

**IN THE SUPREME COURT OF THE  
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE,  
THE HONORABLE RICHARD HOWARD  
JQC NO. 2020-155

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**FINDINGS AND RECOMMENDATION OF DISCIPLINE**

The Investigative Panel of the Florida Judicial Qualifications Commission (“Commission” or “JQC”) served a Notice of Investigation dated July 6, 2020, on Circuit Court Judge Richard Howard of the 5th Judicial Circuit, pursuant to Rule 6(b) of the Florida Judicial Qualification Commission Rules. The Investigative Panel conducted a Rule 6(b) hearing on August 6, 2020, at which Judge Howard appeared, with counsel, and provided sworn testimony. At the conclusion of that hearing, the Panel determined that probable cause existed that Judge Howard had violated Canons 1, 2, and 7A(1)(b) the Florida Code of Judicial Conduct.<sup>1</sup>

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<sup>1</sup> Canon 1 states that, “An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.”

Canon 2 states that, “A judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities.”

Canon 2A requires that, “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

Canon 2B provides, in pertinent part, “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others

Canon 7A(1)(b) prohibits a judge or judicial candidate from “publicly endors[ing] or publicly oppos[ing] another candidate for public office.”

### **Factual Findings**

In April of 2019, Circuit Judge Richard Howard arranged to meet with Pamela Vergara, an attorney who had filed paperwork and opened a campaign account to run in the 2020 election against a recently appointed judge, the Hon. George Angeliadis. Ms. Vergara (“the candidate”) filed papers with the Division of Elections in March of 2019, identifying her intent to run for the Circuit 5, Group 22 seat during the 2020 election cycle. Judge Angeliadis is the incumbent to the Circuit 5, Group 22 seat, having been appointed in 2018 by Governor Scott. During this meeting with the candidate, and other meetings with supporters of the candidate, Judge Howard attempted to persuade the candidate not to run against Judge Angeliadis, and to run, instead, against Circuit Judge Mary Hatcher<sup>2</sup>.

### **Chronological timeline**

In early April 2019, the husband of the candidate was told that he should contact Judge Howard who would explain why the candidate should run against a different judge in Citrus County. Judge Howard’s personal phone number was provided to the candidate’s husband who called Judge Howard. Judge Howard suggested that the candidate and her husband meet with him at an event for the local Boy Scouts. The candidate was unable to attend, but her husband did. At the

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<sup>2</sup> Mary Hatcher, a 31-year member of The Florida Bar, won a contested election in the 2014 cycle, defeating the incumbent, Judge Sandy Kautz.

Boy Scout event Judge Howard explained that Judge Angeliadis enjoyed strong support, and further recommended that the candidate change races to target Judge Hatcher, in Citrus County. Judge Howard stated that he would like to and would be willing to meet and speak with the candidate herself, so her husband advised that he would pass along Judge Howard's contact information. Subsequently, on April 17, 2019, Judge Howard met with the candidate and her law partner/campaign treasurer at their law office. It is not clear who contacted whom to arrange the April 17 meeting. Judge Howard claims that the candidate phoned him, and the candidate doesn't recall if Judge Howard reached out to her, or if she called him as he requested. For the purposes of this analysis, however, the Commission finds that the exact sequence is immaterial because the contact ultimately occurred at Judge Howard's invitation.

During the April 17 meeting, which occurred in the late afternoon at the candidate's law office, Judge Howard met in person with the candidate and her law partner for somewhere between 20 and 50 minutes. During this meeting, Judge Howard questioned the candidate's reasons for running for judge. In response to her answers, Judge Howard told her that her reasons were not good enough. Judge Howard also attempted to persuade the candidate not to run against Judge Angeliadis, who in his estimation, was doing a good job and enjoyed the support of the community. Judge Howard repeatedly suggested that the candidate switch her

candidacy to run against Judge Hatcher in Citrus County, who was also up for election in 2020, because Judge Howard perceived her as a weaker and more vulnerable candidate. Alternatively, if the candidate was unwilling to change races to run against Judge Hatcher, Judge Howard suggested that the candidate drop her candidacy against Judge Angeliadis in favor of seeking appointment to some future seat through the Judicial Nominating Commission (“JNC”) process. When the candidate asked if Judge Howard would be willing to provide a recommendation if the JNC contacted him about her, Judge Howard stated that he does not do that.

Ultimately the candidate did not switch or abandon her candidacy; however, she remains concerned about the potential repercussions of her decision to disregard what she perceived as the clear wishes of Administrative Judge Howard, when she continued to pursue her election campaign against Judge Angeliadis.

### **Conclusion Regarding Judge Howard’s Conduct**

Based on the foregoing, the Commission concludes that there is clear and convincing evidence demonstrating that the purpose of Judge Howard’s meeting first with the candidate’s husband, and later with the candidate herself, was to attempt to dissuade the candidate from running against Judge Angeliadis, against whom the candidate had already filed papers to run, and to seek a judicial

seat through any other means, recommending, instead, a different incumbent whom the candidate might target, and then suggesting the JNC process.

The Commission concludes that Judge Howard's cumulative actions in seeking and attending meetings with the candidate, her law partner, and her husband, explaining why she should not run against the incumbent that she had filed to run against, and then attempting to persuade the candidate to run against a different incumbent judge, constitutes both support of and opposition to a candidate in violation of Canon 7. The Commission further finds that Judge Howard's conduct failed to uphold the integrity and independence of the judiciary in violation of Canon 1, and that his actions created the appearance of impropriety in violation of Canon 2. Similarly, his conduct failed promote public confidence in the impartiality of the judiciary as required by Canon 2A, and his attempts to persuade the candidate to abandon her campaign against Judge Angeliadis in favor of other avenues, constituted an improper use of the prestige of his position in favor of the private interest of Judge Angeliadis, contrary to Canon 2B.

During his appearance before the Investigative Panel, Judge Howard acknowledged that his conduct crossed the line, and that he "should have never said anything about Judge Hatcher." While that is a good start, the Commission believes that it is incumbent on judges to be vigilant in speaking with judicial candidates, or even potential judicial candidates, to ensure that their comments do

not give the appearance of favoritism or support (or opposition) to a candidate or interfere in the election and campaign process.

Finally, while the Commentary to Canon 2B states that, “[a] Judge may participate in the process of judicial selection by cooperating with appointing authorities and screening committees seeking names for consideration, and by responding to official inquiries concerning a person being considered for a judgeship,” the Commission dismisses any contention that Judge Howard’s conduct falls within the narrow boundaries of Canon 2B. In fact, Judge Howard does not even propound such an argument. Nevertheless, the Commission believes it is important to highlight for all judges the distinctions between the permissible conduct of responding to official inquiries by appointing authorities, and Judge Howard’s improper intercession in favor of one colleague and against another.

### **Recommendation as to Discipline**

The Investigative Panel of the Commission has now entered into a Stipulation with Judge Howard pursuant to FJQC Rule 6(k). In this Stipulation Judge Howard admits that his conduct in attempting to persuade a judicial candidate to abandon her campaign against one incumbent in favor of a different colleague, as alleged in the Notice of Formal Charges and outlined above, was inappropriate and constitutes a violation of Canons, 1, 2, and 7A(1)(b).

This Court reviews the findings of the JQC to determine “whether the alleged violations are supported by clear and convincing evidence, and reviews the recommended discipline to determine whether it should be approved.” *In re Woodard*, 919 So.2d 389, 390 (Fla. 2006). Where a judge stipulates to the JQC's findings of fact, no additional proof is necessary to support the JQC's factual findings.” *Id.* at 390–91.

In this case, Judge Howard has admitted the foregoing, accepted full responsibility, and acknowledged that such conduct should not have occurred. He has also cooperated fully with the JQC throughout the investigative process.

The Commission also notes that Judge Howard has served as a member of the judiciary since his appointment in 2000, and has had no prior discipline imposed by the Supreme Court. Similarly, Judge Howard also does not have any disciplinary history with the Florida Bar.

It is also worth noting that this is not a new interpretation of the Code of Judicial Conduct. As early as the 1980’s, the Committee on Standards of Conduct Governing Judges (now known as the Judicial Ethics Advisory Committee (JEAC)), has warned against conduct almost identical to Judge Howard’s. For example, in Opinion 82-08 the Committee advised that a judge may not solicit an attorney to run against another judge, and that doing so would violate the Canons. See also, JEAC Opinion 91-28.

In this case, Judge Howard's conduct went even beyond the actions warned against by the JEAC. He not only attempted to dissuade a judicial candidate to abandon her campaign against one incumbent judge, he then subsequently attempted to persuade the candidate to run against a different judge. This, we cannot condone.

Accordingly, the Commission therefore finds and recommends that the interests of justice will be well served by a public reprimand of Judge Howard.

Dated this 25th day of August, 2020.

**INVESTIGATIVE PANEL OF  
THE FLORIDA JUDICIAL  
QUALIFICATIONS  
COMMISSION**

By: S/Krista Marx  
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