

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. _____
[The Florida Bar File No.
2007-30,805(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, at all times material.
3. On August 31, 2006, respondent filed a First Amended Verified Complaint for Injunctive Relief in the matter entitled *John B. Thompson on behalf of the State of Florida v. Wal-mart Stores, Inc., Take Two Interactive Software, Inc., and Gamestop, Inc.* (hereinafter Bully case), Case No. 06-

16311, Eleventh Judicial Circuit of the State of Florida, Dade County, Florida. This case was assigned to Judge Ronald Friedman. Respondent brought the action to prevent the release of a video game entitled *Bully*.

4. During the pendency of the *Bully* case, respondent made statements about Judge Friedman, which respondent knew to be false or with a reckless disregard as to its truth concerning the qualifications or integrity of Judge Friedman, made misrepresentations about Judge Friedman and knowingly or through callous indifference, made statements about Judge Friedman to disparage or humiliate him and attempt to intimidate him. Respondent also made statements that had no substantial purpose other than to embarrass Judge Friedman.

5. On October 13, 2006, respondent sent a letter to Judge Friedman which he sent to various other individuals including the media. In that letter respondent stated, "Now that you have consigned innumerable children to skull fractures, eye injuries from slingshots, and beatings with baseball bats...", and, "What you conducted in your chambers, Judge, was the equivalent of Iran leading UN weapons inspectors around the country taking them places where the illegal activity was not occurring." He further stated, "I couldn't care less what you did to me. What I care is that you through judicial arrogance, have hung countless kids out to dry in school that

will now be meaner and more dangerous. Next time you promise a 'hearing'. I'll bring a parent with me whose kid is in the ground because of a kid who trained to kill him or her on a violent video game. Try mocking that person, I dare you."

6. On October 13, 2006, respondent filed a Verified Motion to Recuse Presiding Judge in the Bully case. In that pleading respondent stated, "The behavior of this Judge was abominable, which was made all the worse by the fact that he engaged in these childish antics in front of the media in the courtroom."

7. On October 17, 2006, respondent sent a letter to Judge Friedman which he copied to defendant's counsel. In that letter respondent stated, "When the victims start contacting me. I'll tell them how you prevented the hearing and didn't review the entire game before you unleashed it upon them.", and, "I've never run into a more discouraging abortion of justice than in your courtroom. But it's not about me, Judge Friedman. It is about these kids. You think the riot in the OB was bad? Just wait."

8. On October 18, 2006, respondent sent a letter to Judge Friedman which he copied to defendant's counsel and the media. In that letter respondent stated, "Gee, care to go for violating ten of your own orders

in one week, Judge Friedman? How about your oath of office? We can count that as one. There is not a chance in Hell that you would grant my Emergency Motion.” and, “I’m wondering where this judicial misconduct is going to take us all? I have a pretty good idea, even if you don’t. The great thing about our system of law is that it was spawned in the crucible of throwing off the yoke of a tyrant.”

9. On October 18, 2006, respondent filed an Initial Response by Plaintiff Thompson to Take-Two’s Motion for an Order to Show Cause and Ultimately to Incarcerate Thompson for Criminal Contempt in the Bully case. In that pleading respondent stated, “The Court then, unethically and improperly, then proceeded to enter it ruling, in contravention of its own order to reconvene the October 11 hearing.” and, “He then denied Thompson’s request to cross-examine, and the Judge then violated his own order to view the game to completion, topped off by his childish and unethical refusal.....” Respondent further stated, “If this Court is so foolish as to enter a Show Cause Order, as Take-Two requests, for trying to remedy this Court’s unethical misconduct, including the violation of its own orders, then the aforementioned federal civil rights action will be amended to add this judge.”

10. On October 19, 2006, respondent issued an Immediate News Release which he sent to Judge Friedman. In the news release respondent stated, "Thompson has chosen his opponent carefully – incumbent Ronald M. Friedman. Friedman is the man who last week violated three of his own court orders in unleashing upon America's pre-teen and teen children the extremely violent Columbine simulator video game *Bully*," and, "Circuit Court Judge Ronald Friedman is the embodiment of what more and more citizens understand to be the greatest domestic threat to liberty—a tyrannical judiciary that thinks it is above the law."

11. On October 24, 2006, respondent sent a letter to Honorable Alberto Gonzales, Attorney General of the United States, which he copied to various individuals and agencies including Judge Friedman and the media. In that letter respondent stated, "Now Blank Rome is at it again, having enlisted a pliable Circuit Court Judge, Ronald M. Friedman, to abuse his contempt power to try to throw me in jail for blowing the whistle on the judge's incredible misconduct and Take-Two's/Blank Rome's as well." and, "Judge Friedman, in violating his own orders, has improperly paved the way for a Columbine simulator video game to be sold to children."

12. On October 24, 2006, respondent sent a letter to Judge Friedman which he copied to defendant's counsel. In that letter respondent

stated, "Transmitted herewith is my Application for Recusal...", and, "If you cannot decide whether or not to grant it, then I would suggest flipping a coin: Heads I win; tails you lose. Please read Statute 38.10. You don't have a choice, but that situation hasn't stopped you before."

13. October 24, 2006, respondent sent a letter to Judge Friedman which he copied to defendant's counsel. In that letter respondent stated, "If I do not hear from you or your assistant by five o'clock p.m. today in that regard, then I shall proceed in the Third District Court of Appeal in light of your improper hearing scheduled tomorrow at 4pm on Blank Rome's show cause motion, the purpose of which is to cover up its misconduct and your own."

14. On October 24, 2006, respondent sent a letter to Judge Friedman in which he stated, "I will say, however, that if you keep violating your own orders, keep violating the Judicial Code of Ethics, and keep acting in an arbitrary, spiteful fashion that eclipses anything I have ever seen from a Judge, then all of that will constitute a massive contribution to my campaign."

15. On October 24, 2006, respondent sent a letter to Judge Simons, Chief Administrative Judge, General Jurisdiction Eleventh Circuit Court which he copied to Judge Friedman and defendant's counsel. In that letter

respondent stated, "Transmitted herewith is my application for the recusal of Judge Friedman. Maybe you can persuade this Judge to obey the law."

16. On October 24, 2006, respondent filed a Sworn/Verified Application and Affidavit for Recusal of Presiding Judge in the Bully case. In that pleading respondent stated, "Because of this Court's actions in violating its own orders and in conducting the improper proceeding..." and, "Defendant's position, and it appears to be this Court's position as well, is that it can order secrecy worthy of the Star Chamber in order to shroud its misconduct from any review of any kind, judicial or public. Respondent further stated, "However, this Court has indicated that it looks with favor upon the notion that it can use its contempt power to cover up from judicial and public scrutiny its misconduct..." , "Judge Friedman has even drawn his pleasant judicial assistant into this cover-up-the-judge's-misconduct charade." and, "This Court now appears to be in a full-court press to abuse its contempt power to keep the lid on how thoroughly it botched its duty to have a real judicial inquiry...."

17. On October 24, 2006, respondent file a Request for Hearing on Recusal Application in the Bully case. In that pleading respondent stated, "This Court would benefit from hearing, face-to-face, why it cannot further

preside in this matter. We have had enough secret proceedings in this case. The court would do well to let the light of day shine on this case....”

18. On October 24, 2006, respondent filed Plaintiff's Initial Response to Defendant Take-Two's Memorandum of Law in Opposition to Recusal Application in the Bully case. In that pleading respondent stated, "Any person who has been a lawyer for 30 years, as has plaintiff, can handle adverse rulings. What he can't abide are judges who don't even play by their own rules. That duplicity, that lack of judicial fairness, cries out for a recusal. And this is not a judge who enjoys a pristine reputation for fairness. Plaintiff has heard from two lawyers whom the legal community knows to be outstanding litigators, and they both speak of the remarkable unfairness and vindictiveness of Judge Friedman." and, "Finally, the apparent cleverness of this Court in not ruling on this Application for Recusal by close of business on October 24, the day before the show cause hearing, thereby making another emergency trip out to the Third District, is additional proof that this Court enjoys toying with litigants. This is not acting like a judge. It is acting like a bully. How ironic. How appropriate. No wonder this court had no problem with the hundreds of fists landing on students' faces. He beats up lawyers for fun himself."

19. On October 24, 2006, respondent filed Plaintiff's Further Response to Defendant Take-Two's Memorandum of Law in Opposition to Recusal Application in the Bully case. In that pleading respondent stated, "Judge Ronald M. Friedman was hoodwinked by the Take-Two employees who sat there in his chambers and represented to Judge Friedman, with unsworn testimony, with no cross-examination by plaintiff....", and, "These were lies, which this Judge swallowed hook, line, and sinker. Read the *Boston Globe* article. It is embarrassing to anyone who thinks judges are supposed to act like judges." Respondent further stated, "Is this Judge going to admit to the whole world that he was taken for a ride by Take-Two, that he violated his own orders in not reviewing the game to conclusion, and that his own misconduct was a travesty that explains why we are sitting here with tens of thousands of these units sold to and played by minors? This Judge Ronald M. Friedman didn't do his job that he took an oath to do.", and, "Does a single sane person who reads the above think that this Judge, with a well-known and well-deserved reputation within the legal community for arbitrariness and vindictiveness and self-serving actions, ..."

20. On October 25, 2006, during a hearing in the Bully case, Judge Freidman found "Now, statements made to this court about this court by Mr.

Thompson I find inappropriate by a member of the bar, unprofessional and contemptible.”

21. On October 25, 2006, respondent sent Judge Friedman a letter in which he stated, “Your Honor, what with your calling yet another hearing that never happened and then summoning the ‘Sheriff’s deputies’ (we don’t have a Sheriff in Miami-Dade County, but that’s just a mere detail that a Judge can’t be expected to know) to intimidate me into shutting up in your modern day Star Chamber.” and “Here’s a tip for you, Judge: I don’t just practice law. I save lives from reckless jurists like you.” Respondent further stated, “I’ve sat with families whose loved ones are dead because of cowardly judges like you,....I serve those broken-hearted people, not arrogant tyrants like you.” and “I am a lot of bad things, but I am not a liar. You are. You promised and ordered hearings that never occurred,....You’re the kind of guy who would wave into an intersection a child to be run over by a semi....you are going to be exposed as the prevaricator and facilitator of violence and porn to kids that you are...America is a great place where citizens get to cleanse the public dole of thugs like you.”

22. On October 25, 2006, respondent issued an Immediate New Release entitled “Is Miami Attorney and Video Game Critic going to jail today for Contempt?” In the news release respondent stated, “The Miami

Judge who unleashed *Bully* on America's children is Ronald M. Friedman, who promised and ordered full review of the game...Finally, the judge violated his own order by publicly and falsely describing the content of the game before its public release." and, "This Judge is apparently delighted by the prospect of throwing into jail the party who blew the whistle on his judicial misconduct."

23. On October 27, 2006, respondent sent a letter to the Florida Bar Board of Governors regarding Judge Friedman. In that letter, respondent stated, "There is a transcript of the bizarre séance he held in his office with Take-Two employees giving him testimony, not under oath, and preventing cross-examination by me. I call it the 'Kim Jung II guided tour of North Korea to find where the nukes are not.' The good Judge then violated his October 12 order....." and "He is not entitled to violate orders, break promises, and shred due process to get to those rulings and then *bully*, with the police and then with Bar complaints, me for pointing out that this emperor judge has no robes."

24. On October 29, 2006, respondent sent a letter to Judge Friedman which he copied to various individuals and agencies including the media. In that letter he stated, "Because you violated your own order...you

missed the gay sex....I'm sure the voters are going to love that. Go ahead. Judge. File your bar complaint. Make my day.”

25. On November 6, 2006, The Florida Bar received information regarding respondent's conduct in the Thompson case and initiated an investigation.

26. On November 16, 2006, The Florida Bar notified respondent's counsel, Raymond Reiser, of the complaint against his client. In that letter, respondent was advised of his obligation to provide a written response to the Bar pursuant to R. Regulating Fla. Bar 4-8.4(g). Respondent failed to provide the required response to The Florida Bar.

27. On January 7, 2007, The Florida Bar sent respondent's counsel, Raymond Reiser, a Notice of Probable Cause Vote for his client, John Thompson. The Notice, which set this matter for vote on February 7, 2007, gave respondent another opportunity to respond to the Bar.

28. On January 19, 2007, The Florida Bar sent a letter to respondent's counsel, Raymond Reiser, advising him again of his client's obligation to provide a written response. Respondent once more failed to provide the required response to The Florida Bar.

Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar : 4-4.4 for using means that

have no substantial purpose other than to embarrass, delay, or burden a third person; 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; 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; 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; and 4-8.4(g) for failing to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency when bar counsel or the agency is conducting an investigation into the lawyer's conduct. A written response shall be made: (1) within 15 days of the date of the initial written investigative inquiry by bar counsel, grievance committee, or board of governors; and (2) within 10 days of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors.

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

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Attorney No. 196223

Date: 2-15-07

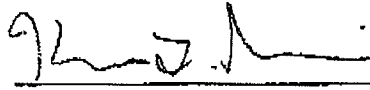


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CERTIFICATE OF SERVICE

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. 7160 3901 9843 1199 9943, 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 20th day of February, 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.