

## John B. Thompson, Attorney at Law

October 13, 2006

Judge Ronald Friedman  
Dade County Courthouse  
Miami, Florida 33130

Re: ***Bully***

Dear Judge Friedman:

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. I can handle an adverse ruling by a judge. I've had plenty of those in my lifetime, and that's fine. But the way you conducted yourself today helps explain why a great Dade County Judge, the late Rhea Pincus Grossman, could not abide you. She was not the only one:

1. Well into this case, you told Take-Two to produce "a tape of the game so you could watch it." Video games don't come on tapes, Judge, and you don't watch them. You interactively play them, which is why they are so behavior modifying. You, the player/protagonist, enter into the violence and do it, but you didn't even want to hear testimony about that. You are not an expert in bullying or virtual reality, and I had an expert in both, and you never heard from them because you did not want to hear from them. Dr. Provenzo could have explained why interactive consumption of this very violence is so dangerous, as opposed to passively consumed violence on television, but he was not allowed to testify because he was prevented from seeing the evidence.

You were very nice to my other expert, Miami Police Chief Ken Harms, and then made it certain that your courtroom would not be graced with his real expertise. I would have preferred less courtesy and more due process, and so would the victims that are on the way.

2. Take-Two's lawyer, Rebecca Ward, ...in your courtroom when she told you that a "Teen" rating is an age restriction at the point of sale. That is an utter fabrication, and you are on notice that it is an utter fabrication. Ms. Ward is very good at fabricating things for a client that routinely engages in criminal conduct, and you bought all this hook, line, and sinker. Take-Two has been adjudicated by the federal government to have engaged in fraud and deception about game content, and you took their unchallenged word of these two video gamers in your chambers that the game was what they said it was.

3. You assured us, in your courtroom two days ago, that you would view the playing of *Bully* to its conclusion. That is what you promised on the record. You did not keep your

promise. The transcript of that bizarre exercise will show that you asked Take-Two reps “How does the game end?” You never saw the ending. What you took was testimony from two employees of Take-Two/Rockstar, who were not under oath, and without affording me any opportunity to question them. This was an *ex parte* proceeding that I was forced to watch, nearly gagging on the denial of due process that it constituted. In thirty years of practicing law, it is the oddest thing I have ever seen, and the most judicially arbitrary thing I have ever seen.

But it is not the oddest thing Take-Two has done. They had these little contrived, controlled viewings of the game for people in the media, but even the BBC figured out how violent the game was, despite the sham.

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.

You would not abide argument today, because the *Miami Herald* was there, that Take-Two had in fact released this game to the mass media, which waived its privilege as to producing it to me. You did not allow a hearing to occur because the media there would have seen how you railroaded this entire matter—at the expense of children’s safety.

4. You said after being shown what Take-Two wanted you to see that “I’ve seen worse.” Judge, that is not the issue. The issue is whether this game, played by ten-year-olds, whom the FTC says can still walk into Wal-Mart and other retail establishments and buy “Mature” games, will harm them and innocent third parties who get in their way. You are not the measure of the harm. It was your job to let me try to prove the harm. But you didn’t want to hear it.

5. How dare you, Judge, promise a hearing today and then prevent that hearing from occurring. How dare you, Judge, petulantly order the production of the game *after* it is released on Tuesday morning. I didn’t even ask for that. You did that out of spite, and you were smiling when you did that. You really enjoyed that one, didn’t you, Judge?

6. Finally, Judge, when the reports start coming in from across the country as to the harm that *Bully* is causing, I want you to think of the parents who rely upon judges to grant due process, apply the laws evenly, and keep their word. The Republicans in the Congress of the United States apparently can’t protect pages, and the Miami-Dade judicial system can’t even protect children, let alone its own reputation.

You broke every promise made me. Disagree with me if you like, but don’t refuse to hold a hearing you promised to have. Don’t promise to view an entire game and then cut out after an hour.

I couldn’t care less what you did to me. What I care is that you, through judicial arrogance, have hung countless kids out to dry in school that will now be meaner and more dangerous.

Next time you promise a “hearing,” I’ll bring a parent with me whose kid is in the ground because of a kid who trained to kill him or her on a violent video game. Try mocking that person, I dare you.

Regards, Jack Thompson

Copies: Defendants’ counsel

Media

Florida Judicial Qualifications Commission