

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

RAYMOND B. MITCHELL,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2019-10,038(20A)

_____ /

COMPLAINT

The Florida Bar, complainant, files this Complaint against Raymond B. Mitchell, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent was admitted to The Florida Bar on May 6, 1994 and is subject to the jurisdiction of the Supreme Court of Florida.
2. The Twentieth Judicial Circuit Grievance Committee “A” 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.
3. Respondent represented the husband in a dissolution of marriage matter in Varney v. Varney, Lee County, Florida Case No. 17-DR-2190.

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4. Until or about May 2018, the Varney case was assigned to Judge Nicholas R. Thompson.

5. On or about May 17, 2018, the parties filed a joint motion to continue the May 22, 2018 trial date.

6. On or about May 17, 2018, Judge Amy R. Hawthorne entered an order granting the parties' joint motion to continue the May 22, 2018 trial and the matter was removed from the trial docket.

7. There were no intervening court hearings held in the Varney case between May 17, 2018 and May 25, 2018.

8. On May 25, 2018, respondent filed a Motion to Disqualify or Recuse the Trial Judge and Affidavit (hereinafter referred to as the "motion") claiming that Judge Hawthorne would not be able to preside over the case without prejudice or bias.

9. The motion was denied as legally insufficient on June 1, 2018.

10. The motion was signed and sworn to by respondent's client (hereinafter referred to as "the husband") as required by Rule 2.330 of the Florida Rules of Judicial Administration.

11. Respondent signed the motion and certified that the allegations made in the motion and the husband's statements were made in good faith. Respondent filed the motion with clerk of courts.

12. The motion contained disparaging remarks about Judge Hawthorne.

13. The motion alleged that Judge Hawthorne, because she is a woman, would be biased and prejudiced in favor of wife because she is also a woman.

14. The motion alleged that Judge Hawthorne ignores facts and evidence in cases and refused to follow the laws of Florida in order to dispose of cases and lessen the caseload.

15. Respondent also included information in the motion that was outside of scope of the husband's personal knowledge.

16. The motion specifically mentioned two of respondent's other clients' cases that Judge Hawthorne had presided over both of which were completely unrelated to the Varney case. Moreover, the husband had no independent knowledge about respondent's other clients' cases but for respondent's disclosures to him about those cases.

17. The motion contained information that was specific to respondent's other clients' cases without any apparent authorization or consent from those clients.

18. The motion further stated that Judge Hawthorne "[t]otally ignores the laws of Florida and rules against them and ignores the evidence and facts in her cases."

19. Respondent thus knowingly included allegations in the motion which impugned the integrity of Judge Hawthorne, that misrepresented Judge Hawthorne's regard for the law and were prejudicial to administration of justice.

20. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: Rule 4-1.6 (Confidentiality); Rule 4-8.2(a) (Impugning Qualifications and Integrity of Judges or Other Officers); and Rule 4-8.4(d) (A lawyer shall not engage in conduct prejudicial to the administration of justice).

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



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CERTIFICATE OF SERVICE

I certify that this Complaint has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida using the E-Filing Portal with a copy provided by United States Mail via certified mail No. 7017 3380 0000 1082 7584, return receipt requested, to Respondent, Raymond B. Mitchell, whose record bar address is 3717 Del Prado Blvd S., Ste 1, Cape Coral, FL 33904-7144, and via email to Respondent's record bar email address of lawrbm@yahoo.com; and to Joi L. Pearsall, Bar Counsel, via email at jpearsall@floridabar.org, on this 8th day of December, 2020.



Patricia Ann Toro Savitz
Staff Counsel

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

PLEASE TAKE NOTICE that the trial counsel in this matter is Joi L. Pearsall, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Ft. Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (954) 835-0233 and jpearsall@floridabar.org and esanchez@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, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.