

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 NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF INJUNCTIVE AND DECLARATORY RELIEF HE SEEKS**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and provides notice to the court of supplemental case authority in support of the relief he seeks, stating:

1. The attached 2002 opinion of the Florida Supreme Court in *Tyson v. Florida Bar*, 826 So. 2d 265 (Fla. 2002) states:

As we explained over forty years ago in *In re Harper*, 84 So. 2d 700, 702 (Fla. 1956), the purpose of an attorney disciplinary proceeding is the protection of the public, not the vindication of private rights: "Disciplinary proceedings against attorneys are instituted in the public interest and to preserve the purity of the courts.

2. The Florida Supreme Court, by authorizing the "discipline" of Thompson, is violating its own clear holding in *Tyson* that "the purpose of an attorney disciplinary proceeding is the protection of the public." The Bar complaints brought against Thompson were generated and filed by lawyers for a video game industry company in retaliation for Thompson's appearance on CBS' *60 Minutes* about it and by lawyers for the Florida broadcaster illegally airing *The Howard Stern Show*. These are SLAPP Bar

complaints which were conjured up as a clever collateral “shoot the messenger” attack upon the undersigned activist in order not to “protect the public” but rather to protect two companies heavily involved in the illegal porn-to-kids industry. The Bar, rather than protecting the public, is facilitating the mental molestation of minors for money.

3. As to the *Howard Stern* matter, Thompson didn’t even have a client. No client has *ever* complained about such public-spirited efforts by Thompson. Not one. So just who is this “public” that The Bar is protecting from Thompson?

4. Thompson has repeatedly asked The Bar, in formal discovery in the state disciplinary proceedings against him: “What harm has Thompson done? What public purpose is being served by these disciplinary proceedings?” Those questions are not rhetorical. They must be answered in light of the Florida Supreme Court’s own ruling in *Tyson*. The Bar refuses to answer those questions because its answer to both is “NONE.”

5. The *Tyson* standard set by the Florida Supreme Court as to the purpose of lawyer discipline is highly germane to these federal proceedings, particularly in light of *Fieger v. Supreme Court of Michigan*. It is very simple: For any state’s restriction on speech to survive a “strict scrutiny test,” there must be “a compelling state interest” served by such a restraint. Not only do we not have, in the state Bar proceedings against Thompson a compelling state interest, ***we have no state interest whatsoever.***

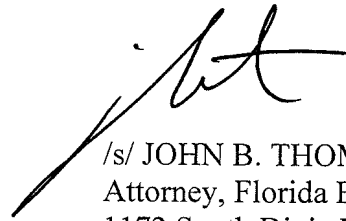
The Bar cannot enunciate it. The porn industry lawyers can not state it and don’t even try. What we really have here, then, is a state supreme court and a state bar that simply seeks to enforce its illiberal speech codes for no reason whatsoever other than that they think they can get away with it. They almost did, until *Fieger* came along.

At least Afghanistan's Taliban has a *reason* for clamping down on speech. The Florida Bar doesn't even have that. What it has is the joy its self-righteous operatives feel in the utterly arbitrary but apparently enthralling exercise of raw governmental power in violation of the United States Constitution.

After all, these people call themselves literally the "Guardians of Democracy" on Bar brochures. They guard nothing but their own hubris.

The Bar is hoisted upon its own *Tyson* petard, and this court should act accordingly.

I HEREBY CERTIFY that this has been served upon record counsel this 10<sup>th</sup> day of September, 2007, electronically.

A handwritten signature in black ink, appearing to read 'J. B. Thompson', written in a cursive style.

/s/ JOHN B. THOMPSON, Plaintiff  
Attorney, Florida Bar #231665  
1172 South Dixie Hwy., Suite 111  
Coral Gables, Florida 33146  
Phone: 305-666-4366  
[amendmentone@comcast.net](mailto:amendmentone@comcast.net)