24 of filing instructions)**A. Filer's Non-Investment Income** **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (Gross, not net)
1.	2004	Adjunct Professor - University of Miami School of Law	\$1,000

**B. Spouse's Non-Investment Income** (If you were married during any portion of the reporting year, please complete this section. Dollar amount not required except for honoraria.) **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	2004	St. Brendan High School

**IV. REIMBURSEMENTS** - transportation, lodging, food, entertainment

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 **NONE** - (No such reportable reimbursements.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>
1.	DOJ National Advocacy Center	February 19-20, 2004 - Speaker at DOJ Evidence for Criminal Litigators Seminar in Columbia, SC
✓ 2.	Florida Bar	July 16, 2004 - Speaker at Judicial Roundtable in Boca Raton, FL. (mileage & parking)



**FINANCIAL DISCLOSURE REPORT**

Page 2 of 6

Name of Person Reporting

Jordan,, Adalberto J

Date of Report

05/12/2006

**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of instructions.)**A. Filer's Non-Investment Income** NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2005	Adjunct Professor - University of Miami School of Law	\$ 1,000
2.		
3.		
4.		
5.		

**B. Spouse's Non-Investment Income -** If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)

 NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2005	St. Brendan High School
2.	
3.	
4.	
5.	

**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DESCRIPTION</u>
1. Nat'l Association for Law Placement Conference	April 19, 2005 - Speaker at NALP Views from the Bench Seminar in Chicago, IL (transportation, lodging, meals)
✓ 2. Florida Bar	June 23, 2005 - Speaker at First Amendment Media Law Conference in Orlando, Florida (mileage, lodging, meals)
3.	
4.	
5.	

**FINANCIAL DISCLOSURE REPORT**  
Page 2 of 6

<b>Name of Person Reporting</b> Jordan,, Adalberto J	<b>Date of Report</b> 5/12/2008
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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

**A. Filer's Non-Investment Income**

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> <i>(yours, not spouse's)</i>
1. 2007	Adjunct Professor - University of Miami School of Law	\$ 1,050
2.		
3.		
4.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.  
(Dollar amount not required except for honoraria.)*

NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2007	St. Brendan High School
2.	
3.	
4.	

**IV. REIMBURSEMENTS** *- transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

NONE *(No reportable reimbursements.)*

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	New York University Law School	3/30/07 thru 3/31/07	New York, New York	NYU Root-Tilden Scholars	Lodging, meals and airline.
2.	State of Florida-Publicly Funded 8th Annual Presentation	6/14/07 thru 6/15/07	Lake Buena Vista, FL	Capital Cases Seminar	Lodging, meals and mileage.
✓ 3.	Florida Bar Assoc. Educational Seminar	6/28/07 thru 6/30/07	Orlando, FL	1st Amendment Seminar	Lodging, meals and mileage.
4.					
5.					

**FINANCIAL DISCLOSURE REPORT**  
Page 2 of 6

<b>Name of Person Reporting</b> Jordan, Adalberto J.	<b>Date of Report</b> 05/12/2009
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**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions.)

**A. Filer's Non-Investment Income**

NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2008	Adjunct Professor - FIU College of Law	\$4,500.00
2.		
3.		
4.		

**B. Spouse's Non-Investment Income -** If you were married during any portion of the reporting year, complete this section.  
(Dollar amount not required except for honoraria.)

NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2008	St. Brendan High School
2.	
3.	
4.	

**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.  
(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Florida Bar Assoc. Educational Seminar	6/19/08 thru 6/20/08	Boca Raton, FL	1st Amendment Seminar	Lodging, meals and mileage.
2. Courts	11/21/08 thru 11/21/08	Hollywood, FL	Bench and Bar Conference	Lodging, meals and mileage.
3.				
4.				
5.				

**FINANCIAL DISCLOSURE REPORT**  
Page 2 of 7

Name of Person Reporting <b>Jordan, Adalberto J.</b>	Date of Report 05/12/2010
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**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions.)

**A. Filer's Non-Investment Income**

NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2009	Adjunct Professor - FIU College of Law	\$4,500.00
2.		
3.		
4.		

**B. Spouse's Non-Investment Income** - If you were married during any portion of the reporting year, complete this section.  
(Dollar amount not required except for honoraria.)

NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2009	St. Brendan High School
2.	
3.	
4.	

**IV. REIMBURSEMENTS** - transportation, lodging, food, entertainment.  
(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

NONE (No reportable reimbursements.)

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Courts	3/25/2009 thru 3/27/2009	New York, NY	FJC educationl seminar or program	Lodging, meals and transportation.
2.	Courts	4/29/2009 thru 5/2/2009	Birmingham, AL	Circuit Judicial Conference	Lodging, meals and transportation.
3.	DOJ	5/18/2009 thru 5/22/2009	Columbia, SC	FJC educational seminar or program	Lodging, meals and transportation
4.	American Conference Institute	6/21/2009 thru 6/24/2009	Boston, MA	Participate in ACI's Conference in Boston	Lodging, meals and transportation.
✓ 5.	Florida Bar	6/25/2009 thru 6/28/2009	Orlando, FL	Florida Bar's Annual Media Law Conference	Lodging, meals and mileage.