

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

*Ken*  
*Melissa*

THE FLORIDA BAR,

Complainant,

v.

JOHN BRUCE THOMPSON,

Respondent.

Case No. SC07-80 *2005-70,305(11F)*  
[TFB Nos. 2005-71,125(11F);  
2006-70,570(11F);  
2006-70,766(11F);  
2006-70,909(11F)]

Case No. SC07-354  
[TFB No. 2007-30,805(11F)]

**REPORT OF REFEREE**  
**(CORRECTED)**

**I. SUMMARY OF PROCEEDINGS**

1. This proceeding involves five separate and distinct cases, alleging thirty one violations of specified disciplinary rules and conduct occurring over a period of three and a half years. The portion of the record consisting of transcripts and exhibits in evidence, totals approximately 5,900 pages. This is entirely exclusive of the many hundreds, and perhaps more, of documents, received by the Court during the past eighteen months of litigation that will likewise be forwarded as part of the record. Thus, this Court recognizes this to be an atypically detailed and extensive Report of Referee. However, by virtue of the number of separate complaints and Rule violations alleged, the period of time involved and the volume

of evidence presented which spans over two decades, such a report is considered warranted.

2. In Case No. SC07-80, this court issued its order on January 24, 2007, directing the Chief Judge of the Eleventh Judicial Circuit to appoint a Referee within 14 days with the Report of Referee to be filed within 180 days of the order appointing the Referee, or August 5, 2007. This Referee was appointed on February 6, 2007 to conduct disciplinary proceedings in this matter. See Rule 3-7.6, Rules of Discipline.

3. In Case No. SC07-354, this court issued its order on March 7, 2007, directing the Chief Judge of the Eleventh Judicial Circuit to appoint a Referee within 14 days with the Report of Referee to be filed within 180 days of the order appointing the Referee, or September 17, 2007. This Referee was appointed on March 19, 2007 to conduct disciplinary proceedings in this matter. See Rule 3-7.6, Rules of Discipline. The procedural history of this Referee proceeding follows.

4. On April 10, 2007 case numbers SC07-80 and SC07-354 were consolidated for the purposes of Final Hearing.

a). Case No. SC07-80 contains Counts I-V, consisting of 90 paragraphs which allege specific conduct and violations of Rules Regulating the Florida Bar forming the basis for the complaint. On February 20, 2007, this Referee received the Florida Bar's Notice of Voluntary Dismissal of

Count IV With Prejudice. Count IV involved paragraphs 62 through 69 of the complaint. This Court accepted the Florida Bar's Notice of Voluntary Dismissal of Count IV With Prejudice.

b). Case No. SC07-354 contains one Count, consisting of 28 paragraphs which allege specific conduct and violations of Rules Regulating the Florida Bar forming the basis for the complaint.

c). On February 13, 2007 the Respondent filed a motion entitled: Respondent's Motion For Status Conference. In addition to requesting a status conference be held, the Respondent argued and alleged in this motion: past and ongoing prosecutorial misconduct in both the Orlando office and the Tallahassee office of The Florida Bar; a violation by The Florida Bar of R. Regulating Fla. Bar 3-4.6, allegedly prohibiting the prosecution of a foreign jurisdiction's bar complaint until that foreign jurisdiction has done so; harassment by The Florida Bar; a violation of Florida's Religious Freedom Restoration Act; a breach of promise by The Florida Bar to allow Respondent to meet with a Bar investigator prior to his filing a report to the Grievance Committee; the failure of The Florida Bar to generate a charging document that was self-explanatory; dismissal of the entire complaint under the First Amendment of the United States Constitution; the targeting of the Respondent by the designated reviewer assigned by the Florida Board of

Governors; the necessity of court-ordered mediation; inappropriate motivation by one of the complainants in retaliation for the Respondent's conduct; the need for discovery; the necessity for a stay of the proceedings; and a request for the undersigned Referee's assistance in bringing the matter to conclusion through negotiations.

d). On February 20, 2007 The Florida Bar filed a Motion For Default. The Bar alleged that the complaint was served on the Respondent through his former counsel on January 17, 2007 and no answer or other responses to the allegations were received. On February 23, 2007, Respondent filed a motion entitled Respondent's Opposition To Motion For Default. In this motion Respondent argued, "[f]or twenty-nine months, respondent has categorically denied each and every violation of Bar Rules alleged by all of the SLAPP (strategic litigation against public participation) Bar complaints, including all allegations by The Bar itself." Respondent further argued that in his Motion For Status Conference filed February 13, 2007, he had denied the allegations of The Florida Bar's various complaints. While the Respondent did not file an answer, pursuant to R. Regulating Fla. Bar 3-7.6(h)(2), wherein a party admits or denies allegations paragraph by paragraph; nonetheless, this Court accepted the Respondent's pleadings as stated above to indicate that the Respondent denied all allegations in each

complaint, and ruled on all motions which are contained in the record forwarded to the Supreme Court of Florida.

5. Several case management conferences were held in this matter. These were held on or about March 2, 2007; March 7, 2007; March 27, 2007; April 10, 2007; April 30, 2007; May 15, 2007; May 31, 2007; June 4, 2007; June 7, 2007; June 18, 2007; July 5, 2007; August 30, 2007; and, October 1, 2007. There are approximately nine hundred (900) pages of transcripts of these case management conferences. During the first four case management conferences, no court reporter was present.<sup>1</sup>

6. The first Final Hearing set for June 25 through 29, 2007, was continued pursuant to Respondent's request. Thereafter, the next Final Hearing set for September 4 through 7, 2007 was continued pursuant to Respondent's request.<sup>2</sup>

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<sup>1</sup> This Court acknowledges that at one of the first case management conferences with no court reporter present-the undersigned used the word: "propaganda" referring to a fax received from Mr. Thompson. Therein were page-sized photos of men, portraying full frontal nudity, including photos depicting men engaging in oral sex. This fax was accompanied by at least twenty websites, whose names suggested they were websites containing pornographic material. Upon receiving this fax, the undersigned confronted the Respondent as to the legal purpose and appropriateness of sending the fax to this Court and used the word "propaganda," as the pictorial filing was wholly unrelated to any issue germane to the disciplinary proceedings. Thereafter, in numerous pleadings to this Referee, the Federal Courts and The Supreme Court of Florida, Respondent continuously misrepresented that this Referee used the term "propaganda" to describe his published book, his theory of defense, his legal pleadings and arguments.

<sup>2</sup> In light of the repeated allegations by Respondent, both in pleadings and correspondence (sent to the undersigned as well as to the Supreme Court of

7. This Referee filed a Motion for Extension of Time to File Report of Referee in this matter on September 5, 2007. The Supreme Court of Florida granted the motion and extended the time for filing the Report of Referee until and including December 21, 2007.

8. The Final Hearing in this matter commenced on November 26, 2007, and concluded on December 6, 2007, and consisted of nine days of testimony, evidence and argument by the parties.<sup>3</sup> The Bar submitted seventy-eight (78)

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Florida) that this Referee has denied his requested continuances in this cause, this Report of Referee includes the details of Respondent's requests for continuances, and this Referee's rulings upon those requests. For example, the Respondent has alleged that this Referee has ignored and/or denied continuances requested as a result of his representations regarding his spouse's health. The undersigned has included as part of the record as a Court Exhibit, (hereinafter "Ct. Ex.") a letter written by this Referee and sent to all parties, dated March 28, 2007. It states, in pertinent part: "The Court has previously been informed by Mr. Thompson of the serious medical condition of his spouse and particular medical treatment being administered to her. This Court understands and is mindful of the physical and emotional toll the described medical treatments can have not only on a patient, but the attending family. Therefore, this Court is assuring Mr. Thompson that hearings will be reasonably scheduled to accommodate his spouse's current medical situation, while affording him the opportunity to be present at all hearings he desires to attend." See Ct. Ex. 1. The Court notes that once the Final Hearing date of November 26, 2007 was chosen, the Respondent did not request a continuance prior to or during the nine day Final Hearing relating to any health issues regarding his spouse.

<sup>3</sup> The week prior to the Final Hearing in this matter, this Court received Respondent's Emergency Motion to Re-set November 26 Trial Date. Respondent was requesting a re-set, in essence a stay, pending the outcome of case 07-21256-CIV-JORDAN, a lawsuit entitled John B. Thompson vs. The Florida Bar, Francisco Angones, John Harkness and Dava J. Tunis, in the United States District Court Southern District of Florida, in front of the Honorable Adalberto Jordan. Respondent's request to this Referee became moot when on November 20, 2007,

exhibits totaling approximately twenty-four hundred (2,400) pages into evidence, dating back to 1990. There are approximately twenty-five hundred (2,500) pages of transcripts of the Final Hearing, exclusive of the approximately nine hundred (900) pages of transcripts of case management conferences.

a). During the Final Hearing, the Court received sworn testimony from the following Florida Bar's witnesses: The Honorable James Moore, Circuit Judge, Twenty-Fourth Judicial Circuit, Fayette County, Alabama (appearing pursuant to subpoena, as required by the Code of Judicial Conduct); James T. Smith, Esquire, a partner at Blank Rome LLP, Philadelphia, Pennsylvania; The Honorable Clatus Junkin, Acting Retired Circuit Judge for the State of Alabama and a practicing attorney; Rebecca D. Ward, Esquire, a partner at Blank Rome LLP, Philadelphia, Pennsylvania; The Honorable Ronald M. Friedman, Circuit Court Judge, Eleventh Judicial Circuit of Florida (also appearing pursuant to subpoena); Lawrence A. Kellogg, Esquire, a partner at Tew Cardenas LLP, Miami, Florida; and Alberto Cardenas, Esquire, a partner at Tew Cardenas LLP, Miami, Florida. The Court also received sworn testimony during the Respondent's case, from the Respondent, John B. Thompson, Esquire.

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Judge Jordan in a 24 page opinion, dismissed Respondent's federal lawsuit requesting Judge Jordan enjoin these disciplinary proceedings and declare certain Florida Bar Rules unconstitutional.

b). The Court received into evidence the following exhibits:<sup>4</sup>

For Complainant The Florida Bar:

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<u>No.</u>	<u>Document</u>
<b><u>COUNT I – TFB No. 2006-70,570(11F)</u></b> <b><u>(Alabama Pro Hac Vice complaint)</u></b>	
1.	Complaint For Wrongful Death filed in Circuit Court of Fayette County, Al in the matter of <i>Strickland v. Sony, et alia</i> , dated February 14, 2005
2.	Order, entered on February 16, 2005, in the matter of <i>Strickland v. Sony, et alia</i> , (hereinafter “ <i>Strickland</i> ”).
3.	John Thompson’s Verified Application for Admission to Practice Under Rule VII of the Rules Governing Admission to the Alabama State Bar, filed February 28, 2005; with Affidavit from Willie Mae Shepherd, dated February 8, 2005; and an attached Letter from Mr. Thompson to The Honorable James Moore and Alabama State Bar, dated February 11, 2005
4.	Order Granting Mr. Thompson’s Application For Admission To Practice Under Rule 7 Of The Rules Governing Admission To The Alabama State Bar entered on March 22, 2005 by the Honorable Judge Moore
5.	Motion Of Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc., Sony Computer Entertainment America Inc., And Sony Corporation Of America, To Revoke The Admission <i>Pro Hac Vice</i> Of John B. Thompson, Esq., filed August 25, 2005 in <i>Strickland</i> case no. CV-05-19 with this memorandum of law in support of the motion

<sup>4</sup> This Court has intentionally chosen to list the voluminous number of Bar exhibits in this case, because the extraordinary number and content of documents generated by the Respondent, is considered by this Court entirely material to an appreciation of the significance and nature of the complaints alleged herein. See Order of Florida Supreme Court dated March 20, 2008, pertaining to these disciplinary cases.

<u>No.</u>	<u>Document</u>
6.	Response Of Plaintiffs To Some Defendants' Motion To Revoke Admission <i>Pro Hac Vice</i> of Attorney John B. Thompson dated, September 4, 2005, and filed in <i>Strickland</i>
7.	Addendum To Plaintiffs' Response To Some Defendants' Motion To Revoke Admission <i>Pro Hac Vice</i> Of Attorney John B. Thompson dated, September 9, 2005 and filed in <i>Strickland</i>
8.	Reply In Support Of The Motion Of Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc., Sony Computer Entertainment America Inc., And Sony Corporation Of America, To Revoke The Admission <i>Pro Hac Vice</i> Of John B. Thompson, Esq. filed November 1, 2005 in <i>Strickland</i>
9.	Transcript of proceedings held on November 3, 2005 in <i>Strickland</i>
10.	<p>Order entered on November 17, 2005 by Judge Moore in <i>Strickland</i></p> <ul style="list-style-type: none"> <li>A. Transcript of proceedings held on June 28, 2005 in <i>Strickland</i></li> <li>B. Letter from Mr. Thompson to Members of the Entertainment Software Association, dated July 14, 2005</li> <li>C. Letter from Mr. Thompson to William Gates, Howard Stringer and Paul Eibeler, dated July 21, 2005</li> <li>D. Immediate News Release, dated July 25, 2005 titled: Announcing Today a major push against Rockstar's Bully: A Game that is a school violence simulator</li> <li>E. Letter from Mr. Thompson to Patricia Vance, dated August 3, 2005</li> <li>F. Letter from Mr. Thompson to Judge Moore re: <i>Strickland</i>, dated July 17, 2005</li> <li>G. Letter from Mr. Thompson to Judge Moore, dated November 5, 2005</li> <li>H. Media Alert: Video Game Industry on Trial in Alabama, dated November 1, 2005</li> <li>I. Letter from Mr. Thompson to James Standridge and Chris McCool, dated August 3, 2005</li> <li>J. Letter from Mr. Thompson to Mr. Baugh, dated August 29, 2005</li> <li>K. Letter from Mr. Thompson to J. Merrell Nolen, dated September 7, 2005</li> <li>L. Letter from Mr. Thompson to Mr. Nolen, dated September 7, 2005</li> <li>M. Letter from Mr. Thompson to Mr. Nolen, dated September 7, 2005</li> </ul>

<u>No.</u>	<u>Document</u>
	<p>N. Letter from Mr. Thompson to David Girard-diCarlo, dated September 21, 2005</p> <p>O. E-mail sent on September 23, 2005 from Mr. Thompson to David Norcross, Rebecca Ward and James Smith with an attached resume of Alberto Cardenas</p> <p>P. E-mail dated September 23, 2005 from Mr. Thompson to Robert Baugh, Rebecca Ward and James Smith</p> <p>Q. Letter from Mr. Thompson to Barbara Comstock attached in an e-mail, dated September 23, 2005</p> <p>R. Letter from Mr. Thompson to President Bush, Chairman Mehlman and Dr. Dobson, dated September 24, 2005</p> <p>S. Letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 6, 2005</p> <p>T. Letter from Mr. Thompson to Governor Bush and Chief Financial Officer Tom Gallagher, dated October 8, 2005</p> <p>U. Letter from Mr. Thompson to Ian Comisky sent through an e-mail, dated October 8, 2005</p> <p>V. Letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 1, 2005</p> <p>W. Letter from Mr. Thompson to Mr. Girard-diCarlo sent through an e-mail, dated October 18, 2005</p> <p>X. Immediate News Release, dated October 29, 2005, titled: 16-Year-Old Threatens to kill Miami Anti-Video game lawyer Jack Thompson</p> <p>Y. E-mail from Mr. Thompson to Ms. Ward, dated November 2, 2005</p> <p>Z. Letter from Mr. Thompson to Anthony Sodroski Disciplinary Counsel-in-Charge, dated November 2, 2005</p> <p>AA. Letter from Mr. Thompson to Judge Moore, dated November 3, 2005</p> <p>BB. Letter from Mr. Thompson to Judge Moore, dated November 5, 2005</p>

**COUNT II – TFB No. 2006-70,909(11F)  
(Judge Moore’s complaint)**

<u>No.</u>	<u>Document</u>
11.	<p>Florida Bar inquiry complaint form from Judge Moore received February 21, 2006 with attached exhibits 1-50 and A-D</p> <ol style="list-style-type: none"> <li>1. Letter from Mr. Thompson to Judge Moore, dated November 3, 2005</li> <li>2. Letter from Mr. Thompson to Judge Moore, dated November 5, 2005</li> <li>3. Letter from Mr. Thompson to Judge Moore, dated November 7, 2005</li> </ol>

<u>No.</u>	<u>Document</u>
	<p>4. Letter from Mr. Thompson to Mr. Girard-diCarlo, dated November 18, 2005</p> <p>5. Letter from Mr. Thompson to Honorable Judge Moore re: <i>Strickland</i>, dated November 11, 2005</p> <p>6. Letter from Mr. Thompson to Honorable Judge Moore re: <i>Strickland</i> dated November 12, 2005</p> <p>7. Supplemental Evidentiary Submission in Support of Motion to Revoke dated November 14, 2005 with attached exhibits:</p> <p style="padding-left: 20px;">A. Letter from Mr. Thompson to Blank Rome Lawyers dated November 11, 2005</p> <p style="padding-left: 20px;">B. E-mail sent from Mr. Thompson to Blank Rome Lawyers subject: Blank Rome to get a gag order against the Fox Network?</p> <p style="padding-left: 20px;">C. E-mail sent from Mr. Thompson to Mr. Smith, dated November 7, 2005</p> <p>8. Order entered on November 17, 2005 by Judge Moore in <i>Strickland</i></p> <p>9. Motion to Vacate Order Granting Motion To Revoke <i>Pro Hac Vice</i> Admission Of John B. Thompson dated November 20, 2005 and filed in <i>Strickland</i></p> <p>10. Letter from Judge Moore to Alabama State Bar, dated December 5, 2005</p> <p>11. Letter from Judge Moore to Members of the Judicial Inquiry Commission re: John B. Thompson, dated December 8, 2005</p> <p>12. Addendum To Motion To Vacate Order Granting Motion To Revoke <i>Pro Hac Vice</i> Admission, dated November 21, 2005 and filed in <i>Strickland</i></p> <p>13. Notice Of Filing Exhibits Re: John B. Thompson's Motion To Vacate The Court's Order, dated November 23, 2005</p> <p>14. Request For The Court's Assistance, dated November 21, 2005</p> <p>15. Order entered on November 21, 2005 by Judge Moore in <i>Strickland</i></p> <p>16. Request For Court Hearing On Motion To Vacate Order Granting Motion To Revoke <i>Pro Hac Vice</i> Admission Of John B. Thompson, dated November 28, 2005</p> <p>17. Addendum To Request For Court Hearing On Motion To Vacate Order Granting Motion To Revoke <i>Pro Hac Vice</i> Admission Of John B. Thompson, dated November 29, 2005</p> <p>18. Letter from Mr. Thompson to the Alabama State Bar Disciplinary Counsel, dated November 30, 2005</p> <p>19. Letter from Mr. Thompson to the Alabama State Bar Disciplinary</p>

<u>No.</u>	<u>Document</u>
	<p>Counsel, dated December 1, 2005</p> <p>20. Addendum To Request For Court Hearing On Motion To Vacate Order Granting Motion To Revoke <i>Pro Hac Vice</i> Admission Of John B. Thompson dated December 2005</p> <p>21. Request For Court Hearing On Motion To Vacate Order Granting Motion To Revoke <i>Pro Hac Vice</i> Admission Of John B. Thompson, dated December 2005</p> <p>22. Motion To Recuse, dated December 5, 2005 with an attached Order entered by Judge Moore on December 8, 2005</p> <p>23. Letter from Mr. Thompson to the Judicial Inquiry Commission of Alabama, dated December 6, 2005</p> <p>24. Letter from Mr. Thompson to Chris McCool re: <i>State v. Moore and Strickland</i>, dated December 7, 2005</p> <p>25. Letter from Mr. Thompson to the Honorable Alice Martin re: Apparent corruption in Tuscaloosa and Fayette Counties, dated December 8, 2005</p>

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<u>No.</u>	<u>Document</u>
11.	<p>26. Letter from Mr. Thompson to Mr. McCool, dated December 7, 2005</p> <p>27. Letter from Mr. Thompson to Judge Moore, dated December 10, 2005</p> <p>28. Letter from Mr. Thompson to Judge Moore, dated December 15, 2005</p> <p>29. Letter from Mr. Thompson to Judge Moore, dated December 21, 2005</p> <p>30. Letter from Mr. Thompson to Judge Moore, dated December 22, 2005</p> <p>31. Letter from Mr. Thompson to Mr. Smith, dated December 31, 2005</p> <p>32. Letter from Mr. Thompson to Judge Moore, dated January 18, 2006, with an attached letter from Mr. Thompson to Officers and Governors of the Florida Bar, dated January 18, 2006</p> <p>33. Letter from Mr. Thompson to Mr. Lusk, Ms. Ellis, and Ms. Rankin, dated January 22, 2006</p> <p>34. Letter from Mr. Thompson to Governors of the Florida Bar, dated January 25, 2006</p> <p>35. Letter from Mr. Thompson to Attorney General Gonzales and U.S. Attorney Acosta, dated January 11, 2006</p> <p>36. Motion To Reinstate John B. Thompson As <i>Pro Hac Vice</i> Counsel For Plaintiffs, dated January 25, 2006</p>

	<p>37. Letter from Mr. Thompson to President Bush and Governor Bush, dated January 26, 2006</p> <p>38. Letter from Mr. Thompson to Judge Moore re: <i>Strickland</i>, dated January 26, 2006</p> <p>39. Letter from Mr. Thompson to the Chief Justices of the Supreme Court dated, January 28, 2006</p> <p>40. Addendum To Motion To Reinstate John B. Thompson As <i>Pro Hac Vice</i> Counsel For Plaintiffs dated, January 28, 2006</p> <p>41. Letter from Mr. Thompson to Paul Eibeler CEO of Take-Two, dated January 28, 2006</p> <p>42. Letter from Mr. Thompson to Officers and Governors of the Florida Bar, dated January 30, 2006</p> <p>43. Letter from Mr. Thompson to Gary Gallegos Executive Director of the San Diego Association of Governments, dated January 31, 2006</p> <p>44. Letter from Mr. Thompson to Governors and Officers of the Florida Bar, dated January 31, 2006</p> <p>45. Letter from Mr. Thompson to Members of the Alabama Board of Bar Commissioners, dated February 1, 2006</p> <p>46. Letter from Mr. Thompson to Blank Rome equity partners, dated February 1, 2006</p> <p>47. Letter from Mr. Thompson to J. Anthony McLain of the Alabama State Bar Disciplinary Commission, dated February 6, 2006</p> <p>48. Letter from Mr. Thompson to Judge Moore re: <i>Strickland</i>, dated February 6, 2006</p> <p>49. Letter from Mr. Thompson to Judge Moore, dated February 8, 2006</p> <p>50. Letter from Mr. Thompson to the Judicial Inquiry Commission, dated February 13, 2006</p> <p>A. Letter from Mr. Thompson to Mr. McLain, dated February 14, 2006</p> <p>B. Letter from Mr. Thompson to Judge Moore re: <i>Alabama</i>, dated February 15, 2006</p> <p>C. Letter from Mr. Thompson to the Judicial Inquiry Commission, dated February 16, 2006</p> <p>D. Letter from Mr. Thompson to Keith Norman Executive Director and J. Anthony McLain General Counsel for the Alabama State Bar, dated February 16, 2006</p>
12.	Letter from Bar Counsel Barnaby Min to Mr. Thompson dated February 23, 2006
13	E-mail with an attached letter from Mr. Thompson to Mr. Min, Chief Branch Disciplinary Counsel Arlene Sankel, and David Pollack dated March 07, 2006

14	Letters, pleadings and e-mails from Mr. Thompson which were sent or copied to Judge Moore between February 22, 2006 to September 12, 2006. Approximately 100 pages; certain documents noted by yellow tabs A-E
<b>Count III – TFB No. 2006-70,766(11F) (Blank Rome’s complaint)</b>	
15	E-mail from Mr. Thompson to Ms. Ward, Mr. Mittman, Mr. Smith, dated September 21, 2005, with an attached letter from Mr. Thompson to Mr. Girard-diCarlo re: <i>Strickland</i> , dated September 21, 2005
16	E-mail from Mr. Thompson to Barbara Comstock, dated September 23, 2005 with an attached letter
17	E-mail from Mrs. Ward with an attached letter from Mr. Thompson to President Bush, Chairman Mehlman of the Republican National Committee and Dr. Dobson of Focus on Family, dated September 24, 2005
18	E-mail from Mr. Thompson with an attached letter to Mr. Girard-diCarlo, dated October 4, 2005.
19	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Mr. Bookman and all Governors of The Florida Bar.
20	Letter from Mr. Thompson to Judge Moore, dated November 7, 2005
21	E-mail from Mr. Thompson to Ms. Ward, Mr. Smith and Mr. Girard-diCarlo, dated December 13, 2005 with an attached Immediate News Release titled: Video Game Industry To Go on Trial in Alabama
22	E-mail from Mr. Thompson to Robert Baugh et al dated December 14, 2005, with attached letters from Mr. Thompson to Mr. Eibeler, dated Dec. 14, 2005 and a letter dated December 21, 2005 from Mr. Thompson to Mr. Eibeler
23	Letter from Mr. Thompson to Judge Moore, dated, December 15, 2005
24	Letter from Mr. Thompson to Judge Moore, dated December 22, 2005
25	E-mail from Mr. Thompson to Nelson Diaz, dated January 1, 2006 with an attached letter from Mr. Thompson to Nelson Diaz and a letter from Mr. Thompson to Mr. Girard-diCarlo, dated Jan. 1, 2006
26	Letter from Mr. Thompson to Mr. Girard-diCarlo, dated January 1, 2006
27	Letter dated January 11, 2006 from Mr. Thompson to Attorney General Gonzales and US Attorney Acosta
28	Letter dated January 25, 2006 from Mr. Thompson to Governors of the Florida Bar
29	Letter dated January 26, 2006 from Mr. Thompson to President Bush and Governor Bush
30	Letter dated February 1, 2006 from Mr. Thompson to Blank Rome Equity Partners

31	Letter dated February 6, 2006 from Mr. Thompson to Judge Moore with an attached immediate news release titled: This weekend's teen cop killer trained on Grand Theft Auto Murder Simulation Games
	<b>Count V – TFB No. 2005-71,125(11F) (Tew Cardenas' complaint)</b>
32	The Florida Bar inquiry/complaint form from Lawrence Kellogg and Al Cardenas, dated March 28, 2005 with attachments A. Letter dated March 17, 2005 from Mr. Thompson to Governor Bush B. Letter dated March 17, 2005 from Mr. Thompson to Florida Attorney General Crist C. E-mail with attached letter from Mr. Thompson to Mr. Cardenas dated March 18, 2005 D. E-mail from Mr. Thompson to Melanie Godschall, <i>et al</i> , dated March 24, 2005 with an attached letter from Mr. Thompson to Governor Bush dated March 24, 2005
33	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Mr. Cardenas and Mr. Kellogg, dated April 25, 2005
34	E-mail from Mr. Thompson with an attached letter to Mr. Cardenas and Mr. Kellogg, dated April 26, 2005
35	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Ms. Rundle, dated April 27, 2006
36	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Mr. Jimenez, dated April 27, 2005
37	E-mail from Mr. Thompson, dated April 27, 2005 with an attached letter from Mr. Thompson to President Bush
38	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Mr. Kellogg, dated April 30, 2005
39	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to President Bryant (President, of Florida A & M University), dated April 30, 2005
40	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Congressman Upton, dated May 1, 2005
41	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Attorney General Gonzales, dated May 2, 2005
42	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Ms. Rundle, dated May 2, 2005.
43	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Governor Bush, dated May 4, 2005

44	E-mail with an attached letter from Mr. Thompson to Mr. Lawler, dated May 7, 2005
45	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Pasco County Commissioners, dated June 16, 2005
	<b>Second Complaint Count 1 – TFB No. 2007-30,805 (Judge Friedman’s complaint)</b>
46	First Amended Verified Complaint For Injunctive Relief dated August 31, 2006 in the matter of <u>Mr. Thompson v. Wal-Mart et al.</u> , case no. 06-16311
47	Copy of Transcript Proceedings from October 13, 2006 in case no. 06-16311 before Judge Friedman.
48	E-mail from Mr. Thompson with an attached letter from Mr. Thompson to Judge Friedman, dated October 13, 2006
49	Verified Motion To Recuse Presiding Judge, dated October 17, 2006 filed in case no. 06-16311.
50	Letter from Mr. Thompson to Judge Friedman, dated October 17, 2006
51	Letter from Mr. Thompson to Judge Friedman, dated October 18, 2006
52	Initial Response By Plaintiff Mr. Thompson To Take-Two’s Motion For An Order To Show Cause And Ultimately To Incarcerate Mr. Thompson For Criminal Contempt, dated October 20, 2006 filed in case no. 06-16311.
53	Immediate News Release dated October 19, 2006 titled: “Dump the Bully Judge”
54	Letter from Mr. Thompson to Attorney General Gonzales, dated October 24, 2006
55	Letter from Mr. Thompson to Judge Friedman, dated October 24, 2006
56	Letter from Mr. Thompson to Judge Friedman, dated October 24, 2006
57	Letter from Mr. Thompson to Judge Friedman, dated October 24, 2006
58	Letter from Mr. Thompson to Judge Simons, dated October 24, 2006
59	Sworn/Verified Application And Affidavit For Recusal Of Presiding Judge, dated October 24, 2006 filed in case no. 06-16311
60	Request For Hearing On Recusal Application, dated October 24, 2006 filed in case no. 06-16311
61	Plaintiff’s Initial Response To Defendant Take-Two’s Memorandum Of Law In Opposition To Recusal Application, dated October 24, 2006 filed in case no. 06-16311
62	Plaintiff’s Further Response To Defendant Take-Two’s Memorandum Of Law In Opposition To Recusal Application, dated October 24, 2006 filed in case no. 06-16311

63	Immediate News Release dated October 25, 2006 entitled: Is Miami Attorney and video game critic going to jail today for contempt?
64	Copy of Transcript Proceedings from October 25, 2006 in case n. 06-16311
65	Letter from Mr. Thompson to Judge Friedman, dated October 25, 2006
66	Letter from Mr. Thompson to The Florida Bar, dated October 27, 2006
67	Letter from Mr. Thompson to Judge Friedman, dated October 29, 2006
68	Letter from Sheila Tuma to Raymond Reiser re: Complaint against Mr. Thompson by The Florida Bar, Case No. 2007-30,805(11F), dated November 16, 2006
69	Notice of Probable Cause Vote for Case No. 2007-30,805(11F)
70	Letter from Ms. Tuma to Mr. Reiser, dated January 19, 2007, with attachments as listed therein (70-1, 70-2)

### Volume 3

71.	<p>Appendix of Exhibits to the Memorandum of Law in Support of the Motion of Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc., Sony Computer Entertainment America Inc., Sony Corporation of America, Wal-Mart Stores, Inc., and Gamestop, Inc., to Revoke the Admission <i>Pro Hac Vice</i> of John B. Mr. Thompson, Esq.</p> <ol style="list-style-type: none"> <li>1. Letter from Mr. Thompson to Judge Moore, dated February 11, 2005</li> <li>2. Complaint for Preliminary and Permanent Injunctions and Damages in <i>Mr. Thompson v. The Florida Bar</i>, Case No. 90-2199-CIV, filed September 24, 1990</li> <li>3. Plaintiff's Emergency Motion for Preliminary Injunction in <i>Mr. Thompson v. The Florida Bar</i>, dated October 10, 1990, with Exhibits A &amp; B</li> <li>4. Order on Motion for Preliminary Injunction and Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction in <i>Mr. Thompson v. The Florida Bar</i>, dated December 7, 1990</li> <li>5. Docket Proceedings in <i>Mr. Thompson v. The Florida Bar</i></li> <li>6. Newest Addendum to Plaintiff's Rule 59 Motion to Alter Judgment and Memorandum of Law in <i>Mr. Thompson v. The Florida Bar</i>, dated</li> </ol>
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February 15, 1991, with Exhibit A

7. "Violent video game blamed for deaths" article, dated February 16, 2005
8. "Can a Video Game Lead to Murder?" article, dated March 6, 2005 & CBS News Transcripts from *60 Minutes*, dated March 6, 2005
9. Article entitled: Video Jack Fires Back
10. E-mail from Mr. Thompson, dated June 14, 2005 with an attached Immediate News Release 6/14/05 titled: Video Game Industry Set to Be on Trial in Alabama
11. Transcript Providers: Nancy Grace, Missing Boy Scout Found Alive; Search Continues for Natalee Holloway Aired June 21, 2001
12. *Deadly Games*, by Robert F. Howe
13. E-mail from Mr. Thompson dated July 18, 2005 forwarding e-mail from Laura Warburton, dated July 17, 2005
14. E-mail from Mr. Thompson, dated July 21, 2005 with attached letter from Mr. Thompson to William H. Gates, Howard Stringer, Paul Eibeler
15. Request for Production in *Strickland*, dated April 13, 2005
16. E-mail from Mr. Thompson dated July 24, 2005 with attached letter from Mr. Thompson to Fred Upton, dated July 24, 2005
17. E-mail from Mr. Thompson dated July 25, 2005 with attached Immediate News Release – July 25, 2005 titled: Announcing Today a Major Push against Rockstar's Bully: A Game that is a School Violence Simulator
18. E-mail from Mr. Thompson dated August 3, 2005 with attached letter from Mr. Thompson to Patricia Vance, dated August 3, 2005
19. E-mail from Mr. Thompson dated August 12, 2005 with attached Immediate News Release, August 11, 2005 titled: Death Penalty for Devin Moore in Fayette, Alabama
20. E-mail from Mr. Thompson to Robert Baugh, dated August 12, 2005

21. E-mail from Mr. Thompson to Dan Abrams of MSNBC, dated August 19, 2005 with attached Immediate News Release – August 19, 2005 titled: Drug Company Whacked in Texas with \$250 Million Verdict; Video Game Industry Could Be Next
22. “Lawyer’s motive in teen murder trial debated,” dated June 7, 2003
23. “School shooting motive search continues; Activist blames video games and points to similar killings,” dated April 27, 2003
24. “Suspects’ Computers Seized,” dated July 8, 2003
25. “Ohio sniper case may put video games on trial; Lethal content influenced Columbus-area suspect, 3rd-party lawyer suggests,” dated November 21, 2004
26. “Attorney Asks to Speak at Sentencing,” dated May 19, 2001
27. “Parents to sue makers of violent game,” dated July 30, 2004
28. E-mail from Mr. Thompson dated August 3, 2005 with attached letter from Mr. Thompson to James O. Standridge and Chris McCool, dated August 3, 2005
29. Letter from Mr. Thompson to Judge Moore, dated July 17, 2005
30. E-mail from Mr. Thompson dated July 13, 2005 with attached e-mail from Mr. Thompson, dated July 21, 2005  
  
Letter from Mr. Thompson to Alberto Gonzales, dated July 20, 2005  
  
E-mail from Mr. Thompson dated August 3, 2005, “Sony to Pay \$1.5M Over Fake Movie Critic” dated August 3, 2005  
  
E-mail from Mr. Thompson, dated August 3, 2005  
  
“Sony to Pay \$1.5M Over Fake Movie Critic,” dated August 3, 2005
31. E-mail from Mr. Thompson dated November 20, 2003
32. E-mail from Mr. Thompson dated November 28, 2003 with attached Letter from Mr. Thompson to Attorney General Beebe, dated November

28, 2003

33. E-mail from Martin Bailey with attached Letter from Mr. Thompson to Mr. Smith and Mr. Bailey, dated November 28, 2003

34. E-mail from Mr. Thompson, dated December 7, 2003 with an attached Letter from Mr. Thompson to All Friends and Foes Alike

35. E-mail from Mr. Thompson, dated November 20, 2003,

E-mail from Mr. Thompson, dated November 28, 2003 with a letter from Mr. Thompson to Mr. Sanger and Mr. Bailey

E-mail from Mr. Thompson, dated December 4, 2003 with a letter from Mr. Thompson to Mr. Smith

E-mail from Mr. Thompson, dated November 21, 2003 with attached Immediate News Release titled: Sale of New stuff video game to anyone under 18 likely a crime

E-mail from Mr. Thompson, dated November 19, 2003 with attached Letter from Mr. Thompson to Ms. Ward

E-mail from Mr. Thompson, dated November 19, 2003

E-mail from Mr. Thompson dated November 25, 2003 with attached "Video's no game to Haitians they say it's violent and racist," dated November 25, 2003

E-mail from Mr. Thompson, dated November 26, 2003

E-mail from Mr. Thompson, dated November 26, 2005 with attached Immediate News Release – November 26, 2003 titled: Haitian-Americans Mobilize against Grand Theft Auto: Vice City

E-mail from Mr. Thompson, dated November 28, 2003

E-mail from Mr. Thompson, dated December 4, 2003

E-mail from Mr. Thompson dated December 13, 2003 with attached "Video game banned in New Zealand, popular in Canada," dated

December 12, 2003

E-mail from Mr. Thompson dated November 30, 2003 with attached Letter from Mr. Thompson to Governor Bush, dated November 30, 2003

E-mail from Mr. Thompson dated November 26, 2003 with an attached Letter from Mr. Thompson to Mr. Mfume, dated November 25, 2003

E-mail from Mr. Thompson dated November 28, 2003 with an attached letter from Mr. Thompson to Attorney General Beebe, dated November 28, 2003

E-mail from Mr. Thompson dated November 21, 2003 with an attached Immediate News Release titled: "Sale of new Stuff video game to anyone under 18 likely a crime"

E-mail from Mr. Thompson dated December 13, 2003 with an attached Letter from Mr. Thompson to Mr. Allen, dated December 13, 2003

E-mail from Mr. Thompson dated December 19, 2003 with an attached Letter from Mr. Thompson to Attorney General Ashcroft, dated December 19, 2003

E-mail from Mr. Thompson dated December 22, 2003 with an attached letter from Mr. Thompson to all Sixty-Six Sheriffs of the State of Florida, dated December 22, 2003

E-mail from Mr. Thompson dated December 24, 2003 with an attached "Haitian-Americans protest game," dated December 24, 2003

E-mail from Mr. Thompson, dated December 25, 2003 with attached "Some say you'd better watch out for violent games," dated December 17, 2003

E-mail from Mr. Thompson, dated December 26, 2003 with an attached Immediate News Release – December 26, 2003 titled: "Wal-Mart whose customer was beaten with bat pulls all Grand Theft Auto video games"

E-mail from Mr. Thompson dated January 6, 2004 with an attached Letter from Mr. Thompson to Dr. Maxwell and Mr. Duke, dated January 6, 2003

	<p>36. E-mail from Mr. Thompson, dated July 14, 2005 with an attached Open Letter from Mr. Thompson to Members of the Entertainment Software Association</p> <p>37. News article dated November 13, 1991</p> <p>38. "Sharp As Attack dated November 27, 1991" with an attached Letter from Mr. Thompson to Florida Governor Martinez</p> <p>39. "Fax or Fiction?" dated November 27, 1991</p> <p>40. "Prosecutor takes rumors in stride," dated February 22, 1993</p> <p>41. "Is sex orientation a public question?" dated February 22, 1993</p> <p>42. "Here's the scoop on a letter the Tribune refused to print," dated September 13, 1998</p> <p>43. "Is Janet Reno suffering from Dementia?" dated May 2, 2000</p> <p>44. "Thrill Kill did a video game trigger the murder of a teenage girl?" dated December 10, 2003</p> <p>45. "Letter to Kendall Coffey, Elian's Lawyer in name only," dated May 2, 2000</p> <p>46. Motion for an Order Prohibiting Expanded Media Coverage and/or Modifying the Amended Decorum Order of October 7 in the Case No. 03 CR 204, <i>People of the State of Colorado v. Kobe Bryant</i>, dated November 17, 2003</p> <p>47. "Lawyer hired to represent church in molestation case challenge," dated August 20, 1993</p> <p>48. "Grand Death Auto two kids, 13 and 15, killed an innocent highway motorist. Was a violent computer game responsible—or their sad lives," dated February 22, 2005</p>
72.	Supplemental Appendix of Exhibits in Support of the Motion of Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc., Sony Computer Entertainment America Inc., and Sony Corporation of America, to Revoke

the Admission *Pro Hac Vice* of John B. Thompson, Esq.

1. E-mail from Mr. Thompson dated September 07, 2005 with attached letter from Mr. Thompson to Mr. Nolen, dated September 7, 2005
2. E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Mr. Nolen, dated September 7, 2005
3. E-mail forwarded from Mr. Baugh, dated Sept. 26, 2005 with attached letter from Mr. Thompson to Mr. Bough
4. E-mail from Ms. Ward dated September 26, 2005, with attached case brief from *United States of America v. Dana Scheer*, dated February 25, 1999
5. E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Mr. Nolen, dated September 7, 2005
6. Letter from Mr. Nolen to Mr. Thompson, dated September 7, 2005
7. E-mail from Ms. Ward, dated September 26, 2005 with attached letter from Mr. Thompson to Mr. Baugh
8. Letter from Mr. Thompson to Mr. Nolen, dated September 19, 2005
9. Letter from Mr. Thompson to Mr. Nolen, Mr. Baugh and Mr. Smith, dated September 19, 2005
10. E-mail from Mr. Thompson to Ms. Ward, etc. dated Wednesday, September 21, 2005 with attached letter from Mr. Thompson to Mr. Girard-diCarlo, dated September 21, 2005
11. E-mail from Ms. Ward, dated September 26, 2005 with attached Alberto Cardenas biography
12. E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Alan Bookman and the entire Florida Board of Governors, dated September 23, 2005
13. Letter from Mr. Baugh to Mr. Thompson, dated September 23, 2005
14. E-mail from Mr. Thompson, dated September 23, 2005

15. E-mail from Ms. Ward, dated September 26, 2005 with attachments:
- E-mail from Ms. Ward, dated September 26, 2005 with "January 12, 2005 – Secretary Tom Ridge close to lobbying firm's chairman, Company's clients won lucrative Homeland Security Contracts"
  - E-mail from Ms. Ward, dated September 26, 2005 with attached letter from Mr. Thompson to Senators Clinton, Lieberman and Schumer, dated July 23, 2005
  - E-mail from Ward, dated September 26, 2005 with attached biography of David Girard-diCarlo
16. E-mail from Mr. Thompson, dated September 23, 2005 with attached letter from Mr. Thompson to Ms. Comstock
17. E-mail from Mr. Thompson, dated September 24, 2005
18. E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to President Bush, Chairman Mehlman and Dr. Dobson dated, September 24, 2005
19. E-mail from Mr. Thompson dated September 29, 2005 with attached letter from Mr. Thompson to Senator Santorum and Dr. Dobson, dated September 29, 2005
20. E-mail from Mr. Thompson, dated October 09, 2005 with attached news article
- Letter from Mr. Thompson to Governor Bush and Florida Treasurer Gallagher, dated October 8, 2005
21. E-mail from Mr. Thompson, dated October 04, 2005 with attached Notice of Filing Exhibits re Defendants' Motion to Revoke Admission Pro Hac Vice of Attorney John Thompson
22. "Mr. Thompson reaches out to Senator Lieberman about the recruit situation with Dr. David Walsh," dated October 17, 2005
23. E-mail from Sandra Lucian, dated October 17, 2005

24. E-mail from Mr. Thompson, dated October 06, 2005 with attached Letter to Mr. Pollack from Mr. Thompson
  25. E-mail from Mr. Thompson dated October 06, 2005 with attached letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 6, 2005
  26. E-mail from Mr. Thompson dated October 08, 2005 with attached letter from Mr. Thompson to Governor Bush and Treasurer Gallagher, dated October 8, 2005
  27. E-mail from Mr. Thompson, dated October 08, 2005 with attached letter to Mr. Comisky from Mr. Thompson
  28. E-mail from Mr. Thompson dated October 1, 2005 with attached letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 1, 2005
  29. E-mail from Mr. Thompson dated October 1, 2005 with attachment from Mr. Thompson to Mr. Girard-diCarlo, dated October 1, 2005
  30. E-mail from Mr. Thompson, dated October 18, 2005
  31. E-mail from Ms. Ward, dated September 26, 2005
- E-mail from Mr. Thompson, dated September 28, 2005
- E-mail from Mr. Thompson dated October 3, 2005 with attached "Congressman wants probe of no-bid contract," dated October 2, 2005
- E-mail from Mr. Thompson, dated October 3, 2005 with attached letter from Mr. Thompson to Congressman Bennie Thompson
- E-mail from Mr. Thompson, dated October 3, 2005 with attached Notice of Filing Exhibits re Defendants' Motion to Revoke Admission *Pro Hac Vice* of Attorney Mr. Thompson
- E-mail from Mr. Thompson, dated October 4, 2005
- E-mail from Mr. Thompson dated October 4, 2005 with attached letter from Mr. Thompson to Congressman Waxman, dated October 4, 2005
- E-mail from Mr. Thompson dated October 4, 2005 with attached "Ridge

Took Care of His Cronies," dated Jan. 13, 2005

E-mail from Mr. Thompson dated October 4, 2005 with attached letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 4, 2005

E-mail from Mr. Thompson dated October 8, 2005 with attached "How Edison Survived," dated March 15, 2004

E-mail from Mr. Thompson dated October 10, 2005 with "Video Game Lobbyist, Entertainment Software Association, Buying off GOP Politicians," dated October 10, 2005

E-mail from Mr. Thompson, dated October 12, 2005

E-mail from Mr. Thompson, dated October 14, 2005

E-mail from Mr. Thompson, dated October 16, 2005 with attached letter from Mr. Thompson to Mr. Smith, dated October 16, 2005 with attached "Gangs of New York," dated October 16, 2005

E-mail from Mr. Thompson dated October 20, 2005 with attached letter from Mr. Thompson to Mr. Bookman and all Governors of The Florida Bar, dated October 20, 2005

E-mail from Mr. Thompson dated October 20, 2005 with attached letter from Mr. Thompson to Mr. Bookman and all Governors of The Florida Bar, dated October 20, 2005

E-mail from Mr. Thompson, dated October 20, 2005

32. E-mail from Ms. Ward dated September 26, 2005 with "Not too late to withdraw your motion Mr. Baugh," dated September 1, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "It's time to say game over," dated August 31, 2005

E-mail from Ms. Ward, dated September 26, 2005 with attached book summary

E-mail from Ms. Ward dated September 26, 2005 with attached "FCC inquiry prompts cancellation of Stern show," dated September 02, 2005

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "The Warriors Under Fire," dated September 01, 2005

E-mail from Ms. Ward, dated September 26, 2005 with attachments

E-mail from Ms. Ward dated September 26, 2005 with attached "Close Encounters of Jack Thompson Kind: GamePolitics Podcast #2," dated September 5, 2005 from [www.gamepolitics.com](http://www.gamepolitics.com)

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Governor Bush, dated September 8, 2005

E-mail from Mr. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Governor Gregoire, dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Governor Owen and Governor Bush, dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Governor Owens, dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Governor Pawlenty, dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Hon. Don Hunter Collier County Sheriff, dated September 8, 2005

E-mail from Mr. Ward dated September 26, 2005 with "Game sector smells iffy," dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Furor stops release of Columbine simulator Bully game," dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Furor

stops release of Columbine simulator Bully game," dated September 8, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Furor stops release of Columbine simulator Bully game," dated September 8, 2005

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward, dated September 26, 2005 with attached: "Grand Theft Sex, Lies, and Videogames"

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to the Chair and Members of the Miami-Dade Public School Board, dated September 10, 2005

E-mail from Ms. Ward, dated September 26, 2005 with attached "ESRB Reportedly puts video game publishers on notice"

E-mail from Ms. Ward dated September 26, 2005 with attached "Widows fight release of shooting game," dated September 14, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Mr. Nolen, dated September 13, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Mr. Eibler, dated September 13, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Wal-Mart sued by workers," dated September 13, 2005

E-mail from Ms. Ward, dated September 26, 2005 with attached "Video game news in brief"

E-mail from Ms. Ward dated September 26, 2005 with attached letter from Mr. Thompson to Bill Gardner, dated September 15, 2005

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward with attached "Gov. Blagojevich calls on

California Gov. Schwarzenegger to sign legislation that would restrict children's access to violent and sexually explicit video games Bill on Schwarzenegger's desk similar to Safe Games Illinois Act," dated September 15, 2005

E-mail from Ms. Ward dated September 26, 2005 with "Lieberman Urges Schwarzenegger to sign California Games Legislation," dated September 14, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "I've had enough Rockstar," dated September 15, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "I've had enough Rockstar," dated September 15, 2005

E-mail from Ms. Ward, dated September 26, 2005 with attached "Wal-Mart to pay \$14m in gun suit"

E-mail from Ms. Ward dated September 26, 2005 with attached "Video Game sparked hammer murder," dated July 29, 2004

E-mail from Ms. Ward, dated September 26, 2005 with "Don't be a girlie man Governor Schwarzenegger: terminate your conflict of interest with the video game industry"

E-mail from Ms. Ward, dated September 26, 2005 with "Next Generation of violent game more realistic than ever"

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward with attached news article titled "Wal-Mart Accused of denying lunch breaks," dated September 19, 2005

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "See fisticuffs, flesh-wounds and funky afros in the latest images from Rockstar's street fighter," dated August 9, 2005

E-mail from Ms. Ward dated September 26, 2005 with letter attached from John Price to the President of the United States, dated September 20,

2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Killer video games are no safety valve-quite the opposite," dated September 21, 2005

E-mail from Mr. Thompson dated October 5, 2005 with attached "Jack Thompson argues cogently against Bully," dated October 5, 2005 with attached Letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 4, 2005 along with Defendants' Counsel Blank Rome's Colorful History of Opposition Research to try to discredit opponents

E-mail from Ms. Ward, dated September 26, 2005 with attached "Massachusetts pols push Bully around"

E-mail from Ms. Ward dated September 26, 2005 with attached "Governor Please Sign Here," dated September 16, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "sexually explicit content in violent video game prompts mom to sue," dated September 21, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Governor Should drop video game ties," dated September 22, 2005

E-mail from Ms. Ward, dated September 26, 2005 with pictures from Mr. Thompson

E-mail from Ms. Ward dated September 26, 2005 with attached "25 to Life: Daughter of slain Utah police chief wants SLC firm to pull the gory urban combat game," dated September 23, 2005

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Family protests video's violence 25 to life," dated September 23, 2005

E-mail from Ms. Ward dated September 26, 2005 with "Kirby: Murder and mayhem from my armchair," dated September 25, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached "Eidos

urban action game for the video game console and PC slated for 2006 release,” dated September 26, 2005 with attached letter from Mr. Thompson to Mr. Gardner, dated September 15, 2005

E-mail from Ms. Ward, dated September 26, 2005

E-mail from Mr. Thompson dated September 26, 2005 with attached “The Warriors – Reinventing the Brawler,” dated September 24, 2005

E-mail from Ms. Ward dated September 26, 2005 with attached Immediate News Release – September 26, 2005 titled: Cop killing game delayed because of pressure from US Senator Schumer, COPS, and COPS’s Lawyer

E-mail from Mr. Thompson dated September 27, 2005 with attached “Lawmakers cracking down on video games with bill banning minors from buying, or renting video games,” dated September 27, 2005

E-mail from Mr. Baugh dated September 27, 2005 with attached “Florida gubernatorial hopeful plans video game legislation,” dated September 27, 2005

E-mail from Mr. Thompson dated September 27, 2005 with attached “Cop-killer video game draws protest,” dated September 27, 2005

E-mail from Mr. Thompson dated September 28, 2005 with attached “25 to Life to wait another six months,” dated September 28, 2005

E-mail from Mr. Thompson dated September 29, 2005 with attached “Outraged teens fight against violent game,” dated September 29, 2005

E-mail from Mr. Thompson dated September 29, 2005 with attached Immediate News Release – September 29, 2005 titled: Florida Governor Jeb Bush now wants a law to prohibit the sale of Mature and Adult video games to Minors

Letter from Mr. Thompson to Congressman Thompson, dated October 3, 2005

Letter from Mr. Thompson to Mr. Girard-diCarlo, dated October 1, 2005

E-mail from Mr. Baugh dated, October 3, 2005 with attachment letter to Congressman Thompson from Mr. Thompson

E-mail from Mr. Thompson with attached letter dated October 3, 2005 and "Congressman wants probe of no-bid contract," dated October 2, 2005

E-mail from Mr. Thompson dated October 3, 2005 with attached "Congressman wants probe of no-bid contract," dated October 2, 2005

E-mail from Mr. Thompson dated October 10, 2005 with attached "Jack Thompson will give \$10,000 to charity if any videogame company makes and releases a games based on a scenario he created," dated October 10, 2005

Letter from Mr. Thompson to Seattle Chief Kerlikowske, dated October 18, 2005

E-mail to Jack Thompson, etc., dated October 19, 2005

E-mail from Mr. Krahulik, dated October 19, 2005

E-mail to Jack Thompson, etc., dated October 19, 2005

E-mail to Jack Thompson, dated October 19, 2005

E-mail to Jack Thompson, dated October 19, 2005

E-mail from Mr. Thompson dated October 7, 2005, with attached Immediate News Release – October 7, 2005 titled: "Gov. Schwarzenegger will today sign into law a video game bill outlawing the sale of mature games to kids"

E-mail from Mr. Thompson dated October 17, 2005 with attached "Jack Thompson reaches out to Sen. Lieberman over NIMF Slap," dated October 17, 2005

E-mail from Mr. Thompson dated October 12, 2005 with attached "Rockstar's Bully comes under fire from petition," dated October 11, 2005

E-mail from Mr. Thompson dated October 10, 2005 with attached "Sony vs. The Pope," dated October 10, 2005

E-mail from Mr. Thompson dated October 13, 2005 with attached "Jack Thompson proposes violent video game," dated October 13, 2005 with an attached letter from Mr. Thompson to Mr. Kaplan dated December 17, 2004

E-mail from Mr. Thompson dated October 11, 2005 with attached "I've had enough Rockstar," dated September 15, 2005

E-mail from Mr. Thompson dated October 11, 2005 with attached "Governor Schwarzenegger sign landmark legislation that prohibits the sale of ultra violent video games to minors," dated October 7, 2005

E-mail from Mr. Thompson with attached Letter from Mr. Thompson to Mr. Murdoch, Mr. Chernin, Mr. Lowenstein and Ms. Vance, dated October 10, 2005

E-mail from Mr. Thompson dated October 11, 2005 with letter from Mr. Thompson to Ms. Engle and Letter from Mr. Thompson to Mr. Murdoch, Mr. Chernin, Mr. Lowenstein and Ms. Vance, dated October 10, 2005

E-mail from Mr. Thompson dated October 12, 2005 with attached "Jack Thompson takes on Fox," dated October 11, 2005

E-mail from Mr. Thompson dated October 15, 2005 with attached Letter from Mr. Thompson to All Governors and Attorney Generals of the fifty United States, Prime Minister Martin, and Attorney General Gonzales, dated October 15, 2005

E-mail from Mr. Thompson dated October 16, 2005 with attached "In Defense of Jack Thompson," dated October 15, 2005

E-mail from Mr. Thomson, dated October 15, 2005

E-mail from Mr. Thompson, dated October 18, 2005

E-mail from Mr. Thompson, dated October 19, 2005 with a letter from Eric [unknown] to Mr. Thompson

	E-mail from Mr. Thompson dated October 20, 2005 with attached "Rockstar bites back at the critics," dated October 19, 2005
73.	Letter from Mr. Kellogg to Arlene Sankel, dated May 10, 2005, with attachments as listed therein, A through Y
74.	Notice of Probable Cause Vote in The Florida Bar Case No. 2006-70,570(11F), dated September 13, 2006 with return receipt
75.	Notice of Probable Cause Vote in The Florida Bar Case No. 2006-70,909(11F), dated September 13, 2006 with return receipt
76.	Notice of Probable Cause Vote in The Florida Bar Case No. 2006-70,766(11F), dated September 13, 2006 with return receipt

For Respondent John Bruce Mr. Thompson:

B.	Lawyer Regulation; Rules Regulating the Florida Bar, 4 Preamble: A Lawyer's Responsibilities pages 1-9
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9. After the nine day Final Hearing, this Referee filed a Second Motion for Extension of Time to File Report of Referee. The Supreme Court of Florida granted the motion and extended the time for filing the Report of Referee until and including April 21, 2008.

10. This Referee requested a Final Extension of time which The Supreme Court of Florida granted until and including September 2, 2008, within which to submit the Report of Referee.

11. Thereafter, this Court advised the parties in writing in a document entitled: "Recommendations As To Guilt and Notice of Disciplinary Hearing," dated May 15, 2008 that this Referee would be recommending to The Supreme

Court of Florida the Respondent violated twenty-seven of the thirty-one specified disciplinary rules.<sup>5</sup> The Disciplinary Hearing to consider aggravating and mitigating factors was held on June 4<sup>th</sup>, 2008.

12. All pleadings, discovery, exhibits received in evidence, transcripts of proceedings and other documents described herein, together with this Report, constitute the record in this case and are forwarded to The Supreme Court of Florida.

## **II. FINDINGS OF FACT**

This Referee finds, by clear and convincing evidence,<sup>6</sup> that:

### **A. Jurisdictional Statement**

Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules cited in this report.

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<sup>5</sup> Therein the Court specifically noted that the Recommendations As To Guilt and Notice of Disciplinary Hearing did not constitute the Report of Referee and informed the parties that a separate comprehensive written report would be issued in accordance with Rule 3-7.6(m) of the Rules Regulating the Florida Bar, after the Disciplinary Hearing was held.

<sup>6</sup> The Court makes additional findings of fact in connection with sections III, VI, VII and VIII below, (“Recommendations as to Guilt, Aggravating and Mitigating Factors, Recommendations as to Disciplinary Measures to be Applied and Personal History, Past Disciplinary Record”), of this Report of Referee. Those findings of fact, like the ones in this section, are based on clear and convincing evidence.

B. Narrative Summary of Case

**Case SC07-80: Count I (Alabama *Pro Hac Vice* Application)**

An individual by the name of Devin Moore was charged with killing two police officers and a police-employed radio dispatcher on June 7, 2003. This case was presided over by The Honorable James Moore, Circuit Judge, Twenty-Fourth Judicial Circuit, Fayette County, Alabama. One of the issues litigated in the criminal case was the allegation that defendant Moore played video games depicting violence. Defendant Moore was convicted in August 2005 and thereafter sentenced to death. He currently resides on Alabama's death row, while his case is on appeal.

On February 14, 2005, Respondent John Bruce Thompson, a member of The Florida Bar for thirty (30) years, filed a civil lawsuit entitled *Steve Strickland et. al. v. Sony Corporation of America, et. al.*, in the Circuit Court of Fayette County, Alabama, case no. CV 05-019 (hereinafter "*Strickland*"). See The Florida Bar Exhibit 1 (The Florida Bar Exhibits are hereinafter "Bar Ex."). This case was likewise presided over by Judge James Moore, in Fayette County, Alabama. 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 three deaths which occurred as a result of the actions of Defendant Devin Moore. The civil suit

alleged that prior to the killings, Devin Moore played video games depicting violence, which led him to commit the three murders for which he was thereafter convicted. The attorneys representing the corporate defendants, Take-Two, Rockstar, Sony Computer Entertainment America, Inc., and Sony Corporation of America (hereinafter “*Sony*”) are James T. Smith and Rebecca Ward, from the Blank Rome law firm. Respondent had this complaint signed, at his direction, by local Alabama counsel under the following wording: “John B. Thompson; Florida Licensed Atty. for Plaintiffs; Alabama *Pro Hac Vice* Applicant; 1172 South Dixie Hwy; Suite 111; Coral Gables, Florida 33146”. See Bar Ex. 1, p. 56.

On February 16, 2005, Judge James Moore, signed an order striking the pleadings and dismissing the *Strickland* lawsuit because the Respondent and his Florida co-counsel had failed to file Verified Applications for *Pro Hac Vice* admission, pursuant to *The Rules Governing Admission to the Alabama State Bar*. See Bar Ex. 2.

Notably, nineteen days later on March 7, 2005, Respondent filed a completed Verified Application for Admission *Pro Hac Vice* to represent the plaintiffs in the *Strickland* case.<sup>7</sup> See Bar Ex. 3. He attached thereto an unsigned

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<sup>7</sup> In Bar Ex. 3, the first page entitled, “Statement” for *Pro Hac Vice* admission (with no page number) was dated stamped into the Fayette County, Alabama Clerk’s Office on March 7, 2005. The Verified Application for Admission to practice *Pro Hac Vice* in Alabama was date stamped February 28, 2005 into the Fayette County, Alabama Clerk’s Office. See Bar Ex. 3, pp. 1-7.

letter addressed to Judge Moore and the Alabama State Bar dated February 11, 2005, as a supplement to his Application for Admission *Pro Hac Vice*. Upon review of the these documents submitted by Respondent, Judge Moore granted Mr. Thompson's request for Admission *Pro Hac Vice* on March 22, 2005 to practice as an attorney in Alabama, and thereby become counsel of record in *Strickland*. See Bar Ex. 4.

When testifying as to this discrepancy and his failure to comply with the rules governing *pro hac vice* admission, Mr. Thompson stated: "Okay the first exhibit here is the complaint that we filed." Final Hearing Transcript of Proceedings, 1052, lines 23, 24. (The Final Hearing Transcript of Proceedings are hereinafter "T"). "It was signed by Patrick Gray, who was our record counsel in Alabama..." T 1053, lines 10, 11. The signing of the complaint "is compliant with at least what I've known to be the case for 30-some years in practicing law, that another lawyer can sign for you. That's what he did. The reason I mention this is, I believe I'm charged with practicing law..." T 1054, lines 1-6.

During his testimony, the undersigned Referee asked for clarification of Mr. Thompson as to which of the four binders of exhibits in evidence he was referring. Once clarified, Mr. Thompson spoke at length, before re-addressing the issues pending before the Court as to the allegations that: (1) the complaint in *Strickland* was filed before his completed Application for *Pro Hac Vice* admission; (2) the

complaint in *Strickland* was filed before he received permission from Judge Moore to act as counsel of record in Alabama, *pro hac vice*; and (3) he affirmatively asserted to Judge Moore and the corporate defendants that his Application for *Pro Hac Vice* was pending at the time of the filing.<sup>8</sup> Mr. Thompson's explanation of these specific disciplinary issues essentially blamed local Alabama counsel:

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<sup>8</sup> What followed the Court's inquiry regarding clarification as to in which binder the document was located, is twenty-three (23) pages of testimony by Mr. Thompson involving matters such as: why he had not shaved that day for court; referring to the "Twinkie" case about the killing of a Mayor in San Francisco; a lawsuit filed by him in Kentucky in 1999 involving allegations regarding a video game entitled, 'Doom'; an interview with Matt Lauer from NBC's *Today* show; the killings in Columbine; information about a Lt. Colonel David Grossman regarding his book, On Killing; information regarding addressing the American Bar Association and his shared Christian values with David Grossman; former President Bill Clinton's radio address regarding David Grossman (sometime during the Clinton administration years); an appearance with now deceased CBS reporter Ed Bradley of *60 Minutes*; comments by Peggy Noonan-former President Ronald Reagan's speech writer-and an article she wrote for *The Wall Street Journal*; comments about the movie starring actors Russell Crowe and Al Pacino, called *The Insider*; issues regarding products liability and 'Big Tobacco'; the alleged targeting by Mr. Thompson by Blank Rome; information about Doug Lowenstein-described as the president and chief lobbyist for the parent company of the ESRB (Entertainment Software Rating Board)-which Mr. Thompson alleges now "represents gun running cartels." T 1068, line 7; an article published in *Reader's Digest* with actor Tom Hanks on the cover; Mr. Thompson's meeting with convicted murderer Devin Moore on death row; a contention of a racial component in defendant Moore's case, "they certainly have it to contend with in Alabama being a slave state," T 1070, line 15, 1071, line 1; information that allegedly occurred the week of the Final Hearing in this disciplinary matter regarding comments made by a law enforcement officer in Australia and New Zealand equating a spike in teen violence with interactive violent video games; an article which purportedly appeared in *Time* magazine quoting David Grossman; the connection of violence towards law enforcement officers and interactive video games that simulate the killing of officers; and the numerous civil lawsuits filed

He [Judge Moore] may be right [regarding the dismissal of the complaint for Mr. Thompson's failure to apply for *pro hac vice* admission], but if it [the application for *pro hac vice*] wasn't filed, it was because Patrick Gray didn't do what he was supposed to do—in my opinion—again.

T 1078, line 25; 1079, lines 1-3.

Mr. Thompson continued to explain away the issue with the dates clearly showing that the application was not pending when the complaint was filed by stating, in part:

My recollection, by the way, is that Mr. Reiser [then Florida co-counsel of Mr. Thompson in *Strickland*] advised me—you know, it's different in different states.

T 1080, line 25; 1081, lines 1, 2.

Clearly, the exhibits in evidence speak for themselves and no explanation other than to blame others was given by the Respondent.

Respondent went on to explain the requirements in New Mexico for admission *pro hac vice*. After explaining about a New Mexico matter allegedly involving an incident on ABC News commentator Sam Donaldson's ranch, Mr. Thompson tellingly testifies to the following:

In New Mexico, all you have to do is answer: 'Are you licensed in your home state?' That's it. They don't ask you about your disciplinary history. In Alabama -- you

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across the country in various jurisdictions which lead to the filing of the *Strickland* case in Fayette, Alabama. T 1055, lines 4-25; 1056-1078, lines 1-10.

know, I don't know what the breakdown is as to how many states are more rigorous than this -- **but in Alabama, they ask you what your disciplinary history is** (emphasis added).

T 1081, lines 16-25.

An additional allegation arose relating to the information Mr. Thompson provided in the completed Verified Application for Admission *Pro Hac Vice*. In question eight (8) of Respondent's Verified Application for Admission *Pro Hac Vice*, the Alabama Bar asked: "Applicant never has been **subject to** any disbarment proceedings, except as provided below (give particulars, e.g., jurisdiction, date of proceedings, court, date of reinstatement): (emphasis added)." See Bar Ex. 3, p. 3. In question nine (9) of Respondent's Verified Application for Admission *Pro Hac Vice*, the Alabama Bar asks: "Applicant never has been **subject to** any suspension proceedings, except as provided below (give particulars, e.g., jurisdiction, date of proceedings, court, date of reinstatement): (emphasis added)." See Bar Ex. 3, p. 4. To both question eight (8) and nine (9), Mr. Thompson answered: "None, but please see the attached letter." See Bar Ex. 3, p. 3, 4. The attached unsigned letter submitted by Mr. Thompson, dated February 11, 2005 states in pertinent part:

Nearly thirteen years ago, I received a public reprimand. I had contacted the executive vice president of a broadcast company because a shock radio personality here in Miami was orchestrating death threats against me on the air. I had objected to the indecent

content of the radio show, and the shock jock's response was to turn his listeners on me. The show, two years later, was fined by the Federal Communications Commission with the first decency fines ever levied by the FCC. I was the formal complainant.

I felt I had to protect my family by asking the head of the company, who was in New England and oblivious to what was occurring here, to stop the death threats, and he agreed. Bar Rules allow a party to contact a party, and I do not believe I did anything wrong. I was a party who happened to be a lawyer-a lawyer whose family was being threatened.

The persons who filed that Bar complaint were the lawyers for the radio station, and they filed it to try to get me to drop my FCC complaint. I did not do so. They then filed another Bar complaint alleging I did not do my due diligence in preparation of a document. My recollection is that what was in that document was disputed by the other side.

Once I had succeeded before the FCC, I decided to get all this behind me, and agreed to the public reprimand. Please note that there was no dishonesty involved in any of this.

If either you, Judge Moore, or the Alabama State Bar have any more questions, please let me know, and I shall provide additional information.

See Bar Ex. 3.<sup>9</sup>

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<sup>9</sup> On July 28, 1992, the Respondent entered a Guilty Plea and Consent Judgment for Discipline, admitting certain conduct from 1988 through 1992. He pled guilty to making unsubstantiated representations to the court against an attorney regarding the attorney's alleged misuse of his position as a member of the Board of Governors of The Florida Bar and other alleged illegalities by the attorney in violation of 4-8.4(d) Likewise he plead guilty to communicating with the

Based upon the information Mr. Thompson provided, Judge Moore granted Mr. Thompson's request for Admission *Pro Hac Vice* on March 22, 2005 to practice as an attorney in Alabama. See Bar Ex. 4.

On August 25, 2005, the corporate defendants in the *Strickland* case, *Sony*, through their attorneys, including James T. Smith, Esquire, a witness called by The Florida Bar in these disciplinary proceedings, filed a Motion and Memorandum of Law in Support thereof to Revoke the Admission *Pro Hac Vice* of John B. Thompson, Esq. See Bar Ex. 5, pp. 1-28. To this Motion and Memorandum of law in support thereof, Mr. Smith and his colleagues attached an Appendix of Exhibits for Judge Moore's review. See Bar Ex. 71, tabs 1 through 48. Thereafter on November 1, 2005, Sony filed a Supplemental Appendix of Exhibits in support of their Motion and Memorandum of law in support thereof to Revoke the

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Executive Vice President of a company, in one case, and the Chairman and President of a corporation, in another case, knowing each was represented by counsel, and did so without their counsel's permission in violation of Rule 4-4.2. On October 1, 1992, he was publicly reprimanded for his conduct in these cases. (Documents received from The Bar at 6-4-08 hearing, marked as Tab X, in the record.)

admission *Pro Hac Vice* of John B. Thompson, Esq. See Bar Ex. 72, tabs 1 through 32.

The Appendix and Supplemental Appendix of Exhibits provided to Judge Moore, and likewise admitted in evidence as exhibits at the Final Hearing, consist of approximately eight hundred (800) pages of documents spanning almost twenty (20) years, generated by or about Mr. Thompson.

After review of these materials and a hearing on the merits, Judge Moore entered an Order on November 17, 2005 granting *Sony's* Motion to Revoke the Admission *Pro Hac Vice* of John B. Thompson, Esq., to The Alabama State Bar. See Bar Ex. 10, pp. 1-18. In his Order, Judge Moore found that Mr. Thompson violated the Alabama Rules of Professional Conduct in numerous ways.

Judge Moore found the Respondent failed to disclose material facts in his Alabama *Pro Hac Vice* application regarding questions eight (8) and nine (9), by failing to truthfully and completely report that he had previously been subject to disbarment and/or suspension by virtue of his previous disciplinary history with The Florida Bar.

Months prior to this litigation in *Strickland* regarding Mr. Thompson's status *Pro Hac Vice* in Alabama, another matter was addressed by the trial court. On June 28, 2005, Judge Moore ordered and prohibited the parties in *Strickland* from

making any public statements about the civil case or the criminal case, while the criminal case was pending. See Bar Ex. 10A.

Nevertheless, Mr. Thompson wrote an open letter on July 14, 2005 to the Entertainment Software Association (hereinafter "ESA"), and twenty-five (25) corporations, regarding a press conference that was alleged to be held that day by Senator Hillary Clinton regarding the video game industry. See Bar Ex. 10B. Therein, Mr. Thompson refers to his previous remarks on the CBS television news show *60 Minutes*.

By way of background, the *60 Minutes* episode originally aired on Sunday, March 6<sup>th</sup>, 2005 at 7:00pm. Mr. Thompson appeared in certain clips of this segment, in which the entire topic included pending criminal murder charges against Devin Moore of two law enforcement officers and one police-employed radio dispatcher. During the interview, Mr. Thompson addressed the killings in Alabama, and alleged that Devin Moore was trained to kill, by the video games he played. Those video games were directly at issue in *Strickland*.<sup>10</sup>

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<sup>10</sup> Ironically, when the *60 Minutes* story including Mr. Thompson aired on March 6, 2005, his "Statement" for *Pro Hac Vice* had not been date stamped into the Fayette County, Alabama Clerk's Office. See Bar Ex. 3. In fact, it was not until March 22, 2005, that Judge Moore even granted Mr. Thompson's request for Admission *Pro Hac Vice* to practice as an attorney in Alabama in the *Strickland* case. See Bar Ex. 4. Thus, as an aside, Mr. Thompson not only went on a nationally televised news show and held himself out to be an attorney in *Strickland*, when in fact, that permission had not yet been granted to him by Judge Moore or the State of Alabama, but he likewise has years later repeatedly

During that interview, wherein Mr. Thompson was introduced as “Attorney Jack Thompson...is bringing the suit,” the Respondent said: “It’s our theory, which we think we can prove to a jury in Alabama, that, but for the video-game training, he [Devin Moore] would not have done what he did [meaning, kill the three law enforcement personnel].” This *60 Minutes* piece was entitled: “Lawsuit claims ‘Grand Theft Auto’ trained teen to kill.” It dealt directly with the pending criminal and civil charges of the two cases over which Judge Moore was presiding. See Bar Ex. 71-8. Thus every time Mr. Thompson made reference to his “appearance on *60 Minutes*,” he was encouraging others to refer to a review of the video or attending transcript therefrom.

Three days after his open letter, which he circulated himself, to the ESA and the twenty-five (25) corporations regarding Senator Clinton’s apparent upcoming news conference, Mr. Thompson wrote to Judge Moore on July 17, 2005. In that letter, the Respondent explained the news coverage surrounding *Strickland*, and advised Judge Moore to consider sequestration of the jury in the criminal case involving criminal defendant Devin Moore. See Bar Ex. 10F. Essentially, Mr.

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continued in various missives, faxes, filings and court pleadings to wear his appearance on *60 Minutes* as counsel in *Strickland*, as a veritable badge of honor. However, it has not been known until this evidence was reviewed, that it is clear he was not even an attorney *pro hac vice* in Alabama, and therefore not counsel of record in *Strickland*, when he participated in the interview. As will be outlined herein, the evidence supports this type of similarly misleading conduct, premised on falsities, that is frequently repeated without purpose, through many of Mr. Thompson’s actions.

Thompson created the publicity and then advised Judge Moore, in advance, that the publicity would be occurring.

Four days later, Mr. Thompson sent a letter on July 21, 2005 to Bill Gates and others regarding the same topics and referring, again, to his *60 Minutes* appearance which discussed the pending criminal and civil cases in Alabama. This letter was copied to various United States senators and the media. See Bar Ex. 10C.

Four days later, Mr. Thompson created and distributed a news release on July 25, 2005, and copied counsel in *Strickland*. The subject line of the e-mail states: "FYI, and tell your clients, Mr. Baugh, to fasten their seat belts," and "Mr. Thompson had been called by a 'mole' at Rockstar who had seen the March CBS *60 Minutes* story on the triple homicide linked to *Grand Theft Auto*." See Bar Ex. 10-D.

Eight days later, Mr. Thompson sent an e-mail on August 3, 2005 marked, "URGENT !" to the President of the Entertainment Software Rating Board (hereinafter "ESRB"), and other parties. See Bar Ex. 10-E. Therein he stated:

This has huge significance for our case in Alabama, *Strickland v. Sony, Take-Two, et. alia*, (sic) as it shows deception that will have an impact on our jury's attitude toward the defendants. Molesting minors for money does not go over well in Alabama.

See Bar Ex. 10-E, p. 3.

After the criminal trial of defendant Devin Moore concluded, but before Mr. Thompson's admission *pro hac vice* was revoked, Mr. Thompson wrote Judge Moore on November 5, 2005. This fax was sent to Judge Moore after a hearing had been held by the court; the sole purpose of this *ex parte* communication was to re-argue and re-address matters that were already addressed in court proceedings. See Bar Ex.10-G. Simply because Mr. Thompson writes that copies were sent to opposing counsel, does not alter that fact that the communication is nonetheless improper. Rather than filing a supplemental pleading with proper service to all parties, Mr. Thompson sent faxes to Judge Moore's chambers and directly communicated to the court.

**Case SC07-80: Count II (Judge Moore's Complaint)**

On November 17, 2005, Judge Moore entered an order in *Strickland* wherein he revoked Mr. Thompson's admission *pro hac vice* and further ordered:

Subject to the contempt powers of this Court, Mr. Thompson is Ordered not to "copy", "cc", deliver or transmit any further correspondence, e-mails, media alerts, press releases, or any other communications or memoranda addressed or directed to third parties, to this Court and/or the undersigned Judge. Any further communications with the Court shall be through counsel of record and specifically related to the issues of this litigation.

See Bar Ex. 10, p. 17.

During the Final Hearing, the following testimony of Judge Moore was presented to this Court:

Q. And can you tell the Court why you put that as part of your order revoking Mr. Thompson's pro hac vice?

A. Because **he was continuously sending documents to my office; three, four, five times a day, easy.** Every day, it seemed like, a lot; plus when he would send his media alerts out that he composed and sent out, when he sends them to these media people, then they call my office. We got calls from all over the world about this, and it was **extremely disruptive.**

Q. Can you explain to the Court how it was disruptive to your staff and in your office?

A. Well, my staff is one lady. That's it. She's it. We preside over three Courts in three counties. A third of my files and cases are 18 miles away and another third, 40 miles away. She's the only -- I don't have anybody else but her, and it was very disruptive.

Q. How would you receive the correspondence?

A. Fax.

Q. Do you know how many documents you received from Mr. Thompson?

A. They're all in evidence. I filed them as part of my complaint. The ones that came after that, I gave to you and **I even got some last week** and I don't even know if I brought them or not. (Emphasis added.)

T 129, lines 7-25; 130, lines 1-4, 16-22.

On November 7, 2005, Mr. Thompson sent a letter to Judge Moore, which he copied to various individuals. Therein Respondent wrote to Judge Moore: "I was in your courtroom Judge, and I felt like Alice in Wonderland must have felt..." See Bar Ex. 11-3 and 20.

Rather than abide by Judge Moore's Order, the Respondent conducted himself in complete contravention to the court's order. See Bar Ex. 10, p. 17. Thereafter on November 28, 2005, Mr. Thompson filed a pleading entitled: Request For Court Hearing On Motion To Vacate Order Granting Motion To Revoke *Pro Hac Vice* Admission Of John B. Thompson. After the Certificate of Service, Respondent included the following information above the signature line: "John B. Thompson; Florida Licensed Atty. **For Plaintiffs; Alabama Pro Hac Vice Attorney** (emphasis added)"; and his Florida address. Thus after Judge Moore explicitly ruled and revoked Mr. Thompson's admission *pro hac vice* to the Alabama State Bar, thereby ordering Respondent was not counsel of record in *Strickland*, and likewise prohibited Mr. Thompson from filing pleadings or communicating with the Court, unless through counsel of record, Mr. Thompson filed his November 28, 2005 pleading, in direct violation of Judge Moore's Order. See Bar Ex. 11-16.

Moreover in that filed pleading, Mr. Thompson alleged:

Mr. McCool [the District Attorney for Fayette County, Alabama] then went to you, Judge James Moore, and had an *ex parte* communication with this Court about the claims by that lawyer that he could fix this case, which included the threat that he, this local "fixer," would align himself with the other side in the case. That other side, Judge Moore, would be Blank, Rome.

See Bar Ex. 11-16, paragraph 20.

When questioned about this at the Final hearing, Judge Moore provided the following testimony:

Q. Can you tell the Court what you understand about Mr. Thompson's statements about a fixer being involved in this case?

A. Yes. In many of his communications with me directly to my office through letters, e-mails, whatever and also in Court filings -- and he would file it with the Court and fax it to me -- he set out all these allegations in there about Clatus Junkin saying that he could fix the case with me, that he had control of me and that he could fix this case or any other case, or something to that effect.

Q. And at any time, did you have any discussions with Clatus Junkin that you would allow him to appear in this case and that the case would be fixed because he was appearing?

A. No.

Q. And can you explain to the Court who Clatus Junkin is?

A. Clatus Junkin is a lawyer that practices there in Fayette. He has an office in Fayette, about 50 miles away in Tuscaloosa, and he was the previous Circuit Court Judge.

T 148, lines 14-25; 149, lines 1-5, 25; 150, lines 1-5.

On November 30, 2005, Respondent sent a letter to The Alabama State Bar, which he sent 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." See Bar Ex. 11-18. Attached thereto, was a letter, also forwarded

to Judge Moore. It was sent to Troy King, Attorney General of the State of Alabama dated November 30, 2005, in which Mr. Thompson stated in pertinent part:

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 (emphasis added).

The next week on December 8, 2005, Respondent wrote to The Honorable Alice H. Martin, United States Attorney for the Northern District of Alabama.

Therein Mr. Thompson wrote:

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 (emphasis added).

See Bar Ex. 11-25.

The following testimony of Judge Moore was presented at the Final Hearing regarding this matter:

Q. During the Strickland versus Sony case, did you make any ruling that there had been witness tampering in that case?

A. No.

Q. Was any evidence brought to your recollection that there had been witness tampering?

A. No, ma'am.

T 154, lines 24, 25, T 155, lines 1-6.

Additionally, Judge Moore wrote the Alabama Judicial Inquiry Commission on December 8, 2005. In that letter Judge Moore outlined the chain of events as follows: "On March 22, 2005, I granted *pro hac vice* admission to Mr. Thompson as co-counsel for plaintiffs and on November 17, 2005, after a hearing, I revoked the admission. Since that Order, Mr. Thompson has communicated numerous complaints against the Court." See Bar Ex. 11-11. Judge Moore's letter continues:

Mr. Thompson has and continues to make extremely serious charges against the Court. These allegations are completely untrue and unfounded. However, as I have learned, Mr. Thompson's first and foremost aim is to manipulate the media. It is my understanding that every letter, pleading and communication from Mr. Thompson is simultaneously faxed or e-mailed to numerous media outlets. This is an everyday occurrence, sometimes two or three times a day. **My office continues to receive, by fax, copies of these communications even though I have repeatedly requested, and finally ordered, Mr. Thompson to stop** (emphasis added). Because of the nature of these cases [pending before the court] and the controversy (which sells newspapers) generated by Mr. Thompson, these allegations have been published to the public. I welcome and request whatever action the Judicial Inquiry Commission deems proper. Will you consider Mr. Thompson's letter a formal complaint? If not, can I request an inquiry? Will Mr. Thompson's complaints and allegations against Mr. Junkin be referred to the Alabama Bar Association? At the writing of this letter Mr. Thompson has not filed an appeal to my Order revoking his *pro hac vice* status. I look forward to your reply.

See Bar Ex. 11-11.

On January 18, 2006, Mr. Thompson sent a letter to Judge Moore and copied the Alabama Bar. Therein Mr. Thompson stated: "I would respectfully suggest that you would be well-advised, indeed, to tell the Alabama Bar 'Never mind'. Happy New Year." See Bar Ex. 11-32.

One week later on January 25, 2006, Mr. Thompson sent a letter to all members of the Florida Bar Board of Governors regarding another, separate complaint to The Florida Bar that pertains to Count III herein. Among those who were copied, Respondent copied and wrote the following: "Copies: Judge James Moore, Fayette (Judge, you bet on the wrong horse)." See Bar Ex. 11-34.

The following day on January 26, 2006, Respondent wrote Judge Moore:

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 in doing so violated the law regarding confidentiality... **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, as your recent letter said you would. You do that, and I'm going to depose you...You're 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. If you can't, then recuse yourself. (Emphasis added.)**

See Bar Ex. 11-38.

Less than two weeks later on February 6, 2006, the Respondent wrote a letter to Judge Moore in which he stated: "You chose to endorse the 'ethics' of the law firm facilitating these murders [an unrelated, separate incident in Arkansas]

rather than mine, even though you know it lied about me and I told the truth about them. How odd.” See Bar Ex. 11-48.<sup>11</sup>

Two days later on February 8, 2006, Mr. Thompson sent a letter to Judge Moore. In the subject line of the letter, Mr. Thompson wrote: “Re: Your Non-Complaint Bar ‘Complaint’.” Mr. Thompson continued by stating to Judge Moore in the letter: “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?” See Bar Ex. 11-49.

One week later on February 15, 2006, Mr. Thompson faxed a letter to Judge Moore in which Respondent stated: “Judge, I have respect for the judicial office you hold. Because of that, I have absolutely no respect for how you are now abusing it. This office you hold is not some plaything to use for your purposes. You took an oath of office. As far as I can tell, you have breached it.” See Bar Ex. 11-50-B.

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<sup>11</sup> Attached thereto was an “Immediate News Release” dated February 6, 2006, written by Mr. Thompson, about Mr. Thompson, appearing on *60 Minutes* and other video game related allegations, sent to Judge Moore and numerous other parties.

The next day on February 16, 2006, Judge Moore received a fax from Mr. Thompson which was addressed to the executive Director and General Counsel of the Alabama State Bar. Therein Mr. Thompson wrote:

**That is 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 the rules don't apply to him, not even the Bar Confidentiality Rule...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 (emphasis added).**

See Bar Ex. 11-50-D, pp. 2, 3.<sup>12</sup>

A week and a half later on February 27, 2006, Mr. Thompson sent a letter to Judge Moore: The first line of the letter reads: "I want you to read something I have sent you, for a change"; the last two paragraphs read as follows: "Upon receiving the attached, you can send your apology to me at the above address. But first, my 'thank you' to you: Thanks so much, Judge for setting such a low standard for public morals by adhering to the Blank Rome [law firm] standard of 'Whatever it takes in exchange for money, the national security of the United States be damned'." See Bar Ex. 14, pp. 4-7. Numerous parties, including the

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<sup>12</sup> Respondent attached thereto, a photo of the presiding "judge," portrayed in the movie: *My Cousin Vinny*.

media were copied; the attachments included an Immediate New Release, which Mr. Thompson himself authored.

The following day on February 28, 2006, Mr. Thompson wrote to the Judicial Inquiry Commission in Alabama, with copies to Judge Moore, the media and actor Joe Pesci (from the movie, *My Cousin Vinny*). Therein, Mr. Thompson stated: “In my opinion, Judge Moore ought to be in jail for violation of 18 USC 241 and possibly of state and federal anti-bribery laws, given the repeated claims of the ‘fixer’. I’m investigating the latter on my own, but you should also.” See Bar Ex. 14, pp. 9, 10.

On June 27, 2006, Respondent sent a letter to Judge Moore which he copied to various other individuals, including the producers of *60 Minutes* and other media. In that letter Mr. Thompson 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 (emphasis in original).” See Bar Ex. 14-C [indicated by large yellow tab].

On the same day, Respondent filed a Notice of Filing Re Petition For Writ Of Mandamus, in the matter of *Jack Thompson v. Alabama State Bar*, in the Supreme Court of the State of Alabama. In that pleading Mr. Thompson stated the following about Judge Moore: “This Alabama jurist’s good friend, Fayette lawyer

Clatus Junkin, **said he could fix any case before Judge Moore** (emphasis added). 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.” See Bar Ex. 14-B [indicated by large yellow tab].

Likewise on June 27, 2006, Respondent filed a Petition For Writ Of Mandamus, in the matter of *Jack Thompson v. Alabama State Bar*, in the Supreme Court of the State of Alabama. In that pleading Mr. Thompson stated: “A Fayette County attorney by the name of Clatus Junkin **‘got Judge Moore his judgeship,’ according to Junkin**, when he, Junkin, relinquished it to Moore” (emphasis added). See Bar Ex. 14-A, p. 7, paragraph 15 [indicated by large yellow tab].

The only credible evidence presented at the Final Hearing regarding these matters, was the testimony of Judge Moore and the Honorable Clatus Junkin:<sup>13</sup>

The testimony of Judge Moore on cross-examination is as follows:

BY MR. THOMPSON:

Q. Let's talk about Clatus Junkin. He is the one most responsible, is it fair to say, for your becoming the Judge in Fayette, Pickens, and Lamar County?

A. **I don't know about that. That's been 14 years ago when I received an appointment. There were many**

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<sup>13</sup> The Honorable Clatus Junkin, currently an Acting Retired Circuit Court Judge and a practicing attorney, was the District attorney in Fayette County, Alabama from 1970-1976; thereafter he was the sitting Circuit Court Judge in Fayette County from 1976-1992. T 543, 544.

**lawyers that went to bat for me on my appointment**  
(emphasis added).

Q. He was the incumbent, wasn't he?

A. He was the incumbent.

Q. Did he speak well of you and suggest that you should be the Judge?

A. I certainly hope he did.

Q. Do you know?

A. Yes.

Q. In fact, he's here.

A. Yes.

Q. So the incumbent stepping down from the Bench said to somebody, "I think you ought to pick Judge Moore." Right?

A. Yes.

T 186, lines 15-25; 187, lines 1-11.

The Testimony of the Honorable Clatus Junkin is as follows:

Q. [By the Bar] And at some point in time, did you become acquainted with Mr. Thompson here (indicating)?

A. [By Judge Junkin] I've never met Mr. Thompson. I had a couple of phone conversations with him.

T 545, lines 4-8.

Thereafter the following testimony was provided on cross-examination:

BY MR. THOMPSON:

Q. Do you have a personal relationship with Judge Moore?

A. [By Judge Junkin] In a rural circuit, everyone has a personal relationship with the Circuit Judge. We all know each other. We don't live in a large city. Everyone generally in the courtroom, often time all the jurors -- or many of the jurors -- all the law enforcement, all the lawyers, and everyone will know everybody. The town

that I live in is 5,000 people. The county that I live in is 15,000 people.

Q. And you were the Judge in these three counties sitting in Fayette immediately prior to Judge Moore occupying that judicial position. Is that right?

A. That is right.

Q. Was he assisted in any fashion in getting that judicial post?

A. Yes.

Q. How was that?

A. **I recommended him to the appointing authority, which was the Governor of the state of Alabama, but so did a lot of people. He's a very capable individual (emphasis added).**

Q. Is that why?

A. Yes.

T 549, line 25; 550 lines 1-25; 551, lines 1-2

The following cross-examination continued of Judge Junkin:

Q. Did you refer in that phone call, if you can recall, to your relationship -- personal relationship -- with Judge Moore?

A. You asked me what my relationship with Judge Moore was. I told you that over a period of years, at one time when I was District Attorney, he had worked for me as an investigator when he went to -- while he was going to law school and we had maintained a relationship over a number of years. He became an Assistant District Attorney with Mr. P.M. Johnston who succeeded me and practiced regularly in my Court. So that was about -- **I really don't have a personal relationship with him. We do not socialize. We don't go out together. We don't have that sort of a relationship. I occasionally will be at a gathering where he's there and we are cordial (emphasis added).**

T 564, lines 16-26; 565, lines 1-10.

The following unrebutted testimony was provided by the Honorable Clatus

Junkin at the Final Hearing:

BY MS. TUMA:

Q. I'm going to refer you to the document. It's entitled petition for writ of mandamus. [See Bar Ex. 14-A, p. 7]

A. (After examining document) Yes.

Q. I would like you to go to page seven of that document, paragraph 16. I'm going to read that into the record: "Junkin has repeatedly claimed to other attorneys and to anyone else who would listen, including the undersigned, that he can fix any case assigned to Judge Moore and guarantee a result therein because of his special relationship with Moore." Did you ever tell Mr. Thompson that?

A. (After examining document) **That paragraph is a lie (emphasis added).**

T 547, lines 5-21.

On cross-examination Of Judge Clatus Junkin, the following testimony was presented at trial:

Q. [By Mr. Thompson] **You think I'm a good lawyer?**

A. [By Clatus Junkin] **I doubt that. I couldn't imagine that you would be because most lawyers need to be truthful, they need to base what they do on facts and honesty, and not be trying to hurt people. Really, I look at the legal profession as being a profession where we help people. We don't harm people.**

Q. So if I –

A. All you intend to do to anyone -- what you've ever done to me -- you've never seen me -- you may have seen me, but you've never had a conversation with me, but verbally -- **you have done more harm to me than any other single individual --**

Q. And you're –

A. -- to my feelings, to my mental -- not being able -- I can't say anything -- I can't answer you because if I answer you, that just gives you the opportunity to go off on some other tirade.

Q. Really.

A. **So I have to sit silently with my family and with the people in my community and let you say these things that you did that caused this just really -- I know the meaning of the term "mental anguish" that sometimes Judges and lawyers use kind of casually.**

Q. Yes.

A. **You caused me great mental anguish, and I despise you for it. You understand that?**

Q. Yes, I understand that. Thank you for admitting that it colors all of your testimony.

A. No. It doesn't color any of my testimony.  
(Emphasis added.)

T 575, line 25; 576, 577, lines 1-12.

At the Final Hearing, Judge Moore testified that he has never been found guilty of violating any of the Alabama Bar Rules or Judicial Cannon Rules. T 166. The Respondent's multitude of and almost daily contacts with the court adversely impacted and disrupted the normal operations of the court. Moreover, Judge Moore found these filings and correspondence insulting. On direct examination during the Final Hearing, Judge Moore testified as follows:

BY MS. TUMA:

Q. Can you tell the Court how the receipt of all the documents you received from Mr. Thompson affected you?

MR. THOMPSON: Objection; irrelevant.

THE REFEREE: Overruled.

MR. THOMPSON: Objection.

THE WITNESS: For one, as I testified, **it was really disturbing to the operation of my office.** That, I think, is the main thing. As I have said, there's just me and my - - and one assistant and we're it. As you noticed on many of these letters the copies that went to those people, many of those people were newspaper writers, newspaper publishers, and other media people; and there again, when they got them, they would call. They would contact. You know, the other thing, **it's just terribly frustrating to me as a Judge in this situation that he can publish these things to the press, unfounded, completely untrue,** and I believe they are -- they are very hurtful and harmful to the Court and the way this Court operates. **I can't operate or any Judge can't operate until the public has confidence in us and he attacks that confidence and it's just absolutely baseless.** That's something that I have to operate over and through and it's bad for the Court and **it's bad for the people that use my Court.** (Emphasis added.)

T 168, lines 15-25; 169, lines 1-23.

Judge Moore also testified to the following, during Mr. Thompson's cross-examination:

BY MR. THOMPSON:

Q. You filed a Bar complaint in Florida. Right?

A. Yes.

Q. Why?

A. Because you violated the rules of the Court, the lawyers -- **I have never filed a complaint against a lawyer, ever** (emphasis added).

T 250, lines 8-17.

Mr. Thompson sent a letter to Judge Moore and copied numerous other parties, on July 13, 2006. Therein, Respondent wrote:

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....These are your corporate criminal buddies, Judge Moore. These are the folks with whom you made your bed, the folks for whom your good friend said he could fix the case. Roll Tide!, and Take-Two's SLAPP assault upon me, **with Judge Moore's help**, began immediately thereafter. What a coincidence (emphasis added).

See Bar Ex. 14-D, p. 2, 3 [indicated by large yellow tab].

During Mr. Thompson's cross-examination of Judge Moore, the following exchange took place:

BY MR. THOMPSON:

Q. Are you able in your mind to separate your annoyance with me with the administration of justice and how I have supposedly improperly affected it?

A. Am I -- Say that again?

Q. You're annoyed with me, aren't you?

MS. TUMA: Objection, Your Honor.

THE WITNESS: I'm not really annoyed. I mean, I don't know if that's the word.

BY MR. THOMPSON:

Q. What's the word?

A. The word is, you can't comport yourself -- I base what everybody else does on what the rules say this is what lawyers are supposed to do: **Civility, professionalism. That's what I go on. In my opinion based on the evidence, you violated those rules. It's just as simple is that.**

Q. I'm not cordial. Is that it?

A. **When you tell a female lawyer that her mother would be ashamed of what she was doing and when you call them liars in Court and when you call me corrupt and put that out there to everybody in the**

**world without any factual basis to it at all?** (Emphasis added.)

Q. Let me correct you, Judge. I said to Jim Smith that his mother should be embarrassed by his representing these people who are selling pornography to children. Do you stand corrected on that?

A. You said that, also.

Q. Okay, and do you think their parents would be proud of what they do?

MS. TUMA: Objection to the relevancy.

THE REFEREE: Sustained.

MR. THOMPSON: Now, hold on. Hold on.

THE REFEREE: Don't tell me to hold on. I'm making a legal ruling. Go to the next question.

MR. THOMPSON: You're making a legal ruling –

THE REFERRE: Please. Go to the next question.

T. 262, lines 2-25; 263, lines 1-24.

The evidence from the Final Hearing as well as the Bar Exhibits in evidence show the Respondent violated Judge Moore's November 17, 2005 Order, by sending what this Court approximates to be three hundred (300) pages of letters, pleadings, e-mails and missives to Judge Moore or copying Judge Moore as to correspondence sent to third parties between November 17, 2005 through September 12, 2006. See Bar Ex. 11 and 14. Moreover, during the testimony of Judge Moore on November 26, 2007 at the Final Hearing, he made clear he was still receiving communications from Mr. Thompson, two years after his Order. T 130.

**Case SC07-80: Count III (Blank Rome's complaint)**

On August 25, 2005, attorneys representing the *Sony* defendants in the *Strickland* case from the law firm of Blank Rome, filed a Motion and Memorandum of Law to Revoke the Admission *Pro Hac Vice* of John B. Thompson, Esq. See Bar Ex. 5. To that Motion and Memorandum of Law, *Sony* attached an Appendix of Exhibits and a Supplemental Appendix of Exhibits which are in evidence as Bar Ex. 71 and 72 as listed above with all sub-parts. This Court estimates that the Appendix and Supplemental Appendix contain at least eight hundred (800) pages of documents provided to Judge Moore by *Sony*, generated by or regarding Mr. Thompson, spanning almost two decades.

After the attorneys for *Sony* filed their Motion and Memorandum of Law to Revoke the Admission *Pro Hac Vice* of John B. Thompson, Esq., with the Appendix and Supplemental Appendix of Exhibits, the evidence at the Final Hearing indicates the following conduct by Mr. Thompson.

On September 21, 2005, Respondent sent a letter to David Girard-diCarlo, Chairman of Blank Rome, LLP. Therein Mr. Thompson 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. They have decided to file with a state court in Alabama a Motion to Revoke my *pro hac vice* admission in that case on behalf of your clients *Sony* and *Take-Two Interactive*...**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. (Emphasis added.)**

See Bar Ex. 15.

Two days later on September 23, 2005, Respondent sent a letter, via e-mail, to various individuals including Barbara Comstock, an attorney with the Blank Rome law firm which stated:

**Your firm, in particular J.T. Smith and Rebecca Ward, have filed with the court fraudulent filings which misrepresent me and my past activities....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. I think Congressman Wolf and Attorney General Ashcroft would find it unworthy of you. (Emphasis added.)**

See Bar Ex. 16.

With regard to Bar Exhibits 15 and 16, the following un rebutted testimony was provided by Rebecca Ward:

Q. Can you please identify that exhibit for the Court?

A. (After examining document) This is an e-mail that came to my e-mail account from Mr. Thompson addressed to me, three other partners at my law firm, and our local counsel in Alabama, dated September 21st, 2005.

T 585, line 25; 586, lines 1-6.

**Q. Can you tell me at any time if you have presided over the decision of Rockstar to launch a website?**

**A. No. In fact, the particular website in question, I didn't even know existed until Mr. Thompson sent this e-mail.**

**Q. And can you please look at Exhibit 16?**

**A. (After examining document) Okay.**

**Q. And can you go down to the last paragraph, third sentence, where it start, "Your firm"?**

**A. (After examining document) "Your firm, in particular J.T. Smith and Rebecca Ward, have filed with the Court fraudulent filings which misrepresent me and my past activities."**

**Q. Can you tell me at any time, did you file any fraudulent pleadings in the Strickland versus Sony case?**

**A. No.**

**(Emphasis added.)**

**T 587, lines 3-22.**

The next day on September 24, 2005, Respondent sent a letter to President George W. Bush, Ken Mehlman, Chairman of the Republican National Committee and Dr. James Dobson, of Focus on the Family, and copied others including the media. In the subject line of the letter Mr. Thompson wrote, "Mr. President, Give Blank Rome Back Its Blood Money." In addressing President Bush, the Respondent stated in pertinent part:

You should ask your 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 teenage boys that killings [sic] cops and raping women and killing innocent people is fun, consequence-free, and cool....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.

See Bar Ex. 17.

Ten days later on October 4, 2005, Mr. Thompson sent a letter to Mr. Girard-diCarlo, with copies to various individuals including Governor Jeb Bush, then Governor of the State of Florida. The subject line states: "**Re: *Strickland v. Sony, Take-Two, et alia.***" Respondent states: "I have called you directly and personally about the unethical conduct of your two partners, Mr. Smith and Ms. Ward, in the above case...." and "**Your lawyers are fraudulent in what they have done in Alabama, and they know it** (emphasis added)." See Bar Ex. 18.

Approximately two weeks later on October 20, 2005, Mr. Thompson sent a letter to Alan Bookman, President of The Florida Bar, members of the Blank Rome law firm and others including the media. Therein Respondent stated: "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." See Bar Ex. 19.

On November 2, 2005, Mr. Thompson sent an e-mail to Ms. Rebecca Ward and others. Therein Mr. Thompson stated:

Here you are, a woman representing the "right" of a company to market to children a game...and the way to defend this misogyny is to go fabricate my 'colorful

history' simply because your client and what it does is indefensible. **You disgrace us as lawyers. Shame on you. Shame on you as a woman as well.** (Emphasis added.)

See Bar Ex. 10-Y.

The next day on November 3, 2005, Mr. Thompson wrote a ten page letter to Judge Moore following a court hearing earlier in the day. Therein he stated, in part:

As to insulting Ms. Ward, allegedly because of her status as a woman, *I did just the opposite*. Scripture tells us that women are to be exalted, and whether she likes it or not, to be protected by men who value women. What I did was note the unfortunate fact that she, as a woman, is protecting the misogynistic targeting of other women by her client. I was appealing to her better, exalted nature and status as a woman, *not demeaning her status as a woman*. Only a man who feels comfortable facilitating the distribution of porn to kids that targets women would not intentionally not 'get it.'

See Bar Ex. 10-AA.

The following testimony was provided at the Final Hearing by Ms. Ward, during both direct and cross-examination:

Q. [Bar Counsel] Thank you. Can you tell us for the record what effect did Mr. Thompson's conduct in these type of letters being sent to you, your partners, your clients have on you?

A. Well, we've been dealing with Mr. Thompson for a long time. As I said, our first encounters with him were in 2003 in connection with the Hamel lawsuit in Tennessee and then the Strickland lawsuit, which led to the grievance that we filed. We continued to litigate with

him actually after we filed the Florida grievance. **First, and on a most simple basis, every e-mail that he sends -- and he sends numerous ones -- they come in a flood, dozens at a time. You just have the time to devote to read them and to digest them because they are not something that we can afford just to ignore.** There are costs in that, just costs in interruption of the day, costs to the client because it adds to the litigation costs of the case. As I said before, when we got the e-mail that was distributed to all the partners of our law firm -- (Emphasis added.)

THE REFEREE: Do you want a tissue?

THE WITNESS: No. I'm just very tired. I apologize.

THE REFEREE: That's okay.

THE WITNESS: As I said, there were a lot of difficult discussions that occurred because when they receive these e-mails without any understanding of the content about the sort of person that they're coming from -- you know, when you have a large law firm, you take accusations of fraudulent activity very seriously. I'm sorry.

THE REFEREE: Would you like to take a break?

THE WITNESS: Could I?

THE REFEREE: No problem. Let's go off the record.

(Thereupon, there was a brief recess at 5:50 o'clock p.m., after which the trial was resumed at 6:05 o'clock p.m., and the following proceedings were had:)

THE REFEREE: Let the record reflect that we're back in Court and all the parties are present.

THE WITNESS: I think that we took a break before I finished answering a question. As I said, when the e-mail went around to all of our partners, there were a number of people who didn't understand the context of the letter and there were some questions asked about, you know, "Why would he be saying this? What was going on? What were you doing? What were you thinking?" I think most people -- and generally, I think everyone who asked questions came to understand what was going on in the Strickland lawsuit and the context in which that e-mail originated, but it was still -- it was trouble and it was

just a waste of time really to have to spend time answering those questions. Then the comments about, you know, my role as a woman and my status as a woman and how apparently -- the way it read to me and, frankly, the way it read to my husband was that the men in my life weren't giving me the proper guidance about the values that I should have as a woman, as a wife, as a mother. I think by the time I got that, I sort of blew it off. It really irritated my husband quite a bit to think that he was supposed to be playing that role of telling me what I was supposed to be doing as a lawyer. As a computer programmer, he didn't think that that was something he should be doing. I guess I didn't realize exactly how angry everything made me until you asked me the question. Sitting here reading them -- and I re-read them in advance of the hearing -- but to read them again, I just got angry all over again. It made me madder than I expected that it would.

MS. TUMA: Thank you. The Bar has no further questions.

CROSS EXAMINATION BY MR. THOMPSON:

Q. Ms. Ward, it's easier to get angry with somebody sometimes than to deal with the things that you've done, isn't it? Isn't that kind of a rule of human behavior?

MS. TUMA: Objection, Your Honor, to the relevancy.

THE REFEREE: Overruled. Go ahead.

THE WITNESS: I don't understand the question, Mr. Thompson.

BY MR. THOMPSON:

Q. Well, let's get at it this way. Take-Two Rockstar Games makes mature rated video games. Is that right?

A. Among other types of video games, yes.

Q. But they make mature rated games.

MS. TUMA: Asked and answered. Objection. She said mature rated --

THE REFEREE: Overruled.

THE WITNESS: Yes.

BY MR. THOMPSON:

Q. Do you know -- correct me if I'm wrong -- if this is a correct characterization? Manhunt 2 is a game that has

been banned for sale in the United Kingdom and other European Union countries and yet is being sold by your client to teenagers in this country. Is that right?

MS. TUMA: Objection, Your Honor, of the relevancy to this proceeding?

THE REFEREE: Could you explain how it's relevant --

MR. THOMPSON: Oh, sure.

THE REFEREE: -- that she's a lawyer for a corporate client --

MR. THOMPSON: They're the ones who got into this thing about -- and I brought it up in the letters and they want it to be front and center and we took a recess because it was upsetting to Ms. Ward about my assertions about what her client sells and about what, in my opinion, is a lack of moral circumspection on her part to facilitate that. I want the record to be clear about what these products are that concern me and that I think are inappropriate for any lawyer to facilitate -- whether it's a man or a woman -- the sale of.

THE REFEREE: Okay, and this hearing before this Court --

MR. THOMPSON: Yes?

THE REFEREE: -- is not a hearing in which this Court will be making a determination about what constitutes -- hypothetically -- pornography, what constitutes something of violence. The hearing before the Court has to do with allegations of conduct pursuant to Florida Bar rules.

MR. THOMPSON: Judge --

THE REFEREE: So whether or not the company, the corporation, that is represented by Blank Rome -- Sony and all of its subsidiaries -- produces the video games as you are describing or if they produce something else, the issue is still the allegation of the conduct.

T 626, lines 4-25; 627-631, 632, lines 1-22.

Five days later on November 7, 2005, Respondent sent a letter to Judge

Moore and various individuals. In the subject line Mr. Thompson wrote:

“*Strickland v. Sony*, Case No. 05-CV-19, Specifically C.U.N.T.F.L.A.P.S.”<sup>14</sup> See Bar E. 11-3 and 20.

On December 13, 2005, after Judge Moore’s Order revoking Mr. Thompson’s admission *pro hac vice*, the Respondent sent an e-mail to opposing counsel and other attorneys’ from Blank Rome and distributed an “Immediate News Release” in which he announced: **“Miami attorney Jack Thompson, who will be assisting plaintiff’s counsel during the discovery process and in the courtroom at trial...”** (Emphasis added.) See Bar Ex. 21.

On December 14 and 21, 2005, Mr. Thompson wrote directly to Paul Eibeler, CEO of Take-Two and Rockstar, regarding the *Strickland* case. These letters were sent to numerous individuals, including the media. The Respondent communicated directly to Mr. Eibeler within the course of one week, in spite of his knowledge that the companies were represented by the Blank Rome law firm. In the December 14, 2005 letter, Respondent wrote in the subject line: “Jack Thompson’s letter to Take-Two CEO Paul Eibeler,” and therein wrote:

Your \$500+ an hour lawyers at Blank Rome just lost all their motions to dismiss in the Alabama wrongful death lawsuit...Looks like all the lies and deception thrown up in that Alabama courtroom in November by Blank Rome didn’t stick, and now **we are going to** go wading through

---

<sup>14</sup> This Court is quoting directly from Mr. Thompson’s letter in evidence, which he sent to Judge Moore. The Court notes that the acronym used by Mr. Thompson in the subject line, was typed in all capital letters, highlighted in bold, and the font size was made noticeably larger.

your company's corporate files to find all the anticipated smoking guns about the marketing and sale of Mature-rated games to children, the addictive nature of the games, and so on. 'Big Tobacco' *redux* (emphasis added).

See Bar Ex. 22.

In the letter dated December 21, 2005, Mr. Thompson states directly to Paul Eibeler: "Maybe the absolute *dumbest* thing you did was hire Philadelphia's Blank Rome as your law firm of choice to represent you in courtrooms and to serve as your registered lobbyist in the US House and Senate..." The Respondent continued, stating: "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** (emphasis added). We also expect to take at that trial every single penny Take-Two currently has. With Blank Rome as the law firm you chose, Mr. Eibeler, that won't be as difficult as you once thought. Nice hire, Paul."

See Bar Ex. 22.

In the interim on December 15, 2005, Mr. Thompson sent a letter to Judge Moore. Therein the Respondent provided this telling insight into the motivation of his actions as outlined herein,

**You can review the file and in so doing you will find that nary a disparaging word was written or uttered by me about Blank Rome until they decided to turn this case into a 'let's get Jack Thompson' food fight with their Motion to Revoke. They declared war on me personally. I took it both personally and**

**professionally** (emphasis added). 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.

See Bar Ex. 23.

On December 22, 2005, Mr. Thompson sent a letter to Judge Moore, and wrote the following: "I received in the mail today, delivered to our home for my wife's and my use just in time for Christmas, a sexual intercourse lubricant called 'ID Glide.' I attached the enclosed brochure." See Bar Ex. 24 [with attachment]. Mr. Thompson additionally attached for Judge Moore's review a brochure from Westridge Laboratories, Inc., with photos of seven different sexual lubricants and the company's description indicating the alleged differentiating sexual benefits of each product.

Mr. Thompson continued by stating:

"This was sent to us at our home, of course, because of the intentional targeting of me and my wife on the Internet by Blank Rome's clients, Take-Two and Rockstar at [www.rockstargames.com](http://www.rockstargames.com). 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....**You ought to report Mr. Smith to the Alabama Bar for participating in this (emphasis added).

See Bar Ex. 24.

Mr. Thompson sent copies of this letter with the attachment described, to a member of the United States Congress, Governor Jeb Bush, national media, media in Alabama, Blank Rome lawyers and others.

The following exchange occurred at the Final Hearing during Mr. Thompson's cross-examination of Mr. Smith:

Q. -- Exhibit 11, Exhibit 3.

A. (After examining document) Yes.

Q. Let's go down to the fourth paragraph. This is a letter to the Judge, Judge Moore. "Judge, I told you and I told Mr. Smith weeks ago that his client, Take-Two Rockstar, was and still is targeting me on its official website as supposedly the head of the decency organization called C.U.N.T.F.L.A.P.S., which is an acronym for Citizens United Negating Technology For Life And People's Safety. "How clever these people are. Pornographers are smarter than the rest of us, far smarter than the people of Alabama, they think." I then go on to say: "Because of that, in my opinion, I got sent to me a vaginal moisturizer sent to my wife at our home." Do you see that?

A. (After examining document) Yes.

Q. Do you have an opinion as to whether or not your client had that posted at its corporate website?

A. Yes.

BY MR. THOMPSON:

Q. So they did post it?

A. No.

Q. They didn't have "C.U.N.T.F.L.A.P.S."?

A. No. Mr. Thompson, this activity had nothing to do certainly with me, certainly my law firm, and certainly my client. I don't know about these websites that you get on and you communicate with people and people communicate with you that go far beyond the control of the people that we were required to control.

Q. Mr. Smith --

A. No, Mr. Thompson. I'm --

Q. Are you telling me that this was not at [www.rockstargames.com](http://www.rockstargames.com)?

THE REFEREE: Mr. Thompson, he's in the middle of an answer to your first question. He has not finished his answer,

so --

MR. THOMPSON: He's not answering the question I asked, but go ahead.

THE REFEREE: Go ahead, Mr. Smith.

THE WITNESS: **If your question is: Was I, my law firm, or our clients involved in this, I will tell you that I have no knowledge that our client was involved in it and I have absolute knowledge that neither I or any member of my law firm had anything to do with any vaginal moisturizer or this distasteful disgusting word or acronym that appears here, despite the fact that you accused me of having been involved in it (emphasis added).**

T 387, lines 19-25; 388, lines 1-19; 389, lines 2-25; 390, lines 1-11.

Thereafter on January 1, 2006, the Respondent sent an e-mail to Nelson Diaz, a partner at the Blank Rome law firm. Mr. Thompson copied numerous individuals, President George W. Bush, Governor Jeb Bush, the Florida Board of Governors, members of the Florida Bar and the media. In the subject line, Respondent wrote: "Blank Rome Partner Nelson A. Diaz to Run for Mayor of Philadelphia? I can't wait!" Therein Mr. Thompson wrote:

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 of your opponents of your **law firm's participation in the**

**targeting of cops for death with your client Take-Two's cop killing murder simulators, and, P.S. to Jim Smith: Another unintended consequence...(emphasis added).**

See Bar Ex. 25.

That same day on January 1, 2006, Mr. Thompson sent a letter to David F. Girard-diCarlo. This letter was copied to Judge Moore, other parties and the media. Therein, Mr. Thompson states:

I, like many other Christians, have been called to comfort the afflicted and afflict the comfortable....**Your law firm has actively and knowingly facilitated, by various means, the criminal distribution of sexual material to minors...**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 Blank Rome partner, in serving a criminal enterprise....**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. (Emphasis added.)

See Bar Ex. 26.

Ten days later on January 11, 2006, Mr. Thompson sent a letter to both the Honorable Alberto Gonzales, Attorney General of the United States and the Honorable R. Alexander Acosta, United States Attorney, Southern District of

Florida, with copies to Blank Rome, the media and others. In the subject line, the Respondent wrote: "Re: Violation of 18 USC 241 by Philadelphia Law Firm of Blank Rome and Take-Two." Therein Mr. Thompson stated:

**Blank Rome, I learned today, has filed a Florida Bar complaint against me, the sole purpose of which is to protect the illegal, sometimes criminal activities of Take-Two....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 case 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. (Emphasis added.)**

See Bar Ex. 27.

Thus Mr. Thompson is stating that Blank Rome filed their Bar complaint, not as a result of Mr. Thompson's conduct which Mr. Smith and his colleagues documented with exhibits spanning twenty (20) years written by the Respondent and sent to or filed with various individuals and courts, but rather to "protect the illegal, sometimes criminal activities of" their client.

On January 25, 2006, Mr. Thompson sent a letter to the Board of Governors of the Florida Bar, with copies to The Supreme Court of Florida and others in which he stated:

My lawyer and I just received word from The Florida Bar that Blank Rome has just filed a Bar complaint against me. Ah, how stupid can one bunch of porn lawyers get?...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. It is already a patent disaster....Judge James Moore, Fayette (Judge, you bet on the wrong horse).

See Bar Ex. 28.

The next day on January 26, 2006, Mr. Thompson wrote to President George W. Bush and Governor Jeb Bush and Blank Rome. In the subject line, Mr. Thompson wrote in bold print: **“Re: Blank Rome—GOP Donors, Lobbyists for Porn-to-kids, SLAPP-Happy Lawyers, and Criminal Conspirators in Violation of 18 USC 241.”** In the letter Mr. Thompson wrote:

**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, [me]... Always good to see Republicans facilitating the sale of violence and porn to children.** David Girard-diCarlo's parents would be proud....If Justice could not investigate and prosecute Scooter Libby...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. (Emphasis added.)

See Bar Ex. 29.

When questioned at the Final Hearing about Bar Exhibit 29, Rebecca Ward provided the following testimony:

Q. That's fine. Can you tell me if at any time, Ms. Ward, have you ever been the subject of any criminal prosecution in regards to your representation of Take-Two?

A. No.

Q. Have you at any time been the subject of any criminal prosecution arising from any of the allegations Mr. Thompson has made against you?

A. No.

MR. THOMPSON: I'll stipulate to that.

T 619, lines 3-15.

Six days later on February 1, 2006, Mr. Thompson sent a letter to all Equity Partners, nationally and internationally, at Blank Rome. This letter was copied to The Florida, Alabama and Pennsylvania Bars, Judge Moore and others. The following testimony was presented by Ms. Rebecca Ward at the Final Hearing regarding that letter:

Q. Can you identify it [Bar Exhibit 30] for the Court?

A. (After examining document) I remember this letter well. This is a February 1st, 2006 letter from Mr. Thompson that is addressed to "All Equity Partners at Blank Rome." Although it's not apparent on this copy of the letter, it was in fact transmitted by e-mail to every partner at Blank Rome.

Q. Before I ask you to read a portion of it into the record, you said you remembered it well. Is there a reason?

A. After this e-mail hit the mailboxes of my partners, I got many e-mails and phone calls from people at our firm wanting to know what it was about, why were these things being said, what happened in the lawsuit, why were we accused of telling lies in Court. It was a matter of some number of conversations.

Q. Can you please read into the record paragraph two of that letter?

A. (After examining document) "Your partners, Jim Smith and Rebecca Ward, decided that one way to win the case for your client 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.**"

Q. **Did you present any lies in your motion** to revoke Mr. Thompson's pro hac vice in Strickland versus Sony when you signed that pleading and filed it with the Court?

A. No.  
(Emphasis added.)

T 619, lines 20-25; 620, 621, lines 1-3.

Five days later on February 6, 2006, Mr. Thompson wrote to Judge Moore and Blank Rome: "You 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." See Bar Ex. 31.

With regard to Bar Exhibits 15-31, the following testimony was presented by Mr. Smith at the Final Hearing:

BY MS. TUMA:

Q. Can you explain to the Court what effect Mr. Thompson's conduct has had on you?

A. **Your Honor, I have never experienced anything like this before and I have been in some pretty tough fights. I have a national practice.** You know, I just finished a trial out in Los Angeles. It was a three-month jury trial with lawyers on the other side who were -- you know, they're tough lawyers. **I understand what it's like to be in a fight, but I have never seen anything like this. This is so far beyond the pale, it's unimaginable.**

**This man on a routine basis accuses me of participating in fraud, in the mental molestation of minors, in the most offensive disgusting things that you could possibly imagine, and he does it with absolute impunity. I never once responded to him because I waited for this opportunity to tell somebody down here about it. I appreciate you taking me out of order and I'll stay here as long as you need me, but this is -- you can't imagine what it's like -- well, you can because I hear he sued you, too -- but it's difficult to imagine that this could go on. It had nothing to do with the practice of law. It's horrible. It's absolutely horrible. He makes references to my mother and father. He makes references to my partners. He just makes baseless, absolutely insane allegations, and he does it continually. This is just a little microcosm of what we go through (indicating). We have a filter in our law firm now so that his e-mails can only go to certain people. It's -- I'll stop. (Emphasis added.)**

T 325, lines 19-25; 326, 327, lines 1-8.

**Case SC07-80: Count V (Tew Cardenas' complaint)**

In January 2005, Beasley Broadcasting Group, LLC (hereinafter, "Beasley"), retained the law firm of Tew Cardenas, LLP (hereinafter, "Tew Cardenas"), to represent them in a number of matters. By way of background, Beasley owns certain radio stations across the United States. They had previously retained attorney Norm Kent to address complaints by Mr. Thompson regarding certain programming allegedly run on radio stations owned by Beasley. In the course of the representation of Beasley, Mr. Kent ended up filing a personal

lawsuit against Mr. Thompson for defamation.<sup>15</sup> Mr. Lawrence A. Kellogg's testimony at the Final Hearing provided context:

Because he was sued -- after he brought this suit against Mr. Thompson, Beasley became involved in that litigation in the sense that **Mr. Thompson began to inundate them with e-mails, faxes, communications, demanding that they get involved and force Norm Kent, their lawyer, to drop his lawsuit and he was threatening to sue them and he was going to depose them. He was going to do all these things that he was threatening in writing to them.** So they hired me to deal with that situation. And so I was hired in January or so of 2005 just to respond in the event that Mr. Thompson sued them, deposed them, continued to harass them. Whatever was in his arsenal, I was to deal with. (Emphasis added.)

T 788, lines 1-16.

In explaining the context of the receipt of certain letters, Mr. Kellogg prefaced his testimony as follows:

A. Yes, I did -- and I'll tell you why I received it. A little background might be helpful to understand how this happened. As I said, Mr. Thompson wanted Beasley, my client, to get involved in the Norm Kent lawsuit and stop it somehow or other. He was contending that Beasley was behind the lawsuit. Beasley was paying for it -- Beasley had sponsored it -- all lies, all wrong -- but he wanted Beasley to get involved. **So part of what he was doing -- and what he does in these situations -- is he attacks the lawyers for those he wants to do something with. He started sending -- once he learned**

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<sup>15</sup> The lawsuit resulted in Mr. Thompson paying Mr. Kent \$50,000.00 for defamation. T 787, lines 21-25.

that I was involved, he started sending me communications to me about my client and about me to others. He also started copying me with all the communications he was sending to others, including Norm Kent, the F.C.C., third parties of every sort,... I would say a week before March 17th, which is the date of this letter (indicating). I had another matter out in Denver, Colorado. So I went out to Denver and I didn't get back to Mr. Thompson quick enough for him. So I started getting e-mails threatening that he was going to sue me personally if I didn't arrange a meeting. He sent me an e-mail giving me deadlines. I must have this meeting -- agree to this meeting -- by a certain date or things were going to happen. I was getting all these e-mails, but I was out on another matter and I didn't think it was the most important thing in my life was to arrange a meeting with him. So because I didn't do it fast enough for him, he sent a series of letters beginning with 32-A. 32-A is -- and this was the basis for my initial Bar complaint, why I got involved for the first time in 26 years in a Bar proceeding. I've never filed a Bar complaint and I've never been involved in one prior to this day. This is what made me do it. (Emphasis added.)

T 789, lines 11-25; 790, lines 1-7; 791, lines 1-24.

The evidence at the Final Hearing showed that because Mr. Kellogg was out of his office on other matters and not responding to Mr. Thompson's demands for an immediate meeting, Mr. Thompson calculatedly chose to communicate with another partner at Tew Cardenas, namely Mr. Alberto Cardenas, in an effort to force the results he was attempting to attain.

Mr. Kellogg's testimony at the Final Hearing provides the following credible and unchallenged evidence:

**Al Cardenas is my partner. Al Cardenas has never represented Beasley and he had never done anything personally on behalf of Beasley up to that time and never has since. He's never billed an hour of time. He's never talked to them about any legal matter. He's never represented them in any way. He was simply an innocent bystander, who happens to have been the co-chair of President Bush's Florida campaign. He is involved in politics. He's well known as being involved in politics on the Republican side and he knows very well Jeb Bush and he knows George Bush and Charlie Crist. He knows them all and they all know who he is. (After examining document) So Mr. Thompson, because I wouldn't get a meeting with him fast enough,... [made the following statements regarding Mr. Cardenas.] (Emphasis added.)**

T 792, lines 17-25; 793, lines 1-12.

On March 17, 2005, the Respondent sent a letter to Florida Governor Jeb Bush stating that Al Cardenas, a partner in the Tew Cardenas law firm, "...has been involved in facilitating the commission of criminal activity in violation of 18 USC 1464 and other federal and state criminal statutes." Respondent further stated:

More specifically, **Mr. Cardenas personally** and his firm collectively have actively protected the distribution of pornographic material to children and helped target me and my family because of my alerting federal authorities to this activity and Mr. Cardenas's and his firm's

involvement in it...This makes Mr. Cardenas and his firm involved, in my legal opinion, in a statewide racketeering activity. (Emphasis added.)

See Bar Ex. 32-A.

On that same day of March 17, 2005, Mr. Thompson wrote a letter to Florida Attorney General Charlie Crist, in which he enclosed Bar Ex. 32-A and copied the media and others. The Respondent wrote in the subject line, “**Re: Multiple County Racketeering Activity** (emphasis added).” Therein Mr. Thompson requested an investigation of Mr. Cardenas, stating:

...even though that will inconvenience a prominent Republican powerbroker close to the Bush family. 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.

See Bar Ex. 32-B.

The next day on March 18, 2005, the Respondent wrote Mr. Cardenas:

Not having received it [a return telephone call], and Ray Reiser and I not having heard from your partner Mr. Kellogg about our requested meeting with Caroline Beasley, 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.

See Bar Ex. 32-C.

Thus, Mr. Thompson explicitly states that the *reason* he is requesting an investigation by a Statewide Prosecutor from Governor Bush, and simultaneously notifying the primary daily legal newspaper in Miami, is because he did not receive a return telephone call from Mr. Kellogg.

The following day on March 19, 2005 at 4:30 A.M., Mr. Thompson wrote his own news release and distributed it thereby self-reporting his own actions:

Florida Governor Jeb Bush was asked this week by Miami anti-porn activist Jack Thompson, who this month appeared on CBS's *60 Minutes*, to order Florida's Statewide Prosecutor to investigate a family friend and this friend's law client linked to the porn industry. That Bush family friend, close to both Governor Bush and President Bush, is former Florida State GOP Chairman Alberto 'Tico' Cardenas, a prominent lawyer in the Miami law firm of Tew Cardenas.

See Bar Ex. 32-B, pp. 2-4.

The Respondent attached thereto a photograph of Mr. Cardenas and provided a telephone number for contact information.

The following testimony was presented by Mr. Kellogg at the Final Hearing:

BY MS. TUMA:

Q. Mr. Kellogg, can you tell us if you got Exhibit 33-D that's attached to your complaint?

A. (After examining document) Yes -- well, let me tell you. Once I got these letters, I sent a letter to Ray Reiser, his lawyer, saying -- demanding -- that he retract these defamatory statements about Mr. Cardenas. I said, "These are defamatory. They're wrong. Retract them." The response I got within minutes of me sending that to

Mr. Reiser was Exhibit D, which is another letter to the Governor.

Q. Can you identify the date on it, please?

A. Yes. It's dated March 24th, 2005 and now it says -- he points again and says, "Your good friend and former State GOP Chairman, **Alberto Tico Cardenas, and his Tew Cardenas law firm are actively involved in facilitating a multi-county criminal enterprise in Florida which involves active intimidation and threats against me.** I now have further proof of that as Mr. Cardenas' equity partner, Larry Kellogg has again threatened me because I have asked you to direct the Statewide Prosecutor to investigate what I believe is this multi-faceted racketeering involvement involving Tew Cardenas and his client." So he copied this to the Bar, it looks like he copied it to Governor Bush obviously, to the press, and to various other people. **In essence, what he was accusing me of was criminally threatening him when I sent him a letter saying, "Mr. Thompson, withdraw your defamatory statements about my partner, Al Cardenas, who --" I said in the letter "-- had absolutely nothing to do with this. It's a drive-by shooting, is what you've done here. Retract your statements."** This was his response -- at least initially -- was to once again go to Governor Bush and once again defame Mr. Cardenas and once again threaten me.

Q. Mr. Kellogg, at any time did you threaten Mr. Thompson?

A. No. I demanded that he withdraw his defamatory statements.

Q. At any time, did you engage in any activity in facilitating any type of criminal enterprise in Florida?

A. No.

Q. At any time, have you been charged with any crimes of a criminal enterprise in Florida?

A. Never, never.

Q. Of racketeering?

A. Especially racketeering; but no, nothing, nothing. (Emphasis added.)

T 797, lines 6-25; 787, 789, lines 1-16.

Based upon the conduct described above Mr. Cardenas and Mr. Kellogg, partners in the Tew Cardenas firm, filed a complaint against Mr. Thompson with the Florida Bar dated March 28, 2005. See Bar Ex. 32 with attachments A-F. The following testimony was provided by Mr. Cardenas at the Final Hearing in this matter:

Q. Can you tell the Bar why you filed that complaint against Mr. Thompson?

A. Yes. It's something that we talked about for quite some time in the firm, primarily Mr. Kellogg and I. I don't believe -- I may have, but **I don't recall ever having filed a Bar complaint before against anyone and so obviously it was I thought a rather than serious matter -- a very serious matter -- ...**

Q. Can you tell the Court what type of correspondence is before you that you thought you needed to notify the Bar of?

A. (After examining document) There are a number of what I considered false accusations of myself personally in conjunction with the Beasley Broadcasting matter which frankly took me initially by surprise as I at that time had never met anyone from Beasley Broadcast, had not personally represented that client in any matter, and to this day, have never represented the client in any matter.

Q. And can you tell us at any time, have you been the subject of any criminal prosecution in regards to your firm's representation of Beasley Broadcast group?

A. Not to my knowledge. I know that inquiries have been made and confirmed to that effect by others than I, but I have been advised that we have never been subject to a criminal investigation.

Q. And have you ever been the subject of any criminal prosecution arising out of any of the allegations that Mr. Thompson has made against you?

A. I have not.  
(Emphasis added.)

T 947, lines 5-14; 948, lines 2-13, 20-25; 949, lines 1-8.

Pursuant to the filing of that Bar complaint, the evidence at the Final Hearing showed Mr. Thompson proceeded in the following manner:

On April 25, 2005 at 5:15 P.M., Mr. Thompson sent an e-mail to various people including Mr. Cardenas and Mr. Kellogg. In the subject line, the Respondent wrote: **“Strap your seatbelt on, Mr. Cardenas.”** This letter included **“John B. Thompson, Attorney at Law”** letterhead. The first line of the e-mail states: **“My lawyer, Ray Reiser, spoke with Mr. Kellogg today about your and your firm’s Bar complaint against me.”** Mr. Thompson further wrote 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.”** (Emphasis added.) See Bar. Ex. 33.

On April 26, 2005 at 9:00 A.M., Mr. Thompson sent an e-mail to various people including Mr. Cardenas and Mr. Kellogg. This letter included **“John B.**

Thompson, Attorney at Law" letterhead and was also addressed to Governor Jeb

Bush. Mr. Thompson wrote:

Governor Bush, your friend, 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. **Mr. Cardenas has now filed a Florida Bar complaint against me in retribution for my successes. I am asking you again, Governor Bush, to appoint a special prosecutor to investigate your friend, Al Cardenas, for his and his firm's role in the protection of a multi-county criminal enterprise. My book will delineate whether you appoint a special prosecutor or whether you do not. Your choice, Governor. (Emphasis added.)**

See Bar Ex. 34.

Testimony at the Final Hearing by Lawrence Kellogg was as follows:

Once he found out about the Bar complaint,... I knew exactly how he was going to respond. **He was going to go after my clients, he was going to go [sic] my partners, he was going to go after my employees, he was going to go after me, and he was going to say Beasley was behind it -- not true.** I thought hard about whether I should do this, but I tell you. I had seen him do this to so many other people in the short time that I had been exposed to him and I said, "I'm just not going to sit by and let him do it."...**The one thing about Mr. Thompson is that he is not subtle.**

Q. Yes. I would like to draw your attention to the third paragraph.

A. (After examining document) [Bar Ex. 33, 34] Yes.... So the first thing he says, this Bar complaint has put your client in harm's way because I'm going to go use this with

the F.C.C. Exactly what I knew he would do, feared he would do -- and he went ahead and did it and said, I'm going to do more. The next thing he said was, "I can now not only sue Beasley, but also Tew Cardenas." **So now he's threatening to sue us if we don't drop the Bar Complaint.** "You go figure out in between your soirees with the Bushes what the theory of liability against your firm will be." He said, "You won't be representing Beasley if your firm is a co-Defendant. Maybe a trial lawyer can explain that to you." ... Then he says he's going to crank up the PR machine... **I knew -- he put it in writing to me -- he was going to go after my clients, he was going to sue me and my firm, he was going to crank up the PR machine, and he was going to make life miserable and the water was going to get real hot.** Ray Reiser -- it was a good cop-bad cop kind of situation. Reiser would call me -- **he did call me and he said, "Drop the Bar complaint,"** and I said, "I can't drop the Bar complaint. **Once a Bar -- it's like a criminal complaint. Once a complaint is filed, it's in the hands of the Bar. It's in the hands of the prosecutor; and even if I could, I wouldn't. I'm not going to. I'm not going to drop it.**" (Emphasis added.)

T 800, lines 7, 8, 18-25; 801, lines 1-3, 15,16; 802, lines 3-5, 14-25; 803, lines 1-4, 12, 13, 21-25; 804, lines 1-10.

After the above described conference call took place, the testimony at the Final Hearing is that the Respondent sent the following e-mail within a few minutes:

On April 27, 2005 at 5:54 P.M., Mr. Thompson sent an e-mail to various individuals, including Mr. Kellogg. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to Miami-Dade State Attorney Katherine Fernandez Rundle. The subject line read: "Since Tew Cardenas has just

told Ray Reiser they want to extort me, here you go, gentlemen.” Therein Respondent wrote to Ms. Fernandez Rundle 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...” See Bar Ex. 35.

On April 27, 2005 at 6:45 P.M., Mr. Thompson sent an e-mail to various people including Mr. Cardenas and Mr. Kellogg. This letter included “John B. Thompson, Attorney at Law” letterhead and was also addressed to United States Attorney, Southern District of Florida Marcos D. Jimenez, wherein the Respondent stated that Beasley and the Tew Cardenas law firm have, ‘...embarked upon a course of extortion and other criminal activity, including serial violations of 18 USC 241 and 18 USC 1464 several months ago.” See Bar Ex. 36.

On April 27, 2005 at 7:08 P.M., Mr. Thompson sent an e-mail to various people including Mr. Kellogg, Governor Jeb Bush and Mr. Kent. This letter included “John B. Thompson, Attorney at Law” letterhead and was also addressed to President George W. Bush, wherein the Respondent stated 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.” See Bar Ex. 37.

The following evidence was presented by Mr. Kellogg at the Final Hearing:

A. (After examining document) Okay. You know, I also -- this was a Monday. My conversation I believe -- I think it was a Monday. My conversation and all this e-mail activity we've been through was on a Friday and there was more. He sent out on Friday a press release to everybody saying, copy to the Miami Herald, a copy to the Daily Business Review, a copy to the President of the United States, a copy to the Governor of Florida. An April 27th, 2005 at 8:27 p.m., he sent out a press release that says in part: "Jeb Bush's friend, Al Cardenas, has facilitated Beasley's violation of 18 USC 1464, which makes it a criminal act to air indecent material." He also says: **"Mr. Thompson is preparing a lawsuit against the Bar, Beasley, and Tew Cardenas. Governor and President Bush may be witnesses therein."**

Q. Can you identify what you just read for the record?

A. (After examining document) It was April -- it was a press release. It's actually Exhibit M to my supplement of the Bar complaint.

Q. Okay, but that won't help us. If you could give us the date -

A. (After examining document) I understand. Exhibit M is dated April 27th, 2005, an e-mail at 8:31 p.m --

Q. Okay.

A. (After examining document) -- to the Florida Bar, the President, Norm Kent, Russ Cormican, Jeb Bush, the Daily Business Review, and the Miami Herald. So I also received that day an e-mail from him saying which website would I prefer that he use and I'll get it exactly here, **what he said here: Which website do I object to the least in ...**And he gives me a few examples, you know, **tewcardenasporn.com, porntoyou.com, cardenashowardstern.com, howardsterntewcardenas.com, beasleyporn.com pornforkidsviatewcardenas.com.** So I received all of these and then Monday -- I think it was a Monday -- April 30th, 2005, I received what is now Exhibit 38, which is -- now, he ups the ante a little bit and he says to me -- it's a letter to me dated April 30th, 2005, copied of course to the press, the F.C.C., the Florida Bar, Governor

Bush, other lawyers, other lawyers in my firm -- By the way, just as an aside. **Many of these communications were copied to every person in my firm. I made the decision to block Mr. Thompson's e-mails from everyone in my firm except for me; and the reason I didn't block them from me is because I was still representing a client, Beasley, and I had to read the garbage that he was sending me to make sure it didn't impact Beasley, but everyone else, I'd would [sic] block it.** I had to block it. Occasionally, he would change his e-mail address and some would get through and now I'd have to deal with the reaction. You can imagine. I've got a 50 lawyer law firm that everybody in it -- including lots of secretaries -- would get stuff about me and Al Cardenas being pornographers or mentally molesting children and that sort of thing. So this was -- The reason I bring that up is this was copied to certain members of my firm. (Emphasis added.)

T 821, lines 5-25; 822, lines 1-21, 823, 824, lines 1-10.

On April 30, 2005 at 8:32 A.M., Mr. Thompson sent an e-mail to various people including the Federal Communications Commission (hereinafter "FCC"), Governor Bush, Mr. Cardenas. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to Mr. Kellogg. In the subject line, the Respondent wrote: "Beasley Shareholders About to Get a Heads Up." See Bar Ex. 38. Mr. Kellogg testified as follows regarding this document:

I don't know whether it got through or not, but in this letter he says: "I'm a Beasley shareholder --" In essence, it says I'm going to go cause Beasley trouble with its shareholders because of what's been going on here.

Q. Can you read the first paragraph of that letter --

A. Yes, sure.

Q. -- Mr. Kellogg, "because you and your firm --"

A. (After examining document) Oh, I got you. "I'm a Beasley shareholder and I have been for quite some time. Because you and your partner/client Al Cardenas have sought to use the Bar's disciplinary process to protect your firm's and Beasley's illegal activities, I am now going to the Beasley shareholders to inform them not just of what you have done to me, but what you have done to them and their investment. The SLAPP Bar complaint makes this necessary." **Now, of course, this is another warning to me that if I don't do something about this Bar complaint, that's what he's going to do. He's not a subtle man. That's what he's telling me he's going to do.**

Q. Can you now go to the second page of that letter and the paragraph right before the last one where it says, "Now because"?

A. (After examining document) Oh, yes. Oh, yes. "Now because you have clumsily decided to use the Bar to protect Al Cardenas' influence peddling, the water is about to get hotter." **So in case I'm a complete moron, he's letting me know that because I filed a Bar complaint, things are going to get really worse for us.** (Emphasis added.)

T 824, lines 10-25; 825.

On April 30, 2005 at 5:17 P.M., Mr. Thompson sent an e-mail to various individuals including the FCC, Governor Bush, Tew Cardenas and media. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to Dr. Castell V. Bryant, President of Florida A & M University. In the subject line, the Respondent wrote: "FAMU Trustee Al Cardenas." See Bar Ex. 39. Mr. Thompson continues by writing:

Mr. Cardenas has every 'right' to make a living at a firm that represents such a broadcaster, but I am not sure what he is doing on FAMU's Board of Trustees given what appears to be his indifference to earning a living from such garbage. 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. If you like, I shall be happy to journey to Tallahassee to explain why, in my opinion, Mr. Cardenas should be off your Board.

The following in pertinent part, is Mr. Thompson's cross-examination of Mr.

Kellogg regarding Bar Exhibit 39:

Q. In fact, go to Exhibit 39, if you would. Miss Tuma had you read from just a small portion of this letter, I believe, Exhibit 39. It's my letter to the president of Florida A & M University.

A. Oh, I remember it.

Q. Okay. Why don't you read starting at the last paragraph on the first page and read through the in bold type at the top of page two. This is a letter, so that record is clear, to the president of Florida A & M. which is predominantly an African- American student body.

A. (After examining document) Yes. You said: "In February, 2004, I was successful in getting the Howard Stern show off all Clear Channel radio stations in America, including the one in South Florida, because Stern aired the following comment while interviewing the man who had sexual intercourse with Paris Hilton and streamed the audio and ran video of it on the Internet: "Ever bang any famous nigger chicks? What do they smell like? Watermelon?" Is that where you want me to stop or should I keep reading.

Q. Yes. You can stop there.

A. That's what you said to the president of Florida A & M.

Q. Right.

A. The African-American school, yes.

Q. And that was -- I'm sorry, Mr. Kellogg. Do you have a problem with my telling that to this African-American gentleman whose law firm is representing the company that has that on the air?

A. For one thing, it's not his law firm. It's a member of his Board of Trustees. I don't know whether Howard Stern -- it's not his law firm. Be careful.

Q. Whose law firm?

A. We were not representing Florida A & M.

Q. I said --

A. Well --

Q. Just so you're clear on the question, Mr. Kellogg -- Well, maybe I misspoke.

A. All right.

Q. Do you have a problem with me telling the president of Florida A & M about this, the fact that Al Cardenas is in the law firm that bears his name that is representing this programming?

A. Well, I do because -- for a number of reasons. **One is, you're trying to get Al Cardenas thrown off the Board because I won't drop my Bar complaint.**

Q. Where do I --

A. Second is -- let me finish. **Second is, we never represented Howard Stern programming; and even if we did, Al Cardenas never did. Third is, I have no idea if Howard Stern actually said this or if he didn't. I have no idea if you actually got him off the station. I have no idea. You say it all the time. I don't know if it's --**

Q. Well, never --

A. But to go to an African-American school and paint this picture of Al Cardenas who is a member of the Board a racist because we're somehow affiliated with Howard Stern when you know we're not? Yes. I've got a problem with that, Mr. Thompson.

Q. Where do I say --

A. I've got a problem.

Q. Where do I say Mr. Cardenas is a racist?

A. Well, by saying --

Q. Why don't you find that in the letter?

MR. THOMPSON: Objection, Your Honor. If he's going to interrupt my question --

THE WITNESS: You think you're cute by calling him a racist, in a way, saying he's a white politician who puts profits ahead of race relations. To me, that's calling him a racist. I think you can understand why someone might take that as meaning that Al Cardenas is a racist, and it's certainly the way I took it.

BY MR. THOMPSON:

Q. Is it possible Mr. Cardenas is insensitive to matters of race in this regard?

A. No.

Q. It isn't?

A. No, it's not.

(Emphasis added.)

T 874, lines 22-25; 875-877, 878, lines 1-22.

On May 1, 2005 at 7:33 A.M., Mr. Thompson sent an e-mail to various people including President Bush, Governor Bush, Al Cardenas and numerous Tew Cardenas employees and media. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to U.S. Congressman Fred Upton. Notably, below the top page margin and above the letterhead Mr. Thompson wrote: **"Dear Al: Bar complaints are dangerous things, si?"**<sup>16</sup> Within the body of the letter, the Respondent wrote to Congressman Upton,

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<sup>16</sup> This Court is quoting directly from Mr. Thompson's letter in evidence, which he sent to a United States Congressman and others indicated. The Court notes that Mr. Thompson sent the communication, centered above "John B. Thompson,

...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 firm's hypocrisy in fronting for it... 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.

See Bar Ex. 40.

On May 2, 2005 at 6:44 A.M., Mr. Thompson sent an e-mail to various people including President Bush, Governor Bush, Mr. Cardenas, Mr. Kellogg and the media. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to United States Attorney General Alberto Gonzales stating the Tew Cardenas firm:

...has now filed a Bar complaint against me the purpose of which, Attorney General Gonzales, is to harass, intimidate, threaten, and punish me for efforts against *Stern* and Beasley....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.

See Bar Ex. 41.

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Attorney at Law" letterhead, typed as highlighted in bold and the font size estimated at font size 36, in a business letter in what appears to be typed in font size 12.

On May 2, 2005 at 2:23 P.M., Mr. Thompson sent an e-mail to various individuals, including Mr. Kellogg and Mr. Cardenas. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to Miami-Dade State Attorney Katherine Fernandez Rundle. The subject line read: "Re: Extortion, Assault, Etc." Therein the Respondent stated: "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." See Bar Ex. 42.

On May 4, 2005 at 9:40 A.M., Mr. Thompson sent an e-mail to various individuals, including Mr. Kellogg and Mr. Cardenas. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to Governor Jeb Bush. The subject line reads: "Re: Perjury by Al Cardenas" See Bar Ex. 43. Therein the Respondent stated:

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. Please appoint a special prosecutor to investigate them and their client for this multi-layered, multi-county criminal activity (emphasis added).

See Bar Ex. 43.

The following testimony was presented at the Final Hearing by Mr. Kellogg:

Q. Now, if you could look at Exhibit 44, please, and identify that for the Court?

A. (After examining document) Yes. Before I got this, I received on May 5th -- and it was copied to everybody in my law firm -- an excerpt from a movie called "The Untouchables." Now, why did he send me this?

THE REFEREE: I'm sorry. Who sent that?

THE WITNESS: **Mr. Thompson sent me a quotation of dialogue from a film called "The Untouchables."** "The Untouchables" was a movie with Elliott Ness and the F.B.I. and them chasing Organized Crime. He copied the F.C.C. and he copied Jeb Bush and the press and people in my law firm. The purpose of this -- well, what he says in the quotation is: **"If they pull a knife, you pull a gun. He sends one of yours to the hospital, and you send one to the morgue. That's the Chicago way and that's how you get Capone. Now, you want to do that? Are you ready to do that?"** So the caption of his e-mail is **"This is how you stop a criminal enterprise at a radio station and at a law firm, telling me, you pull a knife, Kellogg, I'm pulling a gun, you know? You send one of yours to the hospital, I'm sending one to the morgue and he started acting this way. I'll tell you.** Exhibit 44 is a letter that he sends to the President and C.E.O. of Martindale-Hubbell. Now, Martindale-Hubbell, as you know, is the rating agency for lawyers and it rates lawyers based upon the opinions of their peers. They do surveys. Al Cardenas and I are both AV rated lawyers, meaning that we have the highest rating both as to skill and ethics that Martindale-Hubbell can award. It's a very important -- you know, it's an important thing to be rated AV in the Martindale-Hubbell.

(Emphasis added.)

T 840, lines 24, 25; 841, 842, lines 1-20.

On May 7, 2005 at 10:12 A.M. and 3:34 P.M., Mr. Thompson sent two e-mails to Larry Kellogg which included letters to John A. Lawler, President and

CEO of Martindale-Hubbell, stating that, Larry Kellogg, Al Cardenas and Stuart Grossman [an attorney at Tew Cardenas] and Tew Cardenas, "...do not deserve the high dual rating from Martindale-Hubbell. It is my opinion that this firm has engaged in criminal conduct." See Bar Ex. 44.

The next day on May 8, 2005, another communication was received from Mr. Thompson to Tew Cardenas:

[Mr. Kellogg] **You've skipped one that's really important to me and I'd like to talk about it, if possible, and that's May 8th, on Mother's Day.**

Q. Can you identify for the record what you're reading from?

A. Yes, I'd glad to. On Mother's Day, May 8th --

THE REFEREE: That's not in evidence?

THE WITNESS: It's not in evidence, but it's attached to my supplement.

THE REFEREE: Okay.

THE WITNESS: And I have it right here.

MR. THOMPSON: I'm sorry, Judge. Are we putting them in evidence?

MS. TUMA: I'm going to mark all of them. You will have an opportunity to review them, Mr. Thompson.

THE WITNESS: This is a letter to Mrs. Lawrence A. Kellogg and Mrs. Al Cardenas care of Al and I, which is copied to every female lawyer in my firm and some other lawyers as well regarding "Hypocrisy at Tew Cardenas on Mother's Day, 2005," and in it he says that -- **Well, I have a lot of young female lawyers working in my law firm and he sends them an e-mail and to my wife and to Al's wife in care of us.** I shared it with her because I said, "I want you to see what I'm dealing with." What he said is: **"These two men, along with the entire firm in which they practice law, have actively facilitated distribution of criminally indecent material to other mothers' children in violation of Criminal Statute 18**

**USC 1464. In addition, they have committed perjury in a sworn Bar complaint."** "They have threatened a critic of what they have done, all the while claiming the First Amendment protects the distribution of porn to children." Then he goes on to say: "The problem, your men, Mrs. Kellogg and Mrs. Cardenas, seem to have it is that they care about some women, but not all women. They certainly don't care about my wife and our 12 year old son." **Then he says: "They --" meaning Al and I "- - facilitate the objectification of all women and the mental molestation of minors for money."** "All the women who work at Tew Cardenas, along with the wives of the men who work there, ought to be ashamed of what Tew Cardenas is doing. You are all hypocrites who care only about yourselves and not about others." A very Happy Mother's Day greeting copied to female lawyers in my firm saying that I objectify women, that I mentally molest minors for money, and that I'm a porn lawyer who should be criminally prosecuted. **I've got to tell you, you know, there is no line that he wouldn't cross at this point.** Now, you're skipping way ahead to June, but I will say that **this went on and went on and went on and went on for two full years.** (Emphasis added.)

T 844, lines 22-25; 845,846, 847, lines 1-21.

On June 16, 2005, the Respondent sent an e-mail to various individuals, including the Tew Cardenas law firm and the media. This letter included "John B. Thompson, Attorney at Law" letterhead and was also addressed to the members of the Board of Pasco County Commissioners, a Tew Cardenas client. Therein, Mr. Thompson wrote:

Tew Cardenas has been involved, for quite some time, 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...two of Tew Cardenas' equity partners, Larry Kellogg and Al Cardenas...have committed perjury (not yet convicted), in stating under oath that Beasley has 'no links to the porn industry.'...Tew Cardenas' lawyers have been involved for quite sometime in efforts to silence, with intimidation, harassment, and threats, an individual who has gone to state and federal law enforcement officials about the aforementioned criminal activity...If the Commission should like me to journey to Pasco County to explain further why Tew Cardenas should be dumped as its lobbyist, please let me know. I'll state my case under oath, if you all like. (Emphasis added.)

See Bar Ex. 45.

Mr. Kellogg explained the repercussions of Bar Exhibit 45 at the Final

Hearing, as follows:

I did receive -- and of course, Pasco County Commissioners, they receive a letter. They don't know who Jack Thompson is. They don't live in this community. They don't see what he's made of and what he does. They say a lawyer has sent us this letter and they make inquiries. Now, I had to go explain to the Commissioners of Pasco County the background of all this and why it was happening and why it is we're not pornographers or we're not a front for the porn industry and all these other things he said. I had to respond to that client's concerns based upon his communication, in response to my Bar complaint.

T 850, lines 8-22.

During the Final Hearing, Mr. Cardenas provided the following evidence to this Court:

Q. Can you tell the Court what effect Mr. Thompson's conduct towards you has had on you?

MR. THOMPSON: Objection, Your Honor. I think that's irrelevant.

THE REFEREE: Overruled.

THE WITNESS: **Well, you know, by now it's been a period of almost four years, I would presume. We filed this complaint – this grievance -- with the Bar in March of '05 at a time when we thought there was ample information to justify it, but it didn't stop then. For some reason, it stopped some months ago; but it got to the point where we had to ask our IT Supervisor to block spam e-mails because frankly they were of an emotionally hurtful and distracting fashion, and this went on and on and on. I mean, there were missives sent to people who are in public office but who are personal friends and acquaintances over many years: The Governor of the state, the President, the Attorney General, the U.S. Attorney, the State Attorney, all people that I have known for decades, literally, and have developed friendships with. Clients received missives. The newspapers have received missives. My wife has received missives. Young lawyers, some of whom I recruited in the firm, received missives. Employees received missives, where basically I was being accused of participating in a criminal enterprise, of indulging in child pornography or supporting child pornography. Frankly, it was the emotional equivalent of stalking. It just wouldn't stop.**

(Emphasis added.)

T 949, lines 9-25; 950, 951, lines 1, 2.

Mr. Cardenas provided the following testimony during cross-examination:

Q. Your firm's client. Excuse me.

A. The Bar complaint -- the reason why I prepared the Bar complaint, Mr. Thompson, is because I don't know if Beasley Broadcasting conduct-wise has content that I would approve or not approve of. I do know they're a client; like a criminal defense client is a client -- others who have committed acts that neither you nor I would be comfortable because everyone in America is entitled to representation. I haven't made a judgment regarding Beasley because I haven't delved into it, but I do know that the Florida Bar prescribes a number of rules. **One of the rules is that you're not supposed to intimidate me with threats of criminal prosecution in order to discourage me or my firm from representing a client. I also know that you're not supposed to be dishonest about me and to tell the world that I have participated in a criminal enterprise and I have promoted child pornography. I consider that to be dishonest and in violation of Florida Bar rules. Thirdly, I believe that you have no right as opposing counsel to abuse the legal process regardless of the worthiness of what you believe your cause to be. That's why we have rules of procedure, that's why we swear ourselves to be officers of the Court, and I take that seriously.**

Q. Is it a violation of our rules to file Bar complaints against individuals solely to seek advantage in another proceeding?

A. Frankly, Mr. Thompson, I never objected to you representing yourself or a client or a cause. We were representing the other side and I couldn't care less for **how long and with how much zealously you represented your client or yourself as long as you treated us with the protocol and etiquette that the Florida Bar calls for.** It's that simple. I have never objected to -- and wouldn't intend to -- to any cause that you decide to undertake. It's your methodology that I object to. (Emphasis added.)

T 960, lines 15-25; 961, 962, lines 1-12.

**Case SC07-354: (Judge Friedman complaint)**

On August 31, 2006, Mr. Thompson 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"). This filing was Case No. 06-16311, and was assigned to the Honorable Ronald M. Friedman, Circuit Court Judge of the Eleventh Judicial Circuit of Florida. The Respondent was seeking injunctive relief to prevent the release of a video game entitled *Bully*. Therein Respondent alleged that *Bully* contained illicit images which depicted sexual scenes and graphic violence. Mr. Thompson was seeking an order preventing *Bully* from being distributed, preventing its sale and distribution to anyone under seventeen (17) years old, and requesting access to view the game prior to its release to the public in order to have an independent third party play the interactive video game and ascertain the level of violence and/or explicit sexual content allegedly contained therein, to which children may be exposed upon playing the game. See Bar Ex. 46.

Days prior to the scheduled release of *Bully*, Judge Friedman issued an order compelling the production of *Bully* for his review. See T 694. To assure confidentiality of certain proprietary information, the corporate defendants

requested an in camera inspection, which the trial court granted. On October 12, 2006, Judge Friedman conducted an in-camera inspection of *Bully* accompanied by the corporate defendants' expert computer programmer, who explained and guided Judge Friedman on the intricacies of the game. Mr. Thompson and opposing counsel were present. See Bar Ex. 47, p. 3, lines 13-24.

Judge Friedman explained the procedure at the Final Hearing, as follows:

The counsel for the Defendants did not think it was necessary to do any of this because under the First Amendment, they had a right to make the distribution. Mr. Thompson believed that this video was so bad that it should be prohibited from distribution to teenagers; and as bad he made it sound, I indicated that I would in camera view the entire game. I ordered counsel to provide the equipment as well as somebody who could operate the equipment -- I wouldn't know how to do it -- and have him come down from, I believe it was New York. They met -- Mr. Thompson was present as well -- in my chambers and proceeded to play the video. Now, even though I indicated that I would view the entire game, they had I think what they call a cheater. They can skip from one spot in the game to another spot, et cetera. So it wasn't necessary -- they indicated it would take about 200 hours to view the entire game, which of course would have been day and night for a long time. I viewed somewhere between an hour and a half of the video from spot to spot to get an idea of what the game was and hopefully, the worst parts of the game. I made the determination -- and I set a hearing for the following week -- but I made a determination while I was watching it that it did not rise to the standard that would be required to prohibit the game under the First Amendment, which would be a standard of something that would incite to immediate violence. **While I found the game offensive**, I wouldn't want it to go to -- I

wouldn't want my granddaughter -- my children are much older than teenagers. **I wouldn't want my granddaughter watching it and it probably should have a different rating, that is, a mature rating rather than a teenage rating. That's not my call. That may be for the Legislature or Congress or some other body, but under the First Amendment, they had the right to make that distribution.**

(Emphasis added.)

T 694, lines 3-25; 695, 696, lines 1-4.

On October 13, 2006 at a hearing commencing at 1:30pm, Judge Friedman informed the parties of his ruling: he believed the applicable law did not allow him to enjoin the distribution of *Bully*. Judge Friedman specifically informed Mr. Thompson that he was concluding the hearing to allow Mr. Thompson time, that very day, to file an immediate appeal to the Third District Court of Appeal and seek further legal remedy. See Bar Ex. 47, p. 5, lines 9-13.

Upon receiving an adverse ruling from Judge Friedman, the evidence at the Final Hearing revealed Mr. Thompson's subsequent actions:

On October 13, 2006 at 7:17 P.M., Mr. Thompson sent an e-mail directly to Judge Friedman's computer in chambers, with copies to various other individuals.

Therein the Respondent stated:

Now that you have consigned innumerable children to skull fractures, eye injuries from slingshots, and beatings with baseball bats, without a hearing as to the danger, let me tell you a few things, with all respect for your office and with no respect for the arbitrary way in which you

handled this matter...What you conducted in your chambers, Judge, was the equivalent of Iran leading UN weapons inspectors around the country taking them to places where the illegal activity was not occurring....I couldn't care less what you did to me. What I care about 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. (Emphasis added.)

See Bar Ex. 48.

On October 17, 2006, Respondent filed a Verified Motion to Recuse Presiding Judge in the Bully case. Therein Mr. Thompson stated: "The late and respected Dade Circuit Judge Rhea Pincus Grossman, when she returned to the practice of law, could not abide appearing before this judge [referring to Judge Friedman], and now the undersigned knows why." See Bar Ex. 49, paragraph 10.

The following testimony was given by Judge Friedman during the final Hearing:

Q. Do you know Judge Grossman?

A. Very well.

Q. Is she deceased?

A. Rumors of her demise are greatly exaggerated.

Q. Is that a no?

A. She is not deceased.

Q. Can you tell me, have you had a conversation with her regarding the statements that Mr. Thompson has made in this pleading?

A. I was shocked to learn she had died. So I called her office, only to find that she had not. I spoke with her, and she was just as shocked as I was about these pleadings.

Q. Can you tell the Judge what she told you if she ever spoke with Mr. Thompson?

A. She said she didn't know Mr. Thompson, she has never spoken to Mr. Thompson, and she certainly didn't agree with anything alleged by Mr. Thompson.

Q. Thank you.

T 701, lines 3-24.

In that same motion filed October 17, 2006, the 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 (emphasis added).”** See Bar Ex. 49, paragraph 11.

That same day on October 17, 2006, the Respondent sent a letter to Judge Friedman which he copied to defense counsel. Therein he wrote:

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. **I've never run into a more discouraging abortion of justice than in your courtroom.** But it's not about me. It is about these kids. **You think the riot in the OB [Orange Bowl stadium located in Miami] was bad? Just wait.** (Emphasis added.)

See Bar Ex. 50.

The next day on October 18, 2006, the Respondent wrote to Judge Friedman with copies to defense counsel and the media. In that letter he 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's not a chance in Hell that you would grant my Emergency**

**Motion...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. (Emphasis added.)

See Bar Ex. 51.

That same day on October 18, 2006, the Respondent filed an Initial Response by Plaintiff Mr. Thompson to Take-Two's Motion for an Order to Show Cause and Ultimately to Incarcerate Mr. Thompson for Criminal Contempt in the Bully case. Therein Mr. Thompson stated:

The Court then, unethically and improperly, then [sic] proceeded to enter its ruling, in contravention of its own order to reconvene the October 11 hearing...[Judge Friedman] denied Mr. Thompson's request to cross-examine, and then the Judge then [sic] violated his own order to view the game to completion, **topped off by his childish and unethical refusal to conduct a hearing** the next day, as he had ordered...**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.** (Emphasis added.)

See Bar Ex. 52.

The next day on October 19, 2006, the Respondent issued his own Immediate News Release entitled "Dump The Bully Judge," announcing his candidacy for Circuit Court judge, which he sent to Judge Friedman. See Bar Ex. 53. Therein he stated:

Mr. 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*....**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** (emphasis added).

Five days later on October 24, 2006, the Respondent wrote a letter to U.S. Attorney General Alberto Gonzales, which he copied to Judge Friedman, the media and others. Therein he 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...Judge Friedman, in violating his own orders, has improperly paved the way for a Columbine simulator video game to be sold to children** (emphasis added).

See Bar Ex. 54.

That same day on October 24, 2006, the Respondent sent a letter to Judge Friedman and copied defense counsel. Mr. Thompson wrote:

**Transmitted herewith is my Application for Recusal...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.** (Emphasis added.)

See Bar Ex. 55.

On October 24, 2006 at 10:18 A.M., the Respondent sent a fax 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. I'm nNot [sic] sure how to put a dollar value on it, but it's quite a lot. So thanks! (Emphasis added.)

See Bar Ex. 56.

On October 24, 2006 at 2:25 P.M., Mr. Thompson sent a fax to Judge Friedman and others: "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 [regarding] Blank Rome's show cause motion, the purpose of which is to cover up its misconduct and your own." See Bar Ex. 57.

Approximately two hours later on October 24, 2006, Mr. Thompson sent a fax to Judge Stuart Simons, Chief Administrative Judge, General Jurisdiction, Eleventh Judicial Circuit Court, with copies to Judge Friedman and defense counsel. In that letter, the Respondent stated: "Transmitted herewith is my application for the recusal of Judge Friedman. Maybe you can persuade this Judge to obey the law." See Bar Ex. 58.

That same day on October 24, 2006, the Respondent faxed a Sworn/Verified Application for Recusal of Presiding Judge in the Bully case, to Judge Friedman and others. In the motion, Mr. Thompson stated:

Because of this Court's antics in violating its own orders and in conducting the improper proceeding in his chambers on October 12, plaintiff immediately filed after the October 13 non-hearing an Emergency Petition for Writ of Mandamus with the Third District Court of Appeal. Not surprisingly, it was immediately denied.... **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...But the Court cannot possibly order that its misconduct cannot be reported, appealed, and remedied. The Star Chamber was closed down about 450 years ago...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, as it has set for hearing to show cause motion at 4pm on Wednesday, October [25<sup>th</sup>], 2006...Judge Friedman has even drawn his pleasant judicial assistant into this cover-up-the-judge's-misconduct charade...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 into whether a certain commercial activity-the sale to school children of this Columbine simulator video game-poses a public safety risk, as the Miami-Dade School Board found unanimously that it did. (Emphasis added.)**

See Bar Ex. 59, paragraphs 8, 10, 11, 12 and 13.

At 6:50 P.M. on October 24, 2006, the Respondent faxed to Judge Friedman and others, Plaintiff's Initial Response to Defendant Take-Two's

Memorandum of Law in Opposition to Recusal Application. Therein Mr.

Thompson wrote:

Any person who has been a lawyer for 30 years, as has plaintiff, can handle adverse rulings. What he can't abide is 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. Mr. Thompson is not alone...** 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 the 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. (Emphasis added.)**

See Bar Ex. 61.

At 8:39 P.M. on October 24, 2006, the Respondent faxed to Judge Friedman and others, Plaintiff's Further Response to Defendant Take-Two's Memorandum of Law in Opposition to Recusal Application. Therein he 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, ... 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...(emphasis in original). 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. 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...**(emphasis added).

See Bar Ex. 62.

Later that night at 8:51 P.M. on October 24, 2006, the Respondent faxed to Judge Friedman and others a Request for Hearing on Recusal Application in the Bully case. Therein Mr. Thompson 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, especially since it welcomes the media to its courtroom and asks counsel to invite them." See Bar Ex. 60.

The next day at 11:54 A.M. on October 25, 2006, the Respondent faxed to Judge Friedman and others an Immediate News Release entitled "Is Miami Attorney and Video Game Critic Going to Jail Today for Contempt?" See Bar Ex. 63. In the news release about the Bully case Mr. Thompson wrote,

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... This Judge is apparently delighted by the prospect of throwing into jail the party who blew the whistle on his judicial misconduct. (Emphasis added.)

The transcript of the proceeding held by Judge Friedman in the Bully case on October 13, 2006 shows the only statements made by the judge regarding the content of the game are as follows: "There is a lot of violence. I am not going to say much more about the tape because the public has not had an opportunity to see it. Neither has the plaintiff. I am not going to let the cat out of the bag to the public as to the contents..." See Bar Ex. 47, p. 3, line 25, p. 4, lines 1-5. The Record is clear that the foregoing is the only statement made publicly by Judge Friedman. Thus, Mr. Thompson's assertion above that Judge Friedman "violated his own order by publicly and falsely describing the content of the game before its public release," is wholly without merit. See Bar Ex. 63. It is a fact that Judge Friedman did not view the entire 200 hours of the game but rather viewed "key points within a matter of two hours" with the assistance of an expert who knew how to operate the equipment, play the game and skip from points to points or levels to levels within the game, for the court's review. See Bar Ex. 47, p. 3, lines 23, 24.

During the October 25, 2006 hearing on the Bully case, Judge Friedman stated: "Now, statements made to this court about this court by Mr. Thompson I

find inappropriate by a member of the bar, unprofessional and contemptible.” See Bar Ex. 63, p. 13, lines 13-16.

Thereafter, Mr. Thompson continued with his statements about Judge Friedman and sent them to the Judge and others: On October 25, 2006, “**You’re the kind of guy who would wave into an intersection a child to be run over by a semi (emphasis added).**” See Bar Ex. 65. On October 27, 2006, Mr. Thompson referred to the October 12, 2006 in camera inspection of *Bully*, as “**the bizarre séance [Judge Friedman] held in his office**”, and referred to the Judge as “**Kim Jung II**” of North Korea (emphasis added). See Bar Ex. 66. On October 29, 2006, Mr. Thompson wrote: “**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 (emphasis added).**” See Bar Ex. 67.

After receiving information regarding the Respondent’s conduct during the *Bully* case, The Bar notified Mr. Thompson’s attorney of the complaint on November 16, 2006 and advised Mr. Thompson regarding his obligation to file a written response pursuant to R. Regulating Fla. Bar 4-8.4(g). Mr. Thompson failed to provide the required response to The Florida Bar. Thereafter the Bar sent notices on January 7, 2007 and January 19, 2007. The Respondent failed to provide the required written response to The Florida Bar. See Bar Ex. 68, 69, 70, 70.1, 70.2.

### III. RECOMMENDATIONS AS TO GUILT

#### A. Analysis of Evidence

#### As to Case No. SC07-80 Count I: (Alabama *Pro Hac Vice* Application)

At issue in Count I of these disciplinary proceedings is whether or not Mr. Thompson violated the Rules Regulating the Florida Bar by the misconduct as found by Judge Moore.

This Court finds that Mr. Thompson filed a complaint on behalf of clients in Alabama on February 14, 2005, prior to requesting *Pro Hac Vice* Admission on February 28, 2005. The completed request was dated March 7, 2005, as received by the Fayette County Clerk's Office for Judge Moore's review.<sup>17</sup> Thus, Mr. Thompson violated R. Regulating Fla. Bar 4-3.3 for

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<sup>17</sup> Respondent argues that he signed the Application for *Pro Hac Vice* Admission on February 7, 2005, it was thereafter notarized by a State of Florida Notary on February 11, 2005, and he wrote a supplemental, unsigned letter to Judge Moore and the Alabama State Bar to his Request for Admission dated February 11, before the February 14, 2005 filing of the *Strickland* lawsuit. See Bar Ex. 3. This Court finds Mr. Thompson's claim has no merit as it is clear by the Fayette County, Alabama Clerk's office date stamp that the Completed Application for Admission *Pro Hac Vice* was received after the *Strickland* lawsuit was filed and after Judge Moore dismissed said lawsuit for Respondent's failure to comply with Rules Governing Admission to the Alabama State Bar *Pro Hac Vice*. Moreover, Mr. Thompson signed the Certificate of Service on the application packet attesting that he was mailing the packet to the Alabama state Bar with the accompanying \$100.00 filing fee on February 21, 2005. See Bar Ex. 3, p. 7 of Application.

making a false statement of material fact or law to a tribunal [Alabama Rule 3.3(a)(1)] when he caused the *Strickland* complaint to be signed and filed by local Alabama counsel, under the heading, "Alabama *Pro Hac Vice* Applicant" above his signature line. See Bar Ex. 1, p. 56.

First, this Court finds Mr. Thompson made two false statements of material facts in response to questions eight (8) and nine (9) of the Alabama Verified Application, to both Judge Moore and the Alabama State Bar. When Mr. Thompson answered, "None, but please see the attached letter," he should have truthfully answered: "Yes." See Bar Ex. 3. His answer and accompanying letter mislead Judge Moore into the belief that the prior disciplinary proceedings were no "big deal." T 103, line 22.

Any assertion by Mr. Thompson that he answered truthfully and materially, not only defies logic, but also is directly contradicted by the evidence. Bar Ex. 71-2 is a Complaint For Preliminary and Permanent Injunctions and Damages filed by Mr. Thompson in the United States District Court for the Southern District of Florida on September 24, 1990. Therein Mr. Thompson sues the Florida Bar, and alleges: "In the wake of Mr. Thompson's public-spirited efforts, The Florida Bar, acting itself as the 'complainant,' sought, in the autumn of 1989, to have Mr. Thompson declared 'mentally incapacitated' and his license to practice law suspended

**by the Florida Supreme Court.”** Mr. Thompson further wrote, “The Bar, acting on Judge Feder’s request...told Mr. Thompson and his lawyer, John Longino, that Mr. Thompson must submit to the aforementioned examination or **have his license summarily suspended by the Florida Supreme Court.”** (Emphasis added.) See Bar Ex. 71-2, p. 3, paragraph 6 and p. 5, paragraph 7.

Second, on October 10, 1990, Mr. Thompson filed Plaintiff’s Emergency Motion for Preliminary Injunction in John B. Thompson v. The Florida Bar, 90-2199. Therein, Mr. Thompson alleges: “In point of fact, Grievance Committee 11-C did decide that Mr. Thompson would either have to submit to an involuntary psychological exam or **The Bar would ask the Supreme Court to suspend his license** (emphasis added).” See Bar Ex. 71-3, pg 2.

An extensive amount of evidence exists in this record to directly prove that Mr. Thompson knew he was previously subject to suspension and/or disbarment proceedings. The aforementioned are simply a few quotes from two separate pleadings that he filed with the courts in 1990. Frankly all of Mr. Thompson’s litigation against The Florida Bar in federal court was to enjoin the Bar from proceeding against him.

This Court finds that Mr. Thompson knowingly made false statements of material fact to Judge Moore and the Alabama Bar when he failed to truthfully state that he in fact, was previously subject to suspension and disbarment proceedings; moreover, Mr. Thompson's unsigned explanation to Judge Moore served to mislead Judge Moore and failed to fully and completely disclose Mr. Thompson's Bar history and all the attending lawsuits arising thereof.

**As to Count II: (Judge Moore's complaint)**

A judge's job is to follow the law. The evidence from the Final Hearing shows that because Mr. Thompson disagreed with Judge Moore's November 17, 2005 Order, the Respondent repeatedly violated it. Mr. Thompson ignored the Judge's order by sending approximately three hundred (300) pages (which are in evidence) of letters, pleadings, e-mails and missives to Judge Moore or copying Judge Moore as to correspondence sent to third parties from November 17, 2005 to a week before the Final Hearing on November 26, 2007. Thus, for over two years, Mr. Thompson has continued communicating with Judge Moore, in violation of the Judge's order.

Moreover in several of the letters, e-mails and pleadings that the Respondent filed and/or sent to Judge Moore or copied to Judge Moore, the Respondent made statements about the Judge which he knew to be false or with reckless disregard as to its truth concerning the qualifications or integrity of Judge Moore. Additionally, the evidence shows that the Respondent made misrepresentations about Judge Moore and knowingly or through callous indifference, made statements about Judge Moore to disparage or humiliate him in an attempt to intimidate the Judge regarding his complaint to the Florida Bar.

This Court heard no credible evidence that the inflammatory and derogatory statements made by Mr. Thompson regarding Judge Moore were true. On the contrary the evidence indicates that when the Respondent received an adverse ruling from Judge Moore, he began making the untruthful comments about the Judge. Once Judge Moore issued his November 17, 2005 Order, revoking Mr. Thompson's Admission *Pro Hac Vice* to The Alabama State Bar and thus preventing Mr. Thompson from acting as counsel of record in *Strickland*, the Respondent began the onslaught of conduct outlined above. Moreover, Judge Moore followed his judicial duty under Alabama Bar rules, when he forwarded his Order Revoking Admission *Pro Hac Vice* to the Alabama State Bar.

Based on the evidence presented at the Final Hearing, this Court is making a factual finding that Mr. Thompson wrote and alleged in pleadings, statements that were utter fabrications for which there was no factual basis. This Court heard no credible evidence whatsoever in the nine (9) day trial, to substantiate that Judge Moore ignored complaints about witness tampering, or that Clatus Junkin ever said that he could "fix" a case in front of Judge Moore. Five of those nine days consisted of the Respondent putting on his case in these disciplinary matters. Thus, this Court finds that not only were Respondent's statements regarding Judge Moore untruthful, they were clearly made with reckless disregard for their truth or falsity concerning the qualifications of Judge Moore. Moreover, Mr. Thompson engaged in conduct involving dishonesty, fraud, deceit and misrepresentation when he uttered the comments. Mr. Thompson likewise engaged in conduct in the connection with the practice of law that is prejudicial to the administration of justice, including, to knowingly disparage or humiliate other lawyers, when he stated that the Honorable Clatus Junkin said to Mr. Thompson and others, that he could "fix" a case.

Furthermore, when Mr. Thompson alleged in his Petition for Writ of Mandamus To The Supreme Court in the State of Alabama that, "Junkin 'got Judge Moore his judgeship,' according to Junkin,..." the Respondent

engaged in conduct with reckless disregard for the truth or falsity concerning the integrity of Judge Moore and acting senior Judge Clatus Junkin. Mr. Thompson intentionally ignored and misrepresented that Judge Moore was in fact appointed by the then-Governor of Alabama, fourteen years (14) earlier. Any reasonably acting attorney with a modicum of knowledge of judicial appointments, which are publicly advertised in legal newspapers and by other means, knows that numerous individuals are often consulted, including sitting judges, practicing attorneys, colleagues, opposing counsel and members of the community, prior to a governor or other executive officer making a judicial appointment. Mr. Thompson's statements in those pleading and letters were made with reckless disregard for the truth and with callous indifference to disparage and humiliate both Judge Moore and Clatus Junkin.

**As to Count III: (Blank Rome's complaint)**

After the attorneys for *Sony* filed their Motion and Memorandum of Law to Revoke the Admission *Pro Hac Vice* of John B. Thompson, Esq. with the Appendix and Supplemental Appendix of Exhibits, the evidence shows that the Respondent began his onslaught of vitriolic letters, e-mail, faxes and 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. Moreover, he clearly made false statements about Mr. James Smith and Ms. Rebecca Ward.

Additionally, there was no evidence presented to substantiate Respondent's statements that Mr. Smith and Ms. Ward acted unethically or made false statements to Judge Moore in Alabama. On the contrary, both attorneys filed appropriate pleadings with attachments, cited specific Alabama Rules of Professional Conduct and Rules Governing Admission to the Alabama State Bar, attached case names, tribunal locations, and copies of documents generated by or about Mr. Thompson. Judge Moore held a hearing and pursuant to the Motion, Memorandum of Law and the Appendix and Supplemental Appendix; the Judge ruled in the corporate defendants' favor and granted their Motion to Revoke Mr. Thompson's *Pro Hac Vice* Admission to the Alabama Bar. This Court finds that the testimony and exhibits referred to herein clearly show what can only be described as Mr. Thompson's malicious and spiteful tactics against Mr. Smith and Ms. Ward, in retribution for the Motion and Memorandum which was legally filed and argued before Judge Moore. This Court likewise finds that the disparaging

statements made by the Respondent, about Mr. Smith and Ms. Ward, referred to herein were false.

Mr. Thompson engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, when he misrepresented his involvement in the case sending out an e-mail and "Immediate News Release," setting forth his continued involvement in the discovery process and in the courtroom at trial in the *Strickland* case. This occurred after Judge Moore's November 17, 2005, Order revoking his status *pro hac vice*.

What Mr. Thompson refused to understand in 2005, was apparent in his cross-examinations of the witnesses and testimony provided at the Final Hearing, and that he clearly still fails to refuse to understand now, is that Blank Rome filed a legally appropriate Motion to Revoke, Memorandum of Law, Appendix and Supplemental Appendix for Judge Moore's review. Judge Moore after reading pleadings from both parties with attachments and having a hearing on the matter, ruled pursuant to Alabama law, Rules Governing Admission to the Alabama State Bar, and Alabama Rules of Professional Conduct. It was the trial court who found Mr. Thompson in violation of said rules and therefore entered an Order Revoking Respondent's Admission *Pro Hac Vice* in Alabama. Clearly, the Respondent's remedy was to the appellate courts. However, Mr. Thompson

chose a different path for his recourse of Judge Moore's adverse ruling, which has resulted in Counts II and III of this complaint in these disciplinary hearings.

Mr. Thompson made abusive and frankly vulgar allegations regarding bisexual pedophilia posted on a website, sexual acronyms and a sexual lubricant product apparently mailed to his home. More importantly, he baselessly accused Mr. Smith and Ms. Ward of having knowledge of and "presiding over" what was allegedly posted on a website and the mailing of the lubricant product to his home. These demeaning and false accusations regarding Mr. Smith and Ms. Ward could have been nationally publicized and forever harmed their reputations, if any media chose to distribute the information Mr. Thompson so recklessly and intentionally distributed. Not only was there no evidence presented at the Final Hearing that Blank Rome's clients "targeted" Mr. Thompson on a website, but there was not a shred of evidence whatsoever that Mr. Smith, Ms. Ward or any member of the Blank Rome law firm "presided over" an alleged targeting of the Respondent. This fact, however, did not stop Mr. Thompson from making and publicizing his accusations with impunity and with utter reckless disregard for the truth or falsity of his statements.

Moreover, Mr. Thompson showed a complete lack of disregard for the truth or falsity of his comments, when he alleged that Mr. Smith, Ms. Ward and Blank Rome directly “lied in court pleadings,” “lied again [to Judge Moore] in open court,” and “were engaged with an ongoing criminal conspiracy with ‘its porn client’.” This Court is making a factual finding that there was no evidence presented during the Final Hearing to substantiate any of these statements. The Respondent himself wholly failed to provide even a modicum of evidence to support what this Court finds to be outright fabrications, or more simply put, lies, by Mr. Thompson regarding Mr. Smith, Ms. Ward, and others from Blank Rome.

Likewise, when Mr. Thompson wrote directly to Paul Eibeler, CEO of Take-Two and Rockstar, regarding *Strickland*, not only did he make disparaging, humiliating and untruthful comments regarding Mr. Smith and Ms. Ward, but he also communicated about the subject of the representation with Mr. Eibeler, knowing he was Blank Rome’s client. This Court finds no merit whatsoever in the Respondent’s argument at the Final Hearing, that his communication with Mr. Eibeler was permissible, because Mr. Eibeler was not a party to *Strickland*. Likewise Mr. Thompson’s conduct was similarly violative of the Rules when he sent letters to attorneys in Blank Rome not assigned to *Strickland*, including but not limited to, David Girard-diCarlo,

Barbara Comstock, and Nelson Diaz. There were numerous other lawyers and partners employed with Blank Rome at their various offices around the world, who had no involvement in the litigation of *Strickland*, but nonetheless received e-mails and/or faxes from Mr. Thompson regarding the case and disparaging, humiliating, and untruthful comments regarding Mr. Smith and Ms. Ward.

**As to Count V: (Tew Cardenas' complaint)**

As to this count involving Tew Cardenas, the conduct and motivation of Mr. Thompson as proven by the evidence surpasses the extreme, at the very least. It is almost hard to imagine a lawyer comporting himself in this wholly reckless manner, but the evidence shows beyond any doubt that the Respondent in fact, did so. Mr. Thompson caused a series of chain reactions of utterly inappropriate, offensive and debasing conduct that belies any sense of moral decency and professionalism.

The first chain reaction begins with a defamation lawsuit filed against Mr. Thompson by another attorney, Norm Kent. At that time Mr. Kent represented Beasley. Due to Mr. Thompson's threats of lawsuits toward Beasley in retaliation for Mr. Kent's defamation suit, Beasley retained Mr.

Kellogg to represent them, in the event Mr. Thompson followed through on his threats to sue or depose Beasley.

On or about the second week of March 2005, Mr. Kellogg received a call from Mr. Thompson's co-counsel, asking if Mr. Kellogg would intervene with Beasley to set up a meeting. The purpose of the meeting was an attempt by Mr. Thompson, to enlist Beasley and Mr. Kellogg, in an effort to persuade Mr. Kent to withdraw his defamation suit. Mr. Kellogg explained that Beasley was not behind the lawsuit, that it was Mr. Kent's lawsuit, but Mr. Kellogg would always convey messages to his own client.

Thereafter Mr. Kellogg was working in Colorado on other matters; he began receiving e-mails from Mr. Thompson demanding a meeting with Beasley and threatening to sue Mr. Kellogg personally, if the meeting was not arranged by a certain deadline. When the deadline established by Mr. Thompson had passed, he immediately and incessantly began to pursue Mr. Al Cardenas. Mr. Cardenas, a partner at Tew Cardenas with Mr. Kellogg, did not represent Beasley, had no knowledge of the legal work Mr. Kellogg or their firm was performing for Beasley and was entirely unconnected to the matter. Mr. Kellogg informed Mr. Thompson of this fact. Nonetheless, the evidence shows beyond any doubt, that Mr. Thompson targeted Mr. Cardenas, in an effort to cause Mr. Cardenas to exert influence over his

colleague, Mr. Kellogg, in the representation of Beasley. Mr. Thompson did this for the sole purpose of pressuring Mr. Kellogg into arranging a meeting between Beasley and Mr. Thompson, in anticipation that Beasley would influence Mr. Kent to withdraw his defamation suit against Mr. Thompson.

When that was unsuccessful, beginning on March 17, 2005, Mr. Thompson began to engage in conduct wherein he knowingly, or through callous indifference, made numerous baseless statements for the sole purpose of humiliating Mr. Kellogg and Mr. Cardenas. Mr. Thompson's conduct was totally inappropriate, unwarranted and violated the Rules of Professional Conduct.

Within a week, from March 17 through March 24<sup>th</sup>, 2005, Mr. Thompson made false statements about Mr. Cardenas and the Tew Cardenas firm, to Governor Jeb Bush, Attorney General Charlie Crist, the media and others, in which he wholly fabricated allegations about Mr. Cardenas' involvement in the distribution of pornography and statewide racketeering activity. Mr. Thompson then requested that Governor Bush appoint a Statewide Prosecutor, to investigate violations of federal crimes which Mr. Thompson alleged were committed by Mr. Cardenas.

Based upon those humiliating and untruthful statements, Mr. Kellogg and Mr. Cardenas filed a complaint with The Florida Bar on March 28,

2005. Thereafter the second chain of events was put into place by Mr. Thompson. He continued his assaults on Mr. Cardenas, Mr. Kellogg and Tew Cardenas, by upping the ante. He sent numerous communications containing derogatory and humiliating allegations about them to: their clients, their wives, the women employed at Tew Cardenas and other members of the firm, the media, Beasley and its shareholders, the F.C.C., The Florida Bar, the CEO of Martindale-Hubbell, the President of Florida A&M University (where Mr. Cardenas served on the Board of Trustees), the Miami-Dade State Attorney, the Chairman of the RNC, members of Congress (where Mr. Cardenas has clients and a local office), Governor Bush, the United States Attorney for the Southern District of Florida, the United States Attorney General, and President Bush. The testimony at the Final Hearing and the exhibits in evidence show, the vitriolic statements sent by Mr. Thompson to all of these individuals and entities, regarding the allegations addressed herein relating to Mr. Cardenas and Mr. Kellogg, were false, fabricated and, in fact, constituted outright lies.

After March 28, 2005, Mr. Thompson caused this ever expanding chain of events from Miami, throughout the State of Florida, across the country and into the Oval Office in direct retribution for the lawfully filed, and now wholly proven, Florida Bar complaint by Mr. Kellogg and Mr.

Cardenas. Thus as a result of Mr. Thompson's conduct, what began as a defamation suit in a local court, resulting thereafter in a Bar complaint, led to almost four years of lies and utter fabrications, improper innuendos with no basis in reality, in an effort to force a result that the Respondent wanted to accomplish. Mr. Thompson's conduct was without question prejudicial to the administration of justice and done knowingly, with callous indifference to the lives and reputations of Mr. Kellogg, Mr. Cardenas, their clients and others in their firm, and was done for no reason other than to disparage and humiliate them to such an extent, to cause them to "drop" their Bar complaint.

Moreover the evidence presented at the Disciplinary Hearing shows that after the conclusion of the Final Hearing on December 6, 2007 and before the June 4, 2008 Disciplinary hearing, Mr. Kellogg received more than one hundred (100) e-mails from Mr. Thompson. These e-mails included attacks on The Florida Bar, officers, employees and Governors of The Bar, the Supreme Court of Florida, and witnesses at the Final Hearing, including Mr. Cardenas and Mr. Kellogg.

**As to Case No. SC07-354: (Judge Friedman's complaint)**

A judge's job is to follow the law, even if he or she disagrees with the law. The testimony provided by Judge Friedman regarding the *Bully* case, was that he reviewed the motions of all parties, granted Mr. Thompson's request for an in camera inspection of *Bully* prior to its release, viewed a sufficient portion of the game with an expert who assisted by moving from point to point throughout various aspects of the game, and ruled the next day at a hearing.

In his order, Judge Friedman made it clear that he found the violence in the game personally offensive, even stating that he would not want children in his family watching or playing the game. Likewise, he agreed with Mr. Thompson's assertion that the game should probably have a mature rating, rather than a rating which allowed purchase by teenagers. In spite of his personal beliefs, it is clear that Judge Friedman denied Mr. Thompson's motion to enjoin the distribution of *Bully*, because the Judge believed he was bound to follow the law under the First Amendment to the United States Constitution. Judge Friedman articulated his belief, that it was beyond his authority as a judge to create laws, or legislate from the bench a new rating system for video games, and thus ruled accordingly.

The evidence at the Final Hearing clearly shows that when Mr. Thompson received an adverse ruling from Judge Friedman in *Bully*, in the early afternoon hours of October 13, 2006, the Respondent immediately began to inflict upon

Judge Friedman the same escalating pattern of conduct that has been proven against Mr. Thompson as directed toward Judge Moore, Judge Junkin, Mr. Smith, Ms. Ward, Mr. Kellogg and Mr. Cardenas. He sent faxes, e-mails, letters and pleadings, containing statements that served no purpose other than to embarrass, disparage and humiliate the Judge, with copies to various parties as reflected herein, and in the record.

Likewise, Mr. Thompson made statements to Judge Friedman that he knew to be false or with reckless disregard as to the truth or falsity, such as his references regarding the in camera proceeding and his misrepresentations as to what occurred at that proceeding in the Judge's chambers on October 12, 2006. Similarly, the Respondent wrote in court pleadings about the alleged death of a former Judge and friend of Judge Friedman's, and represented what Judge Friedman had stated on the record in open court in such a manner as to humiliate and disparage him. Similarly, Mr. Thompson made statements with reckless disregard as to the truth or falsity concerning the integrity of the Judge, by sending out a news release calling the Judge a "bully," making references to the "Star Chamber," and stating in a pleading the Judge held "secret proceedings." Mr. Thompson made these statements knowing that the review was done at Mr. Thompson's request and the in camera aspect of the review was done at the corporate defendants' request, as *Bully* had not yet been released to the public by the corporate defendants.

Moreover, Mr. Thompson referred in court pleadings to Judge Friedman's alleged reputation in the Miami legal community which dealt directly with the Judge's qualifications and integrity. This was wholly inappropriate and in violation of the Rules herein. Within the twenty-four (24) hour period prior to a scheduled hearing on October 25, 2006, in which Judge Friedman was to address a Rule to Show Cause against Mr. Thompson, the Respondent sent at least ten (10) pleadings, faxes or letters to Judge Friedman with copies to others. These communications contained false information and information with reckless disregard as to the truth or falsity concerning the Judge's qualifications and integrity. The communications, sent to the court and others, and the conduct of Mr. Thompson, were clearly prejudicial to the administration of justice, purposefully done to embarrass and humiliate the court, and knowingly done with callous indifference to the effect it may have.

Finally the record shows through the Florida Bar's Exhibits, that Mr. Thompson failed to respond in writing to Bar counsel regarding an investigation into the Respondent's conduct.

### **Conclusion**

In conclusion the evidence in this case shows a clear escalating pattern of conduct which is repeated, subjecting each complainant to Mr.

Thompson's abusive behavior. All of these witnesses were victimized by Mr. Thompson; many of them unknown to each other, were joined together only by Mr. Thompson's egregious behavior against them as individuals.

This Court finds a clear pattern of derogatory and humiliating conduct by the Respondent when he filed pleadings and sent letters, e-mails, faxes and missives to judges before whom he appeared, Judge Moore and Judge Friedman, when they ruled against him. Likewise, this Court finds a clear pattern of vitriolic and disparaging conduct by the Respondent when he filed pleadings and sent letters, e-mails, faxes and missives which he purposefully utilized in an attempt to bully and target the attorneys when they assumed a legal position with which he disagreed or which was in some manner contrary to his own. This pattern of malicious conduct is apparent through the Respondent's actions toward Judge Junkin, Mr. Smith, Ms. Ward, Mr. Kellogg and Mr. Cardenas, which served no substantial purpose other than to embarrass, disparage or humiliate them individually in the eyes of any reader. The Respondent in five (5) separate, distinct and unrelated situations continued to go for the perceived jugular of each individual who ruled against him (the judges), disagreed with him (Judge Junkin), or litigated against him (Mr. Smith, Ms. Ward and Mr. Kellogg).

The exception to this was Mr. Cardenas. The Court finds and it is abundantly clear from the evidence, that Mr. Cardenas was uninvolved with any litigation, negotiation or court matter involving Mr. Thompson. Moreover, and perhaps more importantly, the Respondent was aware of Mr. Cardenas' lack of involvement in the representation of Beasley. Thus, Mr. Thompson's conduct toward Mr. Cardenas may well rise to the most offensive level of all the individuals victimized in these five separate and distinct cases. However, while the conduct directed toward Mr. Cardenas may be the most offensive in some ways, all the other witnesses noted herein may have experienced equal or greater personal turmoil resulting from Mr. Thompson's actions toward them.

It is clear from the evidence presented that Mr. Thompson purposefully and intentionally targeted Mr. Cardenas *via* pleadings, e-mails, faxes, letters, pictorials and missives solely to embarrass an individual well known in the community, with noted personal and professional friendships and associations with the Governor, the President and others. The undersigned states that Mr. Thompson's behavior directed toward Mr. Cardenas is perhaps the most egregious, because this specific conduct toward Mr. Cardenas was patently motivated by who Mr. Cardenas is, and the position he holds in state and national politics, particularly in light of Mr.

Cardenas' complete noninvolvement in the matters the Respondent was pursuing.

Finally, without question, Mr. Thompson acted in a manner to disparage and humiliate each of the parties involved herein, including Mr. Cardenas who was a mere innocent and uninvolved bystander. The Respondent acted with vengeance in retribution by fervently pursuing actions to negatively affect their reputations, exclusively for Mr. Thompson's own personal motives and with utter disregard to the administration of justice and complete indifference to the consequences his conduct would have on their lives, law firms, judicial careers, clients, families and reputations, both personally and professionally.

B. Courtroom Conduct by Mr. Thompson

This Referee witnessed courtroom conduct by Mr. Thompson which continues to demonstrate his disregard for appropriate and acceptable behavior. The following are a few examples:

During Mr. Thompson's cross-examination of Judge Moore on November 26, 2007:

THE REFEREE: What's the relevance of this?  
MR. THOMPSON: Ask him. He brought it up.

THE REFEREE: Is there a motion to strike? Are you moving to strike the answer?

MR. THOMPSON: No.

THE REFEREE: You're not moving to strike the answer?

MR. THOMPSON: No, because I want to ask him about what he just said because it goes to his motivation. It goes to what he says I did.

THE REFEREE: With regard to --

MR. THOMPSON: So if you want to caution the witness --

THE REFEREE: -- another person who's not in the courtroom?

MR. THOMPSON: Judge -- What am I missing here, guys? This Judge --

THE REFEREE: Don't do that. That is so inappropriate.

MR. THOMPSON: What is inappropriate?

THE REFEREE: For you to turn to the gallery and speak to two lawyers that are 50 feet away and ask them and turn your back to me and say what are you doing wrong? I don't treat you that way. I don't turn around [from you like] that in my chair and talk to other people. I'm speaking to you, sir.

MR. THOMPSON: You don't have anyone else here. I do. Can I go talk to him then?

THE REFEREE: No.

MR. THOMPSON: No?

THE REFEREE: Please continue with the questions.

MR. THOMPSON: Okay.

(Emphasis added.)

T 264, lines 23-25, 265, 266, lines 1-14.

During Mr. Thompson's cross-examination of Mr. Smith on

November 27, 2007:

THE WITNESS: Mr. Thompson, I'm going to ask you to step back. Step back.

MR. THOMPSON: I'll step back when the Court asks me to.

THE REFEREE: Let's do this. We have a podium that's pushed over. (To the bailiff): Harold, would you place the podium where we have it for every single trial in this courtroom? Let's have all parties utilize that podium.

THE WITNESS: Thank you, Your Honor.

THE REFEREE: All right.

BY MR. THOMPSON:

Q. What were you afraid of, Mr. Smith?

THE REFEREE: Okay. That's inappropriate.

MR. THOMPSON: No. It isn't inappropriate, Judge. I don't mean to argue with you, but I'd like to know what Mr. Smith is concerned about.

THE REFEREE: Mr. Thompson, I'm going to ask you to please utilize the podium as it is --

MR. THOMPSON: I'm going to utilize the podium, Judge, but I would like to know why Mr. Smith asked me to step back.

THE REFEREE: I'm not going to require him to answer that question. If you would like to pose a question regarding the issues before this Court, you may proceed, sir.

MR. THOMPSON: I think the door was open on that because -

THE REFEREE: There's no door open. Please continue with the questioning.

MR. THOMPSON: And just for the record, Judge -- I want to make a record here. I don't want to argue with you. I did enough of that yesterday. But Mr. Smith says this has all impacted him and it seems to me he's afraid of me. So I wanted to ask him about that.

T 334, lines 20-25; 335, 336, lines 1-13.

During Mr. Thompson's cross-examination of Mr. Kellogg on  
November 29, 2007:

Q. And in fact, what animates your Bar complaint -- "your" meaning plural --

**MR. THOMPSON (To unidentified person):** Oh, don't leave now. It's about to get good.

**THE REFEREE:** Excuse me. Wait. Who are you talking to?

**MR. THOMPSON:** This nice lady. I'm just being cordial. Is that allowed?

**THE REFEREE:** Mr. Thompson, it's always allowed to be cordial, but we are in the middle of a --

**MR. THOMPSON:** I know what I'm in the middle of.

**THE REFEREE:** No, no. Let me finish, please. You are cross examining a witness and when someone in the gallery stands up, it's not appropriate to stop the proceedings to talk to somebody if they're walking out of the courtroom.

**MR. THOMPSON:** Okay, Judge. I guess some of us in this room have a different sense of what's appropriate, and I apologize if I've offended you.

**THE REFEREE:** You're not offending me. I'm just reminding you of the civil rules that are appropriate for professionalism in a courtroom.

**MR. THOMPSON:** We have a difference of opinion.

**THE REFEREE:** We do; and since this is my courtroom, this is the way it's going to work because this is the way it works in every trial I've handled.

**MR. THOMPSON:** Judge, I said --

**THE REFEREE:** Okay?

**MR. THOMPSON:** I apologize.

**THE REFEREE:** Could you please continue with your cross examination?

**MR. THOMPSON:** Yes. Well, that took longer than my pleasant exchange with her, and I apologize for disrupting this Court.

(Emphasis added.)

T 893, lines 10-25, 894, 895, lines 1-3.

During the June 4, 2008 Disciplinary Hearing (hereinafter "DH"), the following occurred:

MS. TUMA: Sheila Tuma, counsel for the Florida Bar.

MR. THOMPSON: Jack Thompson, presently a lawyer.

THE REFEREE: Okay. Good afternoon, everyone. All right. So we're here for a sanction hearing. Miss Tuma, my understanding would be that pursuant to the rules, you would be going first?

MR. THOMPSON: Your Honor, may I please --

MS. TUMA: Yes.

MR. THOMPSON: -- so that I can state at the appropriate time, which would be now, my objections to this proceeding on the record?

THE REFEREE: And you have done so through writing--

--

MR. THOMPSON: No. I have to do it here, Judge.

THE REFEREE: Go right ahead.

MR. THOMPSON: May I move the podium?

THE REFEREE: No. Just everybody leave it in one spot. That's the way we usually do it in this courtroom.

MR. THOMPSON: Can we change that one spot? No?

THE REFEREE: I'd prefer that you leave it right there

MR. THOMPSON: Nice. Can I pivot it?

THE REFEREE: Is that what you'd like, sir?

MR. THOMPSON: I'm asking you.

THE REFEREE: Okay. That's fine.

MR. THOMPSON: I was allowed to move it before. I object strenuously, as I have in the past, to the very notion that this proceeding can even occur on various grounds, any single one of which is fatal --

THE REFEREE: I'm going to interrupt you. Excuse me one moment. Mr. Thompson, this Court has been in receipt of many, many motions which this Court has already ruled on. So this would not be a time for you to simply make a statement.

MR. THOMPSON: No, I'm not.

THE REFEREE: If you wish to state an objection, I will be more than happy to take from you any written

**motion and then rely upon it. But what I do not want is for you to be making a speech at the beginning of what is essentially a disciplinary hearing where I'm supposed to hear aggravating and mitigating factors. I have addressed numerous motions of your objection. If you have something in writing, I will gladly accept it from you now.**

**MR. THOMPSON:** First of all, Judge, so the record is clear -- and I heard what you just said and I'm going to abide by it even though it's in error -- you don't know what I'm going to say, number one. Number two, I have a right to make here today my objection to this proceeding on the record with the additional things that I want to say.

**THE REFEREE:** And I will be giving you the opportunity --

**MR. THOMPSON:** Excuse me, Judge. Just to state my objection to your preventing me from doing what I have a right to do here today, note my objection to your ruling in that regard. Note my objection to the fact that you don't want to hear my objection, which I have a right to put on the record orally and having heard yet another erroneous ruling from you which simply digs your hole deeper -- with all respect for at least this Court -- let me then give you what I have in writing. **May I approach?**

**THE REFEREE:** Absolutely. Miss Tuma, do you have a copy?

**MS. TUMA:** No, I don't.

**MR. THOMPSON:** Let me give it to you. One for the court reporter (handing), one for Miss Tuma (handing), one for the Daily Business Review (handing). Ms. Roberts, try to get the story right this time. Mr. Min, you're not supposed to be here, but here's your copy (handing) --

**THE REFEREE:** Let me just stop you right there. This is going to be a professionally conducted hearing. Whoever is in this courtroom has a right to be here because it's a public courtroom. I saw you basically throw onto Mr. Min's lap a motion --

**MR. THOMPSON:** You saw me drop it on his lap because he wouldn't take it.

**THE REFEREE:** Mr. Thompson, he has no requirement to take anything from you. He's here as a person watching the proceedings. He may be here in case Miss Tuma needs something Xeroxed from his office -- I don't know -- but he's not the subject of this proceeding. So I'd like us all to take a step back and to conduct ourselves professionally. Having said that, I have now received --

**MR. THOMPSON:** Your Honor --

**THE REFEREE:** I have now received a motion entitled Thompson's Formal Objection to June 4th Sanctions Hearing and --

**MR. THOMPSON:** It's not --

**THE REFEREE:** I will read it and when I receive a reply by the Bar, I will rule accordingly; but it's not going to stop this hearing from going forward.

**MR. THOMPSON:** Nobody wanted to stop the hearing from going forward. Secondly, it's not a motion. It's an objection.

**THE REFEREE:** Okay.

**MR. THOMPSON:** Thirdly, I'm entitled to give this to Mr. Min, if I feel like it. He wouldn't take it, so I gently dropped it on his lap. You can mischaracterize what I did if you want to, as you have before. Having stated my objection, Judge, which I wanted to do on the record orally which I have a right to do, I want to wish you a very good day because I'm done here because I want you to understand that I cannot, Judge -- Referee, whatever -- object to the legitimacy of these proceedings and at the same time participate in them. I understand that. Others understand that. I don't know whether you understand it or not, but I'm done. I'll see you.

**THE REFEREE:** Are you choosing to walk out of the door of the courtroom?

**MR. THOMPSON:** Absolutely, Judge, because that's what I should do. If you will read the objections, you'll see why. You may not understand it, you may never understand it, but that's what I have to do because of the fact you don't even have the authority to sit there. Thank you, Judge.

**THE REFEREE:** Have a pleasant day. (Thereupon, Mr. Thompson left the courtroom at 2:15 o'clock p.m., and the following proceedings were had:)

**THE REFEREE:** All right. Let the record reflect that Mr. Thompson has chosen to voluntarily absent himself from these proceedings and according to the case law, they are going forward. Miss Tuma, go right ahead.

(Emphasis added.)

DH 3, lines 16-25; 4-9; 10, lines 1-17.

It is clear to this Referee that Mr. Thompson came to the Disciplinary Hearing with a sixteen (16) page written objection (inclusive of his photograph and an article regarding him.) He had numerous extra copies which he clearly intended to, and in fact did, hand out to the media and others in the courtroom. Undoubtedly, his conduct indicated his every intention to read the objection into the record in open court and then leave. A clear reading of the document in evidence makes this apparent, as he writes of leaving the proceeding and courtroom therein. Not only did he in fact write about his conduct in leaving the courtroom in his objection, but he in fact walked out of the courtroom.

Clearly, Mr. Thompson's intent was to turn the Disciplinary proceeding into a press conference wherein he wanted to read his sixteen (16) page objection, distribute copies while in court and leave. What may not be apparent from the written transcript is that when the Court stopped

Mr. Thompson from making a speech, by reading aloud word for word his written objection to the proceedings, he physically left the podium and while continuing to speak wandered through the gallery of the courtroom where the public sits. He had previously prepared extra copies of his written objection and distributed them from the front row to the back of the courtroom, as the undersigned watched and the court proceedings were underway. Thus, in Mr. Thompson's last contact in court with this Referee and by his own conduct, he yet again corroborated the notion that he refuses, and will continue to refuse, to abide by the professional standards and rules required of members of The Florida Bar.

C. Rule Violations: Guilty

I recommend the Respondent be found guilty as follows:

*As to Case No. SC07-80, Count I* – 4-3.3 for making a false statement of material fact or law to a tribunal; 4-3.4(c) for knowingly disobeying an obligation under the rules of a tribunal; 4-3.4(h) for presenting, participating in presenting, or threatening to present disciplinary charges to solely obtain an advantage in a civil matter; 4-3.5(b) for communicating the merits of the cause with a judge; 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; 4-4.4 for using means that have no substantial purpose other than to embarrass, delay, or burden a third person; 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; 4-8.1 for failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter; 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; 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.

*As to Case No. SC07-80, Count II* – 4-3.4 for knowingly disobeying an obligation under the rules of a tribunal; 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.

*As to Case No. SC07-80, Count III* – 4-3.3(a)(1) for making a false statement of material fact or law to a tribunal; 4-3.4(c) for knowingly disobeying an obligation under the rules of a tribunal; 4-3.4(h) for presenting, participating in presenting, or threatening to present disciplinary charges to solely obtain an advantage in a civil matter; 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; 4-4.4 for using means that have no substantial purpose other than to embarrass, delay, or burden a third person; 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; 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.

*As to Case No. SC07-80, Count V* – 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.

*As to Case No. SC07-354* – 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(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.

D. Rule Violations: Not Guilty

I recommend the Respondent be found not guilty as follows:

*As to Case No. SC07-80, Count I* – I find Respondent not guilty of violating R. Regulating Fla. Bar 4-3.5(c).

*As to Case No. SC07-80, Count II* – I find Respondent not guilty of violating R. Regulating Fla. Bar 4-3.5(c).

*As to Case No. SC07-80, Count III* – I find Respondent not guilty of violating R. Regulating Fla. Bar 4-8.2(a).

*As to Case No. SC07-354* – I find Respondent not guilty of violating R. Regulating Fla. Bar 4-8.4(c).

#### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

##### *6.2 Abuse of the Legal Process*

6.21 Disbarment is appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

##### *7.0 Violations of Other Duties Owed as a Professional*

7.1 Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

##### *8.0 Prior Discipline Orders*

8.2 Suspension is appropriate when a lawyer has been publicly reprimanded for the same or similar conduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

V. CASE LAW

Disbarment is appropriate in light of this Court's ruling in *The Florida Bar v. Flinn*, 575 So. 2d 634 (Fla. 1991). Flinn received a disbarment for failing to understand the most fundamental legal doctrines, making knowing and false accusations of bribery or corruption against worker's compensation judges, dishonesty, fraud, deceit and misrepresentation, conversion of client's property and failing to render a proper accounting.

In *The Florida Bar v. Calhoon*, 102 So. 2d 604 (Fla. 1958), Calhoon received a disbarment for making a false accusation that a circuit judge had accepted a bribe in consideration of increased fees to parties handling a receivership in an attempt to compel the judge to enter orders more favorable to the claimants in whom the attorney was interested and to allow additional fees to the attorney.

Attorney Forrester received a disbarment for knowingly making false, disparaging and humiliating statements in a pleading submitted to the court and knowingly violating a suspension order by practicing law while suspended. In *The Florida Bar v. Forrester*, 916 So. 2d 647 (Fla. 2006). Forrester had a significant disciplinary history.

In *The Florida Bar v. St. Louis*, 32 Fla. L. Weekly S191 (Fla. 2007), St. Louis received a disbarment. The court specifically noted “[t]his Court typically imposes the severe sanction of disbarment on lawyers who intentionally lie to a court. An officer of the court who knowingly seeks to corrupt the legal process can expect to be excluded from that process.”

The Supreme Court of Florida, in *The Florida Bar v. Klein*, 774 So. 2d 685 (Fla. 2000), disbarred an attorney who, in an attempt to qualify his community as an age restricted community, failed to provide competent representation to his client, improperly shopped for a favorable forum, knowingly disobeyed his obligation to the tribunal and disobeyed a court order by withholding discovery, filing frivolous pleadings, and engaging in dishonest conduct which was prejudicial to the administration of justice. The Court held:

What is clear from our review of this case is the inherent danger to the public and the legal system when an attorney ceases to objectively evaluate legal matters in which he is personally involved. Klein’s trail of misconduct began as a legitimate attempt to qualify his community as one for older persons under the Fair Housing Act...Klein’s conduct indicates that he has strayed from the warning in the Preamble to the Rules of Professional Conduct that lawyers ‘are to use the law’s procedures only for legitimate purposes and not to harass or intimidate others.’ Klein deviated from the pursuit of legitimate goals and instead embarked on a personal crusade to intimidate, harass, and ultimately deceive those opposed to the age restrictions in Westwood. This is a classic example of an attorney elevating personal

interests and desires above his obligation as an officer of the court and the holder of public trust. The tools and inherent power vested in those authorized to practice law in Florida cannot be perverted for personal whim. Id. at 691.

In light of the multiple and serious disciplinary offenses, an attorney was disbarred for five years and thereafter for an indefinite period until he demonstrates full compliance with the rules and regulations governing the admission to the bar and pays the costs of the disciplinary proceedings in *The Florida Bar v. Spann*, 682 So. 2d 1070 (Fla. 1996). The referee found that Spann's misconduct "evidenced a total disregard for the Rules of Professional Conduct." The Court noted "that Spann, who has close to twenty years of legal experience, continues to maintain that he has done nothing wrong. Thus, we conclude that disbarment is the most appropriate discipline." Id. at 1074.

While *The Florida Bar v. de la Puente*, 658 So.2d 65, 70 (Fla. 1995), deals with an attorney's misuse of client trust funds; it is instructive as to the Court's view of cumulative misconduct. The Court upheld the referee's recommendation of a ten-year disbarment stating "[m]oreover, '[t]he Court deals more harshly with cumulative misconduct than it does with isolated misconduct'." (Citation omitted).

In *The Florida Bar v. Vining*, 761 So. 2d 1044, 1048 (Fla. 2000), the Court held "[i]n determining the appropriate discipline, this Court considers prior misconduct and cumulative misconduct, and treats more severely cumulative

misconduct than isolated misconduct...Additionally, cumulative misconduct of a similar nature warrants an even more severe discipline than might dissimilar conduct.”

The Court, in *The Florida Bar v. Fitzgerald*, 541 So. 2d 602 (1989), disbarred an attorney despite the referee’s finding that he had changed his life-style and practices. Respondent has repeatedly stated in these proceedings that he will not change his conduct. Thus, an enhanced disbarment is appropriate.

Finally, Chief Justice Lewis in his concurring opinion in *The Florida Bar v. Springer*, 873 So. 2d 317, 324 (Fla. 2004), stated:

As a threshold matter, a case law void is unsurprising with regard to facts such as these...A sanction recommendation need only be reasonably based in existing case law; it need not spring from factually identical precedent. **We should not subscribe to the view that disbarment may not occur if this Court has not previously rendered an opinion of disbarment on identical facts. Facts supporting disbarment (such as those in the present case) may be so egregious that this Court has not had the occasion to render such an opinion.** (Emphasis added.)

## **VI. AGGRAVATING AND MITIGATING FACTORS**

The following aggravating factors are applicable in the instant case: 9.22(a) prior disciplinary offenses; 9.22(b) dishonest or selfish motive; 9.22(c) a pattern of

misconduct involving repeated or similar misconduct; 9.22(d) multiple offenses; 9.22(e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; 9.22(f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; 9.22(g) refusal to acknowledge wrongful nature of conduct; and, 9.22(i) substantial experience in the practice of law.

Respondent was admitted to practice law in Florida on May 31, 1977. By court order dated October 1, 1992, the Respondent was publicly reprimanded for making representations against an attorney regarding his alleged misuse of his position as a member of the Board of Governors and other alleged illegalities without adequate pre-filing investigation in violation of 4-8.4(d) and for communicating with a represented person without their counsel's permission in violation of Rule 4-4.2.

Respondent was found guilty of three violations of rule 4-8.4(c) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Respondent was also found guilty of making false statements (two violations of 4-3.3(a)(1) and two violations of 4-8.2(a)). Further, he has repeatedly indicated, verbally and in writing, that his conduct is justified to promote and champion his personally engendered moral values and causes.

The Bar has clearly shown the Respondent's continuing pattern of misconduct as alleged in the Bar's complaint. Mr. Thompson was found guilty of five separate counts encompassing 27 rule violations. He has indicated his intent to continue to engage in the misconduct and his conduct before this Court during the almost eighteen months of litigation, has clearly corroborated that as fact.

The Respondent has repeatedly failed to follow the appropriate rules and orders throughout these disciplinary proceedings as evidenced by the granting of the Bar's Motion for Sanctions and the Supreme Court of Florida's orders of February 19, 2008 and March 20, 2008, wherein the Court found that Respondent "abused the legal system by submitting numerous, frivolous and inappropriate filings," despite being warned not to do so.

Throughout these proceedings the Respondent faxed his pleadings, motions and correspondence to the Bar and the Referee herein. On a number of occasions the faxes Respondent sent to the Bar were incomplete. When the Bar requested the missing pages of the fax be resent, the Respondent stated the Bar was not to "expect any courtesies" from him. Thus, at the case management conference held on August 30, 2007, the Court granted the Bar's Motion to Prohibit and issued a written order dated September 5, 2007, that "[a]ll communications and filings by the parties shall be sent by United States mail henceforth. The parties are not to fax each other herein." On September 6, 2007, this Court issued an Omnibus

Order that the parties were not to fax or e-mail any papers, included but not limited to letters and any correspondence, pleadings or motions to this Court, that any pleadings and motions should be limited to relevant matters in this cause, and that the parties were prohibited from sending this Court third-party letters or pleadings not directly related to this cause. The Respondent has continued to send this Court a multitude of e-mails, faxes and communications, many of which constitute third-party letters or pleadings not directly related to this cause. This Court estimates that the Respondent has sent over five hundred (500) communications to the undersigned in contravention of the September 6, 2007 Omnibus Order.

The following mitigating factor is applicable in the instant case: 9.32(m) remoteness of prior offenses. Respondent's prior public reprimand occurred in 1992.

**VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED**

As stated in *The Florida Bar v. Spann*, 682 So. 2d 1070, 1074 (Fla. 1996), discipline must serve three purposes: First, the judgment must be fair to society, both in terms of protecting the public from unethical conduct and at the same time not denying the public the services of a qualified lawyer as a result of undue harshness in imposing penalty. Second, the judgment must be fair to the

Respondent, being sufficient to punish a breach of ethics and at the same time encourage reformation and rehabilitation. Third, the judgment must be severe enough to deter others who might be prone or tempted to become involved in like violations.

The Florida Bar has recommended disbarment for a period of ten (10) years. This Court respectfully declines to follow the Bar's recommendation.

This Court bases its recommendation on the five (5) separate and distinct cases presented. There is no "isolated incident" involved herein. This case involves factual findings of cumulative misconduct, a repeated pattern of behavior relentlessly forced upon numerous unconnected individuals, a total lack of remorse or even slight acknowledgement of inappropriate conduct, and continued behavior consistent with the previous public reprimand. Additionally, the Court is taking into consideration a review of the Respondent's conduct not only as proven by the evidence, but by what this Court has witnessed of the Respondent's behavior throughout the eighteen (18) months of litigation. The undersigned finds no evidence whatsoever to indicate that the Respondent is amenable to rehabilitation, or even remotely appreciates the basis upon which a need or purpose for such rehabilitation is warranted. Thus no indication exists from the totality of the record and Mr. Thompson's continuing behavior that he will be rehabilitated, follow court

orders, and comport himself appropriately and professionally toward judges, attorneys and litigants whose position is in opposition to his.

This Referee has thought about this case on a virtual daily basis, since the appointment as referee was received, with complete appreciation for and understanding of the seriousness of the matters being addressed herein and the repercussions involved. Over a very extended period of time involving a number of totally unrelated cases and individuals, the Respondent has demonstrated a pattern of conduct to strike out harshly, extensively, repeatedly and willfully to simply try to bring as much difficulty, distraction and anguish to those he considers in opposition to his causes. He does not proceed within the guidelines of appropriate professional behavior, but rather uses other means available to intimidate, harass, or bring public disrepute to those whom he perceives oppose him.

Thus, after careful consideration of the underlying facts in the instant cases, together with the Florida Standards for Imposing Lawyer Sanctions, the applicable aggravating and mitigating factors and the precedent case law, this Court makes the following recommendations for John Bruce Thompson:

- A. Permanent disbarment, with no leave to reapply for admission.
- B. Disciplinary costs currently totaling \$43,675.35.

**VIII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD**

After the finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(m)(1)(D), this Referee considered the following personal history and prior disciplinary record of the respondent, to wit:

A. Personal History of Respondent:

Age: 56

Date admitted to bar: May 31, 1977

B. Aggravating Factors: See section VI above

Prior Discipline: Publicly reprimanded on October 1, 1992.

C. Mitigating Factors: remoteness of prior offense.

**IX. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED**

This Referee finds the following costs were reasonably incurred by The Florida Bar.

A. Grievance Committee Level Costs	
1. Bar Counsel Travel Costs	\$ 345.71
B. Referee Level Costs	
1. Transcript Costs	\$23,538.00
2. Bar Counsel Travel Costs	\$ 8,896.01
C. Administrative Costs	\$ 1,250.00

D. Miscellaneous Costs	
1. Investigator Expenses	\$ 204.40
2. Witness Fees	\$ 7,964.60
3. Copy Costs	\$ 1,460.55
4. Telephone Charges	\$ 16.08
<b>TOTAL ITEMIZED COSTS:</b>	<b>\$43,675.35</b>

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the Respondent, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar. It is further recommended that Respondent shall be deemed delinquent and ineligible to practice law pursuant to R. Regulating Fla. Bar 1-3.6 for failure to timely pay the costs assessed in this proceeding.

DAVA J. TUNIS  
CIRCUIT COURT JUDGE

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DAVA J. TUNIS  
Circuit Court Judge/ Referee  
Richard E. Gerstein Justice Building  
1351 N.W. 12<sup>th</sup> Street, #624  
Miami, Florida 33125

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to THE HONORABLE THOMAS D. HALL, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32301 and a copy via e-mail to e-file@flcourts.org, and that copies were mailed by regular U.S. Mail to KENNETH LAWRENCE MARVIN, Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300; Sheila Marie Tuma, Bar Counsel, The Florida Bar, 1200 Edgewater Drive, Orlando, Florida 32804-6314; and John Bruce Thompson, Respondent, 5721 Riviera Drive, Coral Gables, Florida 33146-2750, on this 9<sup>th</sup> day of July, 2008.

DAVA J. TUNIS  
CIRCUIT COURT JUDGE

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DAVA J. TUNIS,  
Circuit Court Judge/Referee