

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. _____

[The Florida Bar File Nos.

2005-70,305(11F),

2005-71,125(11F),

2006-70,570(11F),

2006-70,766(11F), and

2006-70,909(11F)]

v.

JOHN BRUCE THOMPSON,

Respondent.

COMPLAINT

The Florida Bar, complainant, files this Complaint against John Bruce Thompson, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. The respondent was and still is a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.

2. Respondent resided and practiced law in Dade County, Florida, and Fayette County, Alabama, at all times material.

COUNT I
[TFB No. 2006-70,570(11F)]

The Bar re-alleges paragraphs one and two above as if fully stated herein.

3. On October 12, 2006, the Eleventh Judicial Circuit Grievance Committee "F" found probable cause to file this count pursuant to R. Regulating Fla. Bar 3-7.4. The presiding member of the grievance committee has approved the instant count.

4. On June 7, 2003, Devin Moore murdered two police officers and a radio dispatcher in Fayette, Alabama. One of the issues in the criminal case was the defendant's playing of video games that depicted violence. Devin Moore was convicted in August 2005 and sentenced to death. In February 2005, respondent filed a civil case entitled, *Steve Strickland et. al. v. Sony Corporation of America, et. al.* in the Circuit Court of Fayette County, Alabama, case no. 05-CV-19. (hereinafter, *Strickland* case) on behalf of the families of the victims in the criminal case. The civil case alleges that Take-Two Interactive Software, Inc. (hereinafter, Take-Two) and its subsidiary Rockstar Games, Inc. (hereinafter, Rockstar), the publishers of a series of video games are responsible for the victims' deaths. Judge James Moore presided over both the criminal and civil case.

5. On March 7, 2005, respondent filed a Motion for Admission *Pro Hac Vice* to represent the plaintiffs in the *Strickland* case.

6. On March 22, 2005, the court granted respondent's Motion for Admission *Pro Hac Vice* in the *Strickland* case.

7. On August 25, 2005, defendant's counsel, Merrell Nolen, Robert Baugh and James T. Smith filed a Motion to Revoke the Admission *Pro Hac Vice* of John B. Thompson in the *Strickland* case. The grounds for their motion were set forth in a Memorandum of Law with supporting Appendix of Exhibits.

8. In the defense counsel's Memorandum of Law they stated that respondent made materially false statements or deliberately failed to disclose material facts in his application for *Pro Hac Vice* admission, respondent made extrajudicial statements in violation of Alabama Rule of Professional Conduct 3.6, respondent defied the court's order not to make public comments about the case, and respondent has failed to conduct himself professionally when dealing with opponents and their counsel.

9. On or about September 4, 2005, Respondent filed a Response of Plaintiffs to Some Defendant's Motion to Revoke Admission *Pro Hac Vice* of Attorney John B. Thompson in the *Strickland* case.

10. On or about September 9, 2005, Respondent filed an Addendum to Plaintiff's response to defendant's Motion to revoke admission *Pro Hac Vice* of Attorney John B. Thompson in *Strickland* case.

11. On or about November 1, 2005, defense counsel filed a Reply in Support of the Motion to Revoke the Admission of *Pro Hac Vice* of John B. Thompson in *Strickland* case.

12. On November 3, 2005, Judge Moore held a hearing on the Motion to Revoke the Admission of *Pro Hac Vice* of John B. Thompson.

13. On November 17, 2005, Judge Moore entered an Order granting the Defendant's Motion to Revoke the Admission of *Pro Hac Vice* of John B. Thompson.

14. In Judge Moore's order of November 17, 2005, he finds that respondent filed a complaint on behalf of clients in Alabama prior to requesting *Pro Hac Vice* admission, failed to disclose material facts in his application for *Pro Hac Vice* admission, made extrajudicial comments, sent *ex parte* written communications to the Court, engaged in conduct that adversely reflects on his fitness to practice law, took actions merely to harass or maliciously injure another, made a false statement of material fact to a tribunal, took steps to intimidate opposing counsel by indicating he intended to bring attorney discipline grievances against them, violated the Court's direction on June 28, 2005 not to make any public statements about this case and the criminal case during the pendency of the criminal case, and respondent's conduct toward opposing counsel has demonstrated a repeated inability to conduct himself with the required professional courtesy and civility.

15. The Grievance Committee 11F reviewed the Alabama Rules of Professional Conduct that Judge Moore found respondent had violated. The

Grievance Committee determined that respondent's misconduct as found by Judge Moore also violated the Rules Regulating the Florida Bar as set forth in paragraph 16 below.

16. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar and the Alabama Bar: Florida Rule 4-3.3 for making a false statement of material fact or law to a tribunal (Alabama Rule 3.3(a)(1) for making a false statement of material fact or law to a tribunal); Florida Rule 4-3.4(c) for knowingly disobeying an obligation under the rules of a tribunal (Alabama Rule 3.4(c) for knowingly disobeying an obligation under the rules of a tribunal); Florida Rule 4-3.4(h) for presenting, participating in presenting, or threatening to present disciplinary charges to solely obtain an advantage in a civil matter (Alabama Rule 8.4(g) for engaging in conduct that adversely reflects on his fitness to practice law); Florida Bar Rule 4-3.5(c) for engaging in conduct intended to disrupt a tribunal (Alabama Rule 3.5(c) for engaging in conduct intended to disrupt a tribunal); Florida Bar Rule 4-3.5(b) for communicating the merits of the cause with a judge (Alabama Rule 3.5 for communicating ex parte with the judge); Florida Bar Rule 4-3.6(a) for making extrajudicial statements that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative

proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding (Alabama Rule 3.6(a) for making extrajudicial statements that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding); Florida Bar Rule 4-4.4 for using means that have no substantial purpose other than to embarrass, delay, or burden a third person (Alabama Rule 4.4 for using means that have no substantial purpose other than to embarrass, delay, or burden a third person); Florida Bar Rule 4-5.5(a) for practicing law in a jurisdiction other than the lawyer's home state, in violation of the regulation of the legal profession in that jurisdiction (Alabama Rule 5.5(a) for practicing law in a jurisdiction where doing so violates the legal profession in that jurisdiction); Florida Bar Rule 4-8.1 for failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter (Alabama Rule 8.1(b) for failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter); Florida Bar Rule 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (Alabama Rule 8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Florida Bar Rule 4-8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice, including, to knowingly or

through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers (Alabama Rule 8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice).

COUNT II
[TFB No. 2006-70,909(11F)]

The Bar re-alleges paragraphs one through fifteen above as if fully stated herein.

17. On October 12, 2006, the Eleventh Judicial Circuit Grievance Committee "F" found probable cause to file this count pursuant to R. Regulating Fla. Bar 3-7.4. The presiding member of the grievance committee has approved the instant count.

18. In Judge Moore's order dated November 17, 2005, he ordered respondent not to "copy", "cc", deliver or transmit any further correspondence, media alerts, e-mails, press releases, or any other communication or memoranda addressed or directed to third parties, to this Court and/or the undersigned Judge.

19. After November 17, 2005, respondent sent by fax or the mail at least 30 letters, emails, media alerts, press releases or memoranda directly to Judge Moore or copied Judge Moore in direct violation of Judge Moore's November 17, 2005 order.

20. On February 21, 2006, the Bar received a complaint from Judge Moore regarding respondent's conduct in sending the judge written communications after the November 17, 2005 order.

21. On February 23, 2006, the Bar sent Judge Moore's complaint to respondent and requested that he respond to the allegations set forth in the judge's complaint.

22. On February 27, 2006, respondent sent an email to the Bar indicating he received Judge Moore's complaint.

23. Between February 2006 and at least September 11, 2006, respondent continued to send by fax and mail, written communications in violation of the November 17, 2005 order.

24. In several of the letters and pleadings that respondent filed and/or sent to Judge Moore or copied to Judge Moore, respondent made statements about Judge Moore which respondent knew to be false or with a reckless disregard as to its truth concerning the qualifications or integrity of Judge Moore, made misrepresentations about Judge Moore and knowingly or through callous indifference, made statements about Judge Moore to disparage or humiliate him and attempt to intimidate him regarding Judge Moore's complaint to the bar.

25. On November 7, 2005, respondent sent a letter to Judge Moore, which he copied to various other individuals. In that letter respondent stated, "I was in

your courtroom Judge, and I felt like Alice in Wonderland must have felt. It's okay for Mr. Smith to act like a Mafia thug, but it's unethical for me to point out the thuggery. What in Hell, literally, is going on here? This is utter, utter nonsense, and you're watching it, Judge." and "Judge, it is open season in your courthouse and in your courtroom on Christians who think that there are such things as 'decency' and 'sexual material harmful to minors' and 'murder simulators', and so forth. This has got to stop."

26. On November 28, 2005, respondent filed a Request for Court Hearing on Motion to Vacate Order Granting Motion to Revoke *Pro Hac Vice* Admission of John B. Thompson in the *Strickland* case. In that pleading respondent stated, "In that last regard, as to the irrefutable need of this Court to recuse itself from this case as well as from its manipulated orders against Thompson personally, there is yet another reason why this Court should not be anywhere near this case. It is clear that this Court, whether the 'fixer' is the reason or whether the 'fixer' has combined with other improper influences to jettison justice in this case, must no longer preside over this case."

27. On November 30, 2005, respondent sent a letter to The Alabama State Bar, which he copied to Judge Moore, in which respondent stated, "Unfortunately, the attached two letters, to the Alabama Attorney General and to the Chairman of the Alabama House and Senate Judiciary Committees, are made absolutely

necessary by the bizarre, childish, and otherwise improper antics of Fayette County Judge James Moore.”

28. On November 30, 2005, respondent sent a letter to Honorable Troy King, Attorney General of the State of Alabama, which he copied to Judge Moore and others. In the letter respondent stated, “I should like to request a criminal investigation of a Fayette County, Alabama, attorney by the name of Clatus Junkin, who has claimed that he can fix any case that comes before Circuit Court Judge James Moore because of his special relationship with Judge Moore. Certain events since we became aware of Junkins’ self-proclaimed ‘fixer’ status convince me that his claims may in fact be correct.” and “There are other attorneys, both in Alabama and elsewhere, who can corroborate much of the above. I will certainly attest to it under oath. Whether they will or not may turn on how afraid they are of Judge Moore. From what I’ve seen from Judge Moore, they have plenty to fear.”

29. On December 6, 2005, respondent sent a letter to Chris McCool, District Attorney in Alabama and copied Judge Moore and the media. In the letter, respondent stated referring to Judge Moore, “The Judge should get his compromised nose out of the civil case.”

30. On December 8, 2005, respondent sent a letter to the Honorable Alice H. Martin, the United States Attorney for the Northern District of Alabama and he sent a copy to Judge Moore. In the letter, respondent stated, “Here we have a

judge who has been told of apparent witness tampering as well in the case before him and he couldn't care less. What does he do in response to being told a lawyer is claiming he can fix a case before Judge Moore? He turns over to the Alabama Bar the lawyer who informed him of that rather than the lawyer who claims to be a 'fixer'."

31. On January 18, 2006, respondent sent a letter to Judge Moore and copied the Alabama Bar. In that letter respondent stated, "I would respectfully suggest that you would be well-advised, indeed, to tell the Alabama Bar 'Never mind'."

32. On January 26, 2006, respondent sent a letter to Judge Moore and copied various other people including the media. In the letter, respondent stated, "Judge, you allowed yourself to become part of this suppression strategy by filing your own Bar complaint, or loudly saying you would, against me...", and, "You run the risk, Judge, of being a witness – that's right, a witness – in this *Strickland* case, if you formally become a complainant to The Florida Bar... You do that, and I'm going to depose you...". He went on in the letter to further state, " We'll get to ask you, if you're my formal Bar complainant, exactly what your conversation was with Clatus Junkin and why you didn't report him to the Alabama Bar but did report the fellow who told you what this knucklehead was running around saying

about your dishonesty.... You are supposed to be a judge, not a player and thus a witness in a wrongful death case. I think it's time you started acting like it."

33. On February 6, 2006, respondent sent a letter to Judge Moore which he copied to various other people including the media. He stated that Judge Moore, "...chose to endorse the "ethics" of the law firm facilitating these murders rather than mine, even though you know it lied about me and I told the truth about them. How odd."

34. On February 8, 2006, respondent sent a letter to Judge Moore which he copied to the Alabama State Bar and The Florida Bar. Respondent stated to Judge Moore, "Consider yourself a material witness in that investigation, Judge. Gee, talk about the 'unintended consequences' of improperly entering an order, unsupported by Alabama law," to not allow a lawyer to withdraw from a case. Didn't anyone ever tell you not to kick a 'snake' which was slithering away?"

35. On February 15, 2006, respondent sent a letter to Judge Moore which he copied to the media. Respondent stated in the letter to Judge Moore, "Judge I have respect for the judicial office you hold. Because of that, I have absolutely no respect for how your are now abusing it." and, "This office you hold is not some plaything to use for your own purposes. You took an oath of office. As far as I can tell, you have breached it."

36. On February 16, 2006, respondent sent a letter to the Alabama State Bar which he copied to Judge Moore and various other individuals. Respondent stated in that letter, "... Judge Moore's definition of a "fair trial" – one in which the State of Alabama gets everything it wants. I now know first-hand how this Judge Moore runs his courtroom and how he runs those he has prejudged right into the ground. He breaks the rules, even the Alabama State Bar Rules, because he thinks that rules don't apply to him, not even the Bar Confidentiality Rule.", and, "I am tired of being treated like pig slop by the Alabama State Bar and by an out-of-control tyrant who sits, for now, on the bench in Fayette County."

37. On June 27, 2006, respondent sent a letter to Judge Moore which he copied to various other individuals and agencies including the media. In that letter respondent stated, "I told you, properly, what Take-Two was involved in while being advised by Blank Rome. All of this was highly **material** to Blank Rome's and Take-Two's targeting of me in *Strickland v. Sony*, **and you could not have cared less**. Instead, you became part of the targeting."

38. On June 27, 2006, respondent filed in the Supreme Court of the State of Alabama, a Notice of Filing Re Petition for Writ of Mandamus in the matter entitled, *Jack Thompson v. Alabama State Bar*. In that notice respondent stated about Judge Moore, "This Alabama jurist's good friend, Fayette lawyer Clatus Junkin, said he could fix any case before Judge Moore. Judge Moore willingly

participated in the SLAPP Bar attack upon the petitioner herein orchestrated illegally by Take-Two and Blank Rome, refusing even to consider the improper conduct of Blank Rome and its client in doing so.”

39. On June 27, 2006, respondent filed in the Supreme Court of the State of Alabama, a Petition for Writ of Mandamus in the matter entitled, *Jack Thompson v Alabama State Bar*. In that pleading respondent stated, “Judge Moore waited for and found the opportunity to engage in a ‘shoot the messenger’ character assassination of his own at the undersigned’s expense.”, and, “...what Thompson does know is that Judge Moore is communicating, improperly, with other attorneys in Fayette County about this case and about Thompson, telling them how much he ‘hates’ Jack Thompson, etc.” He also stated, “Judge Moore is also aware that counsel for the defendants in *Strickland v. Sony* sought, improperly, to influence the testimony of Devin Moore as to his known obsessive play of the *Grand Theft Auto* games. That would appear to be obstruction of justice and/or witness tampering in any other state. When Judge Moore was told of this, he couldn’t have cared less. Any vigilant judge would have turned that matter over to the Bar or to law enforcement. No (sic) this judge. Thus, there is now sitting on Death Row a man convicted amidst efforts by lawyers in a companion civil proceeding to influence his testimony, and Judge Moore is sitting on that as well. How deep does the corruption in Fayette County go?”

40. On July 13, 2006, respondent sent a letter to Judge Moore, the Alabama State Bar and the Florida Bar which was copied to Jim Smith, an attorney with the Blank Rome law firm. In the letter respondent stated about Judge Moore, "You're the guy who wants to give Take-Two my scalp. You chose to believe people that you knew were thieves and liars, and you now are their useful SLAPP Bar complainant.", and, "These are your corporate criminal buddies, Judge Moore. These are the folks with whom you made your bed, the folks whom your good friend said he could fix the case."

41. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar and the Alabama Rule: Florida Bar Rule 4-3.4 for knowingly disobeying an obligation under the rules of a tribunal (Alabama Rule 3.4(c) for knowingly disobeying an obligation under the rules of a tribunal); Florida Bar Rule 4-3.5 for engaging in conduct intended to disrupt a tribunal (Alabama Rule 3.5(c) for engaging in conduct intended to disrupt a tribunal); Florida Bar Rule 4-8.2 for making statements that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge (Alabama Rule 8.2(a) for making statements that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge); Florida Bar Rule 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation

(Alabama Rule 8.4(c) engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); Florida Bar Rule 4-8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice, including, to knowingly or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers (Alabama Rule 8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice).

COUNT III
[TFB No. 2006-70,766(11F)]

The Bar re-alleges paragraphs one through forty above as if fully state herein.

42. On October 12, 2006, the Eleventh Judicial Circuit Grievance Committee "F" found probable cause to file this count pursuant to R. Regulating Fla. Bar 3-7.4. The presiding member of the grievance committee has approved the instant count.

43. Between September 2005 and at least February 2006, respondent sent several letters, electronic mail, and filed pleadings in which he knowingly or through callous indifference, made statements about several lawyers in the Blank Rome law firm which had no substantial purpose other than to embarrass, disparage or humiliate them and made false statements about them.

44. On September 21, 2005, respondent sent a letter to David Girard-diCarlo, an attorney with the Blank Rome lawfirm, which he copied to various other individuals. In that letter respondent stated, "Two of the partners in your firm, James T. Smith and Rebecca D. Ward, have decided to do a very foolish and a very unethical thing.", and, "Your two partners have also presided over the decision of Rockstar to launch a web site that suggests that I am a bisexual pedophile-another fabrication."

45. On September 23, 2005, respondent sent a letter to Barbara Comstock, a lawyer with the Blank Rome lawfirm and various other individuals. In that letter respondent stated, "Your firm, in particular J.T. Smith and Rebecca Ward, have filed with the court fraudulent filings...", and, "I would encourage you, for my sake and for yours, to talk to Mr. Girard-diCarlo, in particular, and ask him why he is allowing this firm, which is now your firm, to engage in outrageous practices such as the above. This is not practicing law. This is thuggery of the cheapest type....".

46. On September 24, 2005, respondent sent a letter to President Bush, Ken Mehlman, Chairman of the Republican National Committee and Dr. James Dobson, and copied to various others including the media. In that letter respondent stated, "You should ask you RNC friends Mr. Norcross and Mr. Girard-diCarlo if they are proud of what they have accomplished in that regard. They have helped

train a generation of teenaged boys that killings (sic) cops and raping women and killing innocent people is fun, consequence-free, and cool....”, and, “These two men, on behalf of Take-Two, not only through their lobbying but also as lawyers on behalf of Take-Two in court cases, have done their level best to promote what Pope John Paul II called a ‘culture of death’ to an entire generation of American children.”

47. On October 4, 2005, respondent sent a letter to attorney David GirardiCarlo which he copied to various other individuals. In that letter respondent stated, “I have called you directly and personally about the unethical conduct of your two partners, Mr. Smith and Ms. Ward....”, and, “Your lawyers are fraudulent in what they have done in Alabama, and they know it.”

48. On October 20, 2005, respondent sent a letter to Alan Bookman, President of The Florida Bar, and various other individuals. In that letter respondent stated about the lawyers in the Blank Rome lawfirm, “ Now, let me be clear. Any Bar complaint coming from these morons arising out of the above incident is baseless and itself constitutes a violation of a specific federal civil rights statute.”

49. On November 7, 2005, respondent sent a letter to Judge Moore and copied various other individuals. In that letter respondent stated, “It is okay for

Mr. Smith to act like a Mafia thug but it's unethical for me to point out the thuggery."

50. On December 13, 2005, respondent sent out an Immediate News Release regarding the *Strickland* case, in which he stated, "Miami attorney Jack Thompson, who will be assisting plaintiffs' counsel during the discovery process and in the courtroom at trial..."

51. On December 14, 2005, and December 21, 2005, respondent sent letters directly to Paul Eileler, CEO of Take-Two Interactive Software, Inc. regarding the *Strickland* case, even though he knew they were represented by the Blank Rome law firm. In the letter dated December 14, 2005, respondent stated, "Your \$500+ an hour lawyers at Blank Rome just lost all their motions to dismiss in the Alabama wrongful death lawsuit...", and, "Looks like all the lies and deception thrown up in that Alabama courtroom in November by Blank Rome didn't stick...". In the letter dated December 21, 2005, respondent stated, "Maybe the absolutely **dumbest** thing you did was hire Philadelphia's Blank Rome as your law firm of choice to represent you in courtrooms...", and, "Blank Rome also, very importantly, managed to lose all motions to dismiss our wrongful death lawsuit in Alabama ...", and, "We expect to try this case in 2006. We also expect to take at that trial every single penny Take-Two currently has."

52. On December 15, 2005, respondent sent a letter to Judge Moore. In that letter respondent stated, "Jim Smith did the moral equivalent of hiring this kid to threaten to castrate me and stuff my testicles down my throat. The difference between that kid and Jim Smith is that Jim Smith was paid to target me."

53. On December 22, 2005, respondent sent a letter to Judge Moore and copied various other individuals and the media. In that letter respondent stated, "As you will recall, Mr. Smith's clients told the world thereat that I am a bisexual pedophile interested in prurient sex. Mr. Smith apparently has no problem with that targeting of me by his client. He presides over it.", and, "How would Mr. Smith like it if I participated in the sending of sexual aids to his home and office?"

54. On January 1, 2006, respondent sent an electronic mail to Nelson Diaz, an attorney with the Blank Rome lawfirm, which was copied to various other individuals. In that electronic mail respondent stated, "I understand that your firm's partners are delaying their endorsements....in the Philadelphia mayoralty race, pending your decision on whether to run.... Please know if you do run, I shall be delighted to inform any and all your opponents of your law firm's participation in the targeting of cops for death...", and, "P.S. to Jim Smith: Another unintended consequence..".

55. On January 1, 2006, respondent sent a letter to attorney David Girardi-Carlo and copied Judge Moore, and various others including the media. In that

letter respondent stated, “ Your law firm has actively and knowingly facilitated, by various means, the criminal distribution of sexual material to minors...”, and, “...you and your law partners at Blank Rome made a conscious, calculated, craven decision to ‘take out Jack Thompson.’ Your partner, Jim Smith’s, wholesale fabrications uttered in open court in describing, as he called it, ‘Jack Thompson’s dirty little world,’ cleverly complemented Rockstar’s own public assertions that I am a bisexual pedophile. He did all that, as a Blank Rome partner, in serving a criminal enterprise.” He further stated, “You, Mr. Girard-diCarlo, a) in repeatedly refusing to communicate with me, and b) in giving the green light, again and again, to your partners to ‘take out Jack Thompson’ in order to protect Take-Two, have unwittingly, stupidly put Blank Rome in harm’s way.”

56. On January 11, 2006, respondent sent a letter to Honorable Alberto Gonzales, Attorney General and Honorable Alexander Acosta, United States Attorney which was copied to various other individuals including the media. In that letter respondent stated, “Blank Rome, I learned today, has filed a Florida Bar complaint against me, the sole purpose of which is protect the illegal, sometimes criminal activities of Take-Two.”, and, “The purpose of this SLAPP Bar complaint is not to protect the public from an unethical lawyer. It is to protect Blank Rome’s client from the consequences of its illegal activities by ‘shooting the messenger’. Want proof? The idiots at Blank Rome have foolishly put the same internal file

number on the Bar complaint letter as the file number on the wrongful death correspondence. This is a SLAPP Bar complaint, then, by Blank Rome, clandestinely on behalf of its client, Take-Two. How dumb can you get? Blank Rome dumb.”

57. On January 25, 2006, respondent sent a letter to the Board of Governors of the Florida Bar and copied various other individuals and agencies. In that letter he stated, “Blank Rome’s liar designate, Jim Smith, has allowed his rage to dictate his tactics and my, my, what a mistake that will prove to be.”

58. On January 26, 2006, respondent sent a letter to President Bush and Governor Bush and copied various others. In that letter respondent stated, “Blank Rome is engaged in an ongoing criminal conspiracy with its porn client, Take-Two Interactive Software, Inc., which it serves as official registered lobbyist in the US House and Senate, to destroy, with false Bar complaints.....”, and, “If Justice could not investigate and prosecute Scooter Libby without a special counsel being appointed, then it cannot fairly proceed against Girard-diCarlo and others at Blank Rome who are part of this criminal conspiracy in which we have caught them.”

59. On February 1, 2006, respondent sent a letter to the Equity Partners at Blank Rome and copied to various other individuals and agencies. In that letter respondent stated, “Your partners, Jim Smith and Rebecca Ward, decided that one way to win the case for your clients was to try to have the Alabama court grant

their motion to revoke my *pro hac* vice admission. Your partners knowingly lied to the court in that motion.”, and, “Blank Rome acted like the typical schoolyard bully who starts a fist fight and then runs to the teacher when the one being picked on fights back. Because, I told the truth, Mr. Smith lied again in open court at a hearing in Alabama on November 3, 2005.”

60. On February 6, 2006, respondent sent a letter to Judge Moore which he copied to various other individuals including the media. In that letter referring to the lawyers at the Blank Rome lawfirm, respondent stated, “You chose to endorse the ‘ethics’ of the law firm facilitating these murders..”

61. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar and the Alabama Bar: Florida Bar Rule 4-3.3(a)(1) for making a false statement of material fact or law to a tribunal (Alabama Rule 3.3(a)(1) for making a false statement of material fact or law to a tribunal); Florida Bar Rule 4-3.4(c) for knowingly disobeying an obligation under the rules of a tribunal (Alabama Rule 3.4(c) for knowingly disobeying an obligation under the rules of a tribunal); Florida Bar Rule 4-3.4(h) for presenting, participating in presenting, or threatening to present disciplinary charges to solely obtain an advantage in a civil matter (Alabama Rule 8.4(g) for engaging in conduct that adversely reflects on his fitness to practice law); Florida Bar Rule 4-4.2 for communicating about the subject of the representation with a person the lawyer

knows to be represented by another lawyer in the matter (Alabama Rule 4.2 for communicating about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter); Florida Bar Rule 4-4.4 for using means that have no substantial purpose other than to embarrass, delay, or burden a third person (Alabama Rule 4.4 for using means that have no substantial purpose other than to embarrass, delay, or burden a third person); Florida Bar Rule 4-8.2 for making statements that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge (Alabama Rule 8.2(a) for making statements that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge); Florida Bar Rule 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; (Alabama Rule 8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Florida Bar Rule 4-8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice, including, to knowingly or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers (Alabama Rule 8.4(d) for engaging in conduct that is prejudicial to the administration of justice).

COUNT IV
[TFB No. 2005-70,305(11F)]

The Bar re-alleges paragraphs one and two above as if fully stated herein.

62. On March 16, 2006, the Eleventh Judicial Circuit Grievance Committee "F" found probable cause to file this count pursuant to R. Regulating Fla. Bar 3-7.4. The presiding member of the grievance committee has approved the instant count.

63. In or about August 2004, Howard Stern began broadcasting radio programs on South Florida airwaves on stations owned by Beasley Broadcast Group, LLC (hereinafter, "Beasley").

64. After Howard Stern began broadcasting in South Florida, the respondent contacted the Federal Communications Commission (hereinafter "FCC") to complain about the content of the Stern shows aired by Beasley, which respondent claims is pornographic and therefore a violation of criminal law.

65. On or about August 20, 2004, the respondent sent an electronic mail to Norm Kent, counsel for Beasley, which included a letter to the FCC on "John B. Thompson, Attorney at Law" letterhead regarding his complaint about Beasley. In that electronic mail respondent stated, "Beasley's in-house attorney, Joyce Fitch, refuses to talk with me about this. As a lawyer, she is facilitating the commission of this criminal activity."

66. On or about August 25, 2004, the respondent sent an electronic mail to the Attorney Grievance Commission of Maryland regarding Joyce Fitch who is licensed to practice law in Maryland. The email included a letter on "John B. Thompson, Attorney" letterhead to Lori Holcomb, Director of the Unlicensed Practice of Law Department of the Florida Bar, stating that a letter that respondent had received from Mr. Kent and Ms. Fitch "...constitutes extortion by both Ms. Fitch and Mr. Kent."

67. On or about August 25, 2004, the respondent sent an electronic mail to various people, including Norm Kent and the FCC, which included a letter on "John B. Thompson, Attorney at Law" letterhead to Attorney General Ashcroft stating that Beasley's broadcasts "...constitute criminal acts by this company..." and that "...two attorneys for Beasley, one in house and the other out-house, have threatened me in a fashion that in my legal opinion, and in the opinion of my counsel, constitutes criminal extortion."

68. On or about August 25, 2004, the respondent sent an electronic mail to Norm Kent and the FCC, which included a letter on "John B. Thompson, Attorney at Law" letterhead to the Board of Directors of Beasley c/o Attorney Norm Kent which stated that Mr. Kent "...is currently engaged in extortionately threatening Bar complaints and lawsuits against me, which, if pursued, will most

likely result in substantial monetary damages against and other consequences to Beasley. I won't sue you all, but I surely will if Kent sues me.”

69. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-8.4(a) for violating or attempting to violate the Rules of Professional Conduct; and, 4-8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

COUNT V
[TFB No. 2005-71,125(11F)]

The Bar re-alleges paragraphs one and two above as if fully stated herein.

70. On March 16, 2006, the Eleventh Judicial Circuit Grievance Committee “F” found probable cause to file this count pursuant to R. Regulating Fla. Bar 3-7.4. The presiding member of the grievance committee has approved the instant count.

71. In early 2005, Beasley retained the law firm of Tew Cardenas, LLP (hereinafter, “Tew Cardenas”) to represent Beasley Broadcast Group, LLC

(hereinafter, "Beasley") in a number of matters, including complaint against federal agencies and lawsuits that respondent was taking against Beasley.

72. On or about March 17, 2005, respondent sent a letter on "John B. Thompson, Attorney" letterhead to Florida Governor Jeb Bush stating that Al Cardenas, a partner in the Tew Cardenas firm, "...has been involved in facilitating the commission of criminal activity in violation of 18 USC 1464 and other federal and state criminal statutes.", and, "...Mr. Cardenas personally and his firm collectively have actively protected the distribution of pornographic material to children..." and, "This makes Mr. Cardenas and his firm involved, in my legal opinion, in a statewide racketeering activity."

73. On or about March 17, 2005, respondent sent a letter on "John B. Thompson, Attorney" letterhead to Florida Attorney General Charlie Crist in which he enclosed a copy of the March 17, 2005 letter to Governor Jeb Bush and, referring to Al Cardenas and his firm, stated, "The involvement of that Republican lawyer and his law firm in facilitating and protecting the distribution of pornography to children and the intimidation of someone trying to stop it constitute, in my opinion, multiple instances of racketeering activity in more than one Florida county."

74. On or about March 18, 2005, respondent sent Al Cardenas an electronic mail in which he stated, "...I alerted the Daily Business Review here in

Miami that I have asked Governor Bush to direct the Statewide Prosecutor to investigate your law firm's receipt of fees from a multi-county criminal activity that violates federal criminal statutes."

75. On or about March 24, 2005, respondent sent an electronic mail on "John B. Thompson, Attorney" letterhead to Governor Bush stating that Al Cardenas and his law firm are, "...actively involved in facilitating a multi-county criminal enterprise in Florida..." and, "There is plenty of evidence to prove the distribution of pornography by this Florida company [Beasley] to children and Tew, Cardenas' facilitation of that criminal activity."

76. Based upon the conduct described above, on or about March 28, 2005, Al Cardenas and Lawrence Kellogg, a partner in the Tew Cardenas firm, filed a complaint with the Florida Bar against the respondent.

77. On or about April 25, 2005, respondent sent an electronic mail to various people including Mr. Cardenas and Mr. Kellogg with the subject line, "Strap your seatbelt on, Mr. Cardenas". In his electronic mail, he included a letter on "John B. Thompson, Attorney at Law" letterhead addressed to Al Cardenas and Lawrence Kellogg in which the respondent stated he is aware of the bar complaint they filed against him, that Mr. Cardenas has now, "...put Beasley further in harm's way at the FCC..." and, "You have further put your law firm in harm's way. I now not only can sue Beasley but also Tew, Cardenas." Respondent further

stated to Mr. Cardenas, "You think you've been harmed by letters to Jeb Bush about the pornography you've been protecting and facilitating? Just wait for the public relations this latest ploy by your firm generates."

78. On or about April 26, 2005, respondent sent an electronic mail to various people, including Al Cardenas, which included a letter on "John B. Thompson, Attorney at Law" letterhead to Governor Bush stating that Al Cardenas, "...has used his firm to protect the illegal distribution of indecent material to children, in violation of 18 USC 1464. Al Cardenas has used his firm to extort me because of my successful efforts against Howard Stern, which resulted in Stern's removal from all of Mr. Cardenas' client's stations."

79. On or about April 27, 2005, respondent sent an electronic mail to various people including Mr. Kellogg. The e-mail to Mr. Kellogg included a letter on "John B. Thompson, Attorney at Law" letterhead to Miami-Dade State Attorney Katherine Fernandez Rundle, with a subject line, "Since Tew, Cardenas has just told Ray Reiser (Respondent's counsel) they want to continue to extort me, here you go, gentlemen". In the letter, respondent stated that Beasley, "...commenced a practice and pattern of extorting me, including a threat of violence against me...", and that Al Cardenas and his law firm, "...must be investigated for its multi-faceted criminal activity..."

80. On or about April 27, 2005, respondent sent an electronic mail to various people including the Cardenas law firm, FCC, and Norm Kent attaching a letter on "John B. Thompson, Attorney at Law" letterhead to United States Attorney, Marcos D. Jimenez, stating that Beasley and the Tew Cardenas law firm have, "...embarked upon a course of extortion and other criminal activity, including serial violations of USC 241 and 18 USC 1464 several months ago."

81. On or about April 27, 2005, respondent sent an electronic mail to various people including Al Cardenas which included a letter on "John B. Thompson, Attorney" letterhead to President George Bush, stating that Al Cardenas, "...has been involved in facilitating the distribution of pornography to children and the extortion of those who would try to stop it, in violation of 18 USC 1464 and other federal criminal statutes."

82. On April 30, 2005, respondent sent electronic mail to various people and agencies, including the FCC, which included a letter on "John B. Thompson, Attorney at Law" letterhead to Lawrence Kellogg, stating, "Now, because you have clumsily decided to use The Bar to protect Al Cardenas' influence peddling, the water is about to get hotter."

83. On or about April 30, 2005, respondent sent an electronic mail to various people and agencies, including the FCC, Tew Cardenas, and Governor Bush, attaching a letter on "John B. Thompson, Attorney at Law" letterhead

addressed to Dr. Castell V. Bryant, President of Florida A&M University, stating, "Mr. Cardenas, former Chairman of the Florida GOP, wants the Republican Party to be a 'big tent.' But it cannot be a big tent to include African Americans when white politicians and lobbyists like Mr. Cardenas do things that suggest they are putting profit ahead of race relations."

84. On May 1, 2005, respondent sent an electronic mail to various people, including Al Cardenas, which attached a letter on "John B. Thompson, Attorney at Law" letterhead to Congressman Fred Upton which stated at the top of the letter, "Dear Al: Bar Complaints are dangerous things, si?" In the letter to Mr. Upton, respondent stated that, "...Al Cardenas has filed a Bar complaint against me trying desperately to stop me from blowing the whistle on Beasley's illegal activity and his and his law firm's hypocrisy in fronting for it." and, "I encourage you (sic) spread the word on the Hill that Tew, Cardenas cannot be trusted on this issue and may be a liability, because of it on all other issues and clients for which they lobby so strenuously in Washington."

85. On May 2, 2005, respondent sent an electronic mail to various people including Al Cardenas which attached a letter on "John B. Thompson, Attorney" letterhead to United States Attorney General Alberto Gonzales stating that Tew Cardenas, "...has now filed a Bar complaint against me the purpose of which, Attorney General Gonzales, is to harass, intimidate, threaten, and punish me for

my efforts against *Stern* and Beasley.” Respondent further stated, “I believe, and I believe you would agree with me, that extortion to protect a criminal enterprise is yet another predicate RICO act. I don’t need to tell you this is what organized crime does. It engages in the distribution of illegal pornography and then threatens those who get in the way of its distribution. This, in my opinion, is precisely what Beasley and its lawyers have been doing to me since September 2003 and continue to do in the month of May 2005.”

86. On May 2, 2005, respondent sent an electronic mail to various people, including Larry Kellogg, which included a letter to State Attorney Katherine Rundle, on “John B. Thompson, Attorney at Law” letterhead, stating that, “I have received from The Florida Bar the formal Bar complaint filed by Larry Kellogg, Al Cardenas and the Tew, Cardenas law firm.”, and, “...Larry Kellogg should be prosecuted for perjury in my opinion.”

87. On May 4, 2005, respondent sent an electronic mail to various people, including Al Cardenas, which included a letter to Governor Jeb Bush, on “John B. Thompson, Attorney” letterhead, stating that, “Your dear friend Al Cardenas and his law partner have just been caught committing perjury to protect both their law firm and a criminal enterprise that has distributed pornography to children in multiple counties in Florida.” and, “Please appoint a special prosecutor to

investigate them and their client for this multi-layered, multi-county criminal activity.”

88. On May 7, 2005, respondent sent two electronic mails to Larry Kellogg and Ray Reiser which included letters to John A. Lawler, President and CEO of Martindale-Hubbell, stating that, in his opinion, Larry Kellogg, Al Cardenas, Stuart Grossman (a lawyer at Tew Cardenas) and Tew Cardenas “...do not deserve this high dual rating from Martindale-Hubbell. It is my opinion that this firm has engaged in criminal conduct.”

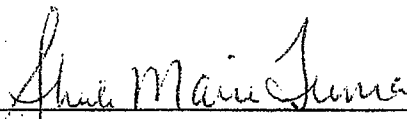
89. On June 16, 2005, respondent sent an electronic mail to various people including the Tew Cardenas law firm, which included a letter to Tew Cardenas client, Pasco County, on “John B. Thompson, Attorney at Law” letterhead, stating that, “Tew Cardenas has been involved, for quite sometime, in efforts to facilitate the illegal broadcasts of Naples-based Beasley Broadcast Group, Inc., in violation of 18 USC 1464, a criminal statute. I am not quite sure why Pasco County would want to hire a firm that is a front for a portion of the pornography industry.”

90. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-8.4(a) for violating or attempting to violate the Rules of Professional Conduct; and, 4-8.4(d) for engaging in conduct in connection with the practice of law that is prejudicial to the administration of

justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

WHEREFORE, The Florida Bar prays that respondent be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,



SHEILA MARIE TUMA

Bar Counsel

The Florida Bar

1200 Edgewater Drive

Orlando, Florida 32804-6314

(407) 425-5424

Attorney No. 196223

Date: _____

1-9-07



KENNETH LAWRENCE MARVIN

Staff Counsel

The Florida Bar

651 East Jefferson Street

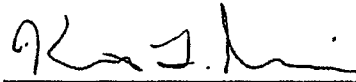
Tallahassee, Florida 32399-2300

(850) 561-5600

Attorney No. 200999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served the original of the foregoing Complaint to the Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927; a copy of the foregoing, by certified mail No. 7003 1680 0002 4614 1553, return receipt requested, on Raymond A. Reiser, counsel for respondent, at Raymond Reiser Assoc., P.A., 7150 West 20th Avenue, Suite 410, Hialeah, Florida 33016-5533; and a copy of the foregoing by First Class mail to Bar Counsel, The Florida Bar, 1200 Edgewater Drive, Orlando, Florida 32804-6314, on this 17th day of January, 2007.



KENNETH LAWRENCE MARVIN
Staff Counsel

NOTICE OF TRIAL COUNSEL

PLEASE TAKE NOTICE that the trial counsel in this matter is Sheila Marie Tuma, Bar Counsel, whose address and telephone number are 1200 Edgewater Drive, Orlando, Florida, 32804-6314, (407) 425-5424. respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.