

----- Original Message -----

**Subject:** Re: Representation

**From:** [James Tracy](#)

**Date:** Friday, January 15, 2016 6:35 PM

**To:** [Thomas Johnson](#)

Tom,

I formally acknowledge your email below that as of Thursday, January 14, 2016 at 11:05 AM your legal representation of me in my case with FAU has concluded.

Thank you.

Jim

James F. Tracy, Ph.D.

On Thursday, January 14, 2016 6:02 PM, Thomas Johnson <tlj57@mac.com> wrote:

Depends on what you mean by due process . . . in *Loudermill*, the Court ruled that the only pre termination process due was an opportunity to give your side of the story, so long as you had the right to a full trial-type process later with the right to call witnesses, cross examine the other side's witnesses, have them produce documents, engage in discovery, and have a neutral decision maker. Nothing we could have said would have satisfied them, so there was no sense in putting anything on the record to use against us later.

At this juncture, you are entitled to all the process previously mentioned . . calling witnesses, cross examining their witnesses, taking discovery, and a decision by a neutral decision maker. The only caveat is that if you take the arbitration route (file a grievance) you may not have access to discovery . . hence the effort to go the ULP or First Amendment lawsuit route.

Stated simply, they have not given you due process at this juncture. Period.

I hope this answers your question.

Tom

On Jan 14, 2016, at 5:55 PM, James Tracy <jamestracy@startmail.com> wrote:

Tom,

In the Dec. 16 letter of proposed termination from FAU the administration asked for a response in ten days' time. To my knowledge that letter was never produced by me, although I realize you communicated with Glick via phone on December 22. Was this sufficient? FAU claims I never responded, which is technically correct, and likely gives them the right to claims that I

was given due process.

Thanks.

Jim

On Thursday, January 14, 2016 11:05 AM, Thomas Johnson <tlj57@mac.com> wrote:

Jim,

I wish you only the best. I do not necessarily agree with your assessment of the influence or control of UFF over our relationship, but I understand your position. If your new counsel is in need of anything I can provide, please have him/her call.

At this juncture, I consider our Attorney-Client relationship to be at an end.

If you have any questions, please do not hesitate to contact me.

Thomas L. Johnson, Esq.  
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On Jan 14, 2016, at 9:05 AM, James Tracy <jamestracy@startmail.com> wrote:

Tom,

Yes, I am retaining counsel in South Florida. I apologize that you had to find out through the press. You are certainly more than competent, and a nice guy as well. However, I don't believe

that UFF/FEA is acting in  
my best interests, and as you know they manage  
our relationship.

Jim

On Wednesday, January 13, 2016 6:32 PM,  
Thomas Johnson <tlj57@mac.com> wrote:

Jim,

I read in the Washington Post that  
you are seeking new counsel?

True?

T.

Sent from my iPad

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