

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

BEVERLY R. MCCALLUM,

Respondent.

Supreme Court Case  
No.

The Florida Bar File Nos.  
2017-00,507(09C); 2017-00,555(09C)

**COMPLAINT**

The Florida Bar, complainant, files this Complaint against Beverly R. McCallum, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on April 14, 2003, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in Alachua County, Florida, at all times material.
3. The Ninth Judicial Circuit Grievance Committee C found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

4. In a letter dated February 25, 2017, respondent wrote to the Honorable Don F. Briggs, Chief Judge of the Fifth Judicial Circuit, accusing two Fifth Judicial Circuit Court Judges of misconduct. Respondent attached a letter dated August 3, 2015 referred to as "Attached Complaint Regarding Administration of Justice by Hon. Robert W. Hodges and Hon. Willard Pope," which contained detailed accusations by respondent of misconduct committed by each of the judges.

5. The August 3, 2015 letter also included allegations and inferences of misconduct by assistant state attorneys.

6. Although the attachment was dated August 3, 2015 and addressed to the Chief Judge, it had not been sent to the Chief Judge prior to February 25, 2017.

7. In the August 3, 2015 letter, respondent made allegations against the Honorable Robert Hodges stating, "While the examples of the Court's display of disdain for or open hostility towards me since I became a defender are numerous, one particularly notable example occurred on approximately 6/10/15 at a pre-trial conference in the *Pollard* cases." (Emphasis in original).

8. At the conclusion of the pretrial conference on her matters, respondent requested permission to exit the courtroom. Respondent wrote in her letter "It is my and my client's recollection that Judge Hodges initially granted the request with a dismissive "Yeah," as opposed to "Yes" or any other professional reply." Respondent's letter further stated, "However, afterwards, *when I had nearly exited*

*the courtroom*, the Court continued to address me by making a sarcastic comment in the presence of fellow members of the Bar and the public, to the effect that (I could be excused) unless I wanted to sit and play with my iPad or tablet or something.” (Emphasis in original).

9. A review of the video taken in the courtroom on June 10, 2015, does not support respondent’s allegations against Judge Hodges. The video clearly shows that while respondent was heading toward the courtroom exit, the judge spoke to another attorney who was using his iPad.

10. Respondent further alleged in her letter her belief that Judge Hodges and the assistant state attorney may have had improper communications that impacted or could have impacted her client’s trials.

11. In respondent's letter dated August 3, 2015, respondent also made allegations of quid pro quo between the Honorable Willard Pope and a private attorney. Respondent wrote that on December 17, 2014 she was present in Judge Pope’s courtroom and witnessed inappropriate interaction between the Honorable Willard Pope and a private attorney. Respondent stated in her August 3, 2015 letter, “Yes, Your Honor, this rank-and-file attorney was allowed actually to *lie across the bench* within inches of the Judge, for an extended period in view of my and other clients, in open court, as if he owned the place...” After this

observation, respondent believed as stated in her letter that a “serious impropriety” may have occurred. (Emphasis in original).

12. Respondent infers that her former client received a lower offer after her client discharged her as counsel and hired the above-referenced private attorney. Respondent stated in her letter, “However, in light of the apparent *quid pro quo* pledged by the Judge Pope and [the private attorney] in December 2014, it is difficult not to take pause in drawing conclusions. Incidentally, did I mention that as a career Assistant United States Attorney, I dealt with suspected public corruption?” (Emphasis in original).

13. In concluding her letter regarding both Judge Hodges and Judge Pope, respondent stated:

Unfortunately, at least part of the conduct that I describe appears to be the sort that has led historically to the public's crass invocation of terms such as "kangaroo court," "smells like home cookin'," and "the fix is in." As a former prosecutor of police and other public corruption, I recognize the smell of home cookin'; the smell is rare yet not hard to detect. As a participant in the criminal justice system, I frankly get sick from the odor.

14. In a subsequent letter of March 14, 2017 to General Counsel for the Fifth Judicial Circuit regarding these matters, respondent wrote:

The only thing that could have appeared more improper in the *Vickers* courtroom would have been had Judge Pope and the attorney in question actually exchanged money over the bench as an accompaniment to the bench hugging, grandstanding and client poaching. Then again,

from the video angle, it is not certain that there was not something in the attorney's hand as he put it inches away from Judge Pope for long enough to have dropped something into the Circuit Judge's lap or close proximity thereto.

15. In addition, respondent stated, "[a]s an Assistant U.S. Attorney, I would have on this evidence obtained supervisory approval to raise the issue in federal grand jury, in order to subpoena bank records for review for unusual deposits, extravagant spending, evidence of conflict of interest (e.g., vacations in the Florida Keys with prosecutors) or other signs of *quid pro quo*. Often where there is this kind of smoke, there is fire." (Emphasis in original.)

16. Respondent's March 14, 2017 letter to General Counsel also contains further aspersions against Judge Hodges. Respondent alleged, "[t]oo many people have noticed that Judge Hodges' respect for me as a dually designated federal and state prosecutor turned to open scorn as I became instead a dismantler of questionable prosecutions shepherded by his personal friends."

17. In a subsequent letter to General Counsel dated March 28, 2017, respondent made further allegations against Judge Hodges questioning his neutrality and civility in the courtroom.

18. Respondent's letter stated, "As if suffering from some uncontrollable urge, Judge Hodges shouted me down" and "he interrupted me to make a "joke"

about a murder defendant having the same name as a former prosecutor at the State Attorney's Office.”

19. Respondent alleged “Judge Hodges continues to appear unable to control himself from attempting to mock me or interrupt my communications with other people when I am off the record and in the process of leaving his courtroom. He seems to have some irresistible need to deliver a parting shot, despite my respect to the Court.”

20. The video recording taken in the courtroom on March 24, 2017, shows that Judge Hodges was having a conversation with an assistant state attorney regarding scheduling and left to get his calendar.

21. When the judge returned, respondent was speaking with the assistant state attorney.

22. The judge began to speak but then realized that respondent was speaking with the assistant state attorney. He then apologized and tells them to continue. Respondent also apologized and stated, “It can certainly wait.”

23. Judge Hodges stated, “I was just going to tell her that I was, I was in court and said hey isn't that ironic that John Moore is being tried for murder. Nobody caught it, because no one remembers John Moore.” Judge Hodges went on to say that John Moore was a homicide prosecutor for many years and he was clearly not the same person now charged with murder.

24. Respondent did not report her concerns regarding the Honorable Robert W. Hodges and the Honorable Willard Pope to the Judicial Qualifications Commission.

25. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

A. Oath of Admission. "I do solemnly swear: I will support the Constitution of the United States and the Constitution of the State of Florida; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval; To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any

consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God.”

B. 3-4.3 Misconduct and Minor Misconduct. The standards of professional conduct to be observed by members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

C. 4-8.2(a) Impugning Qualifications and Integrity of Judges or Other Officers. A lawyer shall not make a statement 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, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office.

D. 4-8.4(d) A lawyer shall not engage 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.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



KAREN CLARK BANKOWITZ  
Bar Counsel  
The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, Florida 32801-1050  
(407) 425-5424  
Florida Bar No. 706531  
[kbankowitz@floridabar.org](mailto:kbankowitz@floridabar.org)  
[orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org)

*Adria E. Quintela*

ADRIA E. QUINTELA  
Staff Counsel  
The Florida Bar  
Lakeshore Plaza II, Suite 130  
1300 Concord Terrace  
Sunrise, Florida 33323  
(954) 835-0233  
Florida Bar No. 897000  
[aquintel@floridabar.org](mailto:aquintel@floridabar.org)

**CERTIFICATE OF SERVICE**

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the e-filing portal and that a copy has been furnished by United States Mail via certified mail No. 7017 0190 0000 0892 3821, return receipt requested to Brett Alan Geer, Respondent's Counsel, whose record bar address is The Geer Law Firm, L.C., 3030 N Rocky Point Drive W, Suite 150, Tampa, Florida 33607-7200, via e-mail at [brettgeer@geerlawfirm.com](mailto:brettgeer@geerlawfirm.com), and via e-mail to Karen Clark Bankowitz, Bar Counsel, [kbankowitz@floridabar.org](mailto:kbankowitz@floridabar.org) and [orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org) on this 19th day of April, 2018.

*Adria E. Quintela*

ADRIA E. QUINTELA  
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY  
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Karen Clark Bankowitz, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and [kbankowitz@floridabar.org](mailto:kbankowitz@floridabar.org) and [orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org). Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, [aquintel@floridabar.org](mailto:aquintel@floridabar.org).

**MANDATORY ANSWER NOTICE**

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.