

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON,)
)
 Plaintiff,)
)
 vs.)
)
 THE FLORIDA BAR, et al.,)
)
 Defendants.)
)
 _____)

AMENDED ORDER DENYING RULE 60 MOTION

Mr. Thompson's Rule 60 motion [D.E. 445] is DENIED.

After receiving my order denying his Rule 60 motion [D.E. 446], Mr. Thompson has requested that the Florida Bar send him a copy of reimbursements that I have received from the Florida Bar for speaking at Florida Bar events. Mr. Thompson sent me an e-mail copy of the request, which is attached. Mr. Thompson believes that the Florida Bar's reimbursements create a financial interest, which demands that I recuse myself from this case. Mr. Thompson, however, errs on this point.

Despite Mr. Thompson's belief otherwise, a judge need not recuse himself or herself for seeking reimbursement from a state-bar organization after participating in state-bar activities. In *Hirsh v. Justices of the Supreme Court of California*, 67 F.3d 708 (9th Cir. 1995) (per curiam), attorneys facing disciplinary action sued the California Bar. The attorneys sought recusal on the ground that the presiding judge, by receiving reimbursements, had a financial interest in the case. *See id.* at 715. The Ninth Circuit Court of Appeal summarily dismissed the argument.

Although Judge Huff occasionally participated in State Bar activities, she was not paid, except for reimbursement of expenses. We reject [the attorneys'] contention that, "a reasonable person with knowledge of all the facts would conclude that [Judge Huff's] impartiality might reasonably be questioned."

Id. (second alteration in original) (quoting *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993)). *Cf. Lawrence v. Chabot*, 182 F. App'x 442, 447-48 (6th Cir. 2006) (holding that judges need not recuse even where they are advisers, committee members, and active participants in a state bar

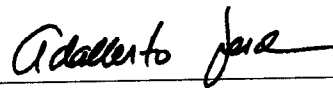
that is party to the case); *Maurey v. Univ. of S. Cal.*, 12 F. App'x 529, 532 (9th Cir. 2001) (holding that no need for recusal exists where judge sits on university board of councilors and university is party to the case). *Hirsch* derails Mr. Thompson's most recent argument.

Additionally, a litigant can waive its right to seek recusal if he does not promptly raise the issue. See *United States v. Gallego*, 247 F.3d 1191, 1201 n. 22 (11th Cir. 2001) ("The appellants waived the issue of the district court's need to recuse itself by failing to raise it at the first available opportunity."); *Bivens Gardens Office Bldg. v. Barnett Banks of Fla.*, 140 F.3d 898, 913 (11th Cir. 1998) (holding that plaintiff waived recusal issue when not brought up at first chance); *United States v. Slay*, 714 F.2d 1093, 1094 (11th Cir. 1983) (per curiam) ("A motion to disqualify . . . must be timely."). Mr. Thompson brought this issue before me—for the first time—three years after the case ended. Mr. Thompson has therefore waived this recusal issue.

As my last order [D.E. 446] indicated, Mr. Thompson cannot seek relief under Federal Rule of Civil Procedure 60. But, even if he could, Mr. Thompson waived this issue by failing to raise it until the case ended. Regardless, if I could ignore all the procedural bars on Mr. Thompson's argument, it would still fail. For Mr. Thompson's argument is not only procedurally defective but also substantively meritless.

For these additional reasons, Mr. Thompson's Rule 60 motion [D.E. 445] is DENIED.

DONE and ORDERED in chambers in Miami, Florida, this 7th day of December, 2010.



Adalberto Jordan
United States District Judge

cc: All counsel of record
John B. Thompson, pro se
5721 Riviera Drive
Coral Gables, FL 33146



Let's see how much The Bar paid you
Jack Thompson
to:
adalberto_jordan
12/06/2010 03:57 PM
Show Details

John B. Thompson, J.D.
5721 Riviera Drive
Coral Gables, Florida 33146
305-666-4366
amendmentone@comcast.net

December 6, 2010

Jack Harkness
Executive Director
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399

Re: Formal Public Records Law Request

Dear Mr. Harkness:

The Florida Bar has, over the last decade, reimbursed US District Judge Adalberto Jordan for his expenses incurred while speaking, as a self-styled genius on media, the First Amendment, and other issues at Bar events.

These reimbursed expenses are for food, lodging, and travel, as Jordan's own federal financial disclosure forms show, although the amounts are not shown.

Judge Jordan just entered a remarkable order in which he admits the judicial junkets but that I should have known about them.

Therefore, this is a formal public records request, pursuant to Florida statutes and the Rules of Judicial Administration, for ALL records showing what the reimbursements to Jordan have been, from the year 2000 to present.

Warm personal regards, Jack Thompson

Copy: Judge Jordan, in his Courthouse Cocoon

Jack Thompson, J.D.

5721 Riviera Drive
Coral Gables, Florida 33146
305-666-4366, cell 305-588-3005

"To say I went looking for God is to say a mouse goes looking for a cat." C. S. Lewis