

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

CASE NO. SC03-1351  
TFB NO. 2003-11,210(13D)

ANTHONY G. WOODWARD,

Respondent.

\_\_\_\_\_ /

CONSENT JUDGMENT

The Respondent, ANTHONY G. WOODWARD, hereby tenders this Consent Judgment pursuant to Rule 3-7.9 Rules Regulating The Florida Bar, and says:

1. Conditional Nature.

The respondent acknowledges that this consent judgment ultimately must be approved by The Florida Bar Board of Governors pursuant to Rule 3-7.9(e) and by the referee and the Supreme Court of Florida pursuant to Rules 3-7.9(b) and 3-7.9(c). Respondent states that he is entering into this consent judgment freely and voluntarily after having had the advice of counsel of his own choosing.

Respondent further states that it is his understanding that if this consent judgment is not accepted by any of the above, none of the statements made during settlement negotiations or in this document may be used in subsequent proceedings against him.

2. Factual Basis.

The respondent hereby agrees to the following facts as a procedural basis for this consent judgment:

A. Respondent is, and at all times mentioned herein, was a member of The Florida Bar, subject to the jurisdiction of The Supreme Court of Florida.

B. Respondent is aware that Rule 3-7.6(0) Rules Regulating The Florida Bar provides for the taxing of cost incurred by The Florida Bar in disciplinary proceedings. Respondent agrees that he will not attempt to discharge the obligation for payment of the Bar's cost in any future proceedings, including but not limited to, a Petition for Bankruptcy.

C. Respondent is not certified in any area of practice.

D. The allegations underlying this plea are as follows and provide the factual basis for discipline to be imposed against Respondent:

E. During the period from on or before 1997 through at least December 31, 2002, Respondent completed several thousand Affidavits As To Reasonable Attorneys Fees, which were filed in foreclosure cases by either the Florida foreclosure operation of Echevarria, McCalla, Raymer & Frappier, or foreclosure section of the firm Echevarria & Associates, P.A. (hereinafter referred to as Echevarria, without differentiating between the two).

F. Initially, before signing the Affidavits As To Reasonable Attorneys Fees and having his signature notarized, and before providing the notarized affidavits to Echevarria, Respondent reviewed the foreclosure files submitted to him by Echevarria. This practice continued with respect to contested cases.

G. Once it became apparent to the Respondent that the files involving uncontested matters were all essentially the same, Respondent began providing affidavits to Echevarria without reviewing the files before completing the affidavits in those cases that would be disposed of by Summary Judgment.

H. Respondent knew that the affidavits were being provided to support a claim for attorneys fees in foreclosure cases, and would in most cases be submitted to the Judge hearing the foreclosure case.

I. At the time Respondent executed the affidavits in the uncontested cases, he had not reviewed time records of Echevarria's attorney or other staff working on the files.

J. At the time Respondent executed the affidavits in the uncontested cases, he had not reviewed the attorneys' file in the specific case nor otherwise familiarized himself with the specific proceedings.

K. Consequently, the portion of the affidavits in those cases that reflect that Respondent has reviewed the Echevarria's files and time records was not true.

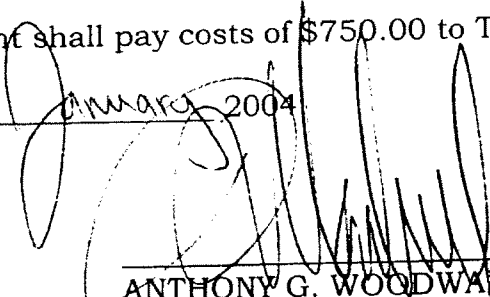
3. Disciplinary Rule 4-8.4.

Respondent has violated Rules Regulating The Florida Bar, Rule 4-8.4(d) (a lawyer shall not engage in conduct in the practice of law that is prejudicial to the administration of justice), and Rule 4-8.4(c) (Misrepresentation). All other charges against the Respondent as set forth in the complaint shall be dismissed.

4. Discipline: Respondent shall be suspended from the practice of law for a period of sixty (60) days to be thereafter automatically reinstated without further proceedings.

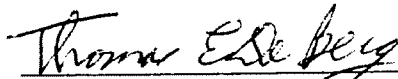
5. Cost: Respondent shall pay costs of \$750.00 to The Florida Bar.

Dated this 22 day of January, 2004.



ANTHONY G. WOODWARD, ESQ.  
2024 W. Cleveland Street  
Tampa, FL 33606

THE FLORIDA BAR



Thomas E. DeBerg,  
Assistant Staff Counsel  
5521 W. Spruce Street, Suite C-49  
Tampa, FL 33607  
(813) 875-9821  
FBN 521515

MARTIN ERROL RICE, P.A.



Martin Errol Rice, Esq.  
Post Office Box 205  
St. Petersburg, FL 33731  
(727) 821-4884  
FBN 183594

Telephonically approved by Timon V. Sullivan, Designated Reviewer  
John A. Boggs, Staff Counsel

**IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)**

**THE FLORIDA BAR,**

**CASE NO.**

**Complainant,**

**TFB NO. 2003-11,210(13D)**

**v.**

**ANTHONY G. WOODWARD,**

**Respondent.**

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**COMPLAINT**

**THE FLORIDA BAR**, Complainant, files this Complaint against **ANTHONY G. WOODWARD**, Respondent, pursuant to Rule 3-3.2(b), Rules Regulating The Florida Bar, and alleges:

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.
2. During the period from on or before 1997 through at least December 31, 2002, Respondent completed several thousand Affidavits As To Reasonable Attorneys Fees which were filed in foreclosure cases by either the Florida foreclosure operation of Echevarria, McCalla, Raymer, & Frappier, or the foreclosure section of the firm Echevarria & Associates, P.A. (hereinafter referred to as Echevarria, without differentiating between the two).
3. During a period prior to 1996, before signing the Affidavits As To

Reasonable Attorneys Fees and having his signature notarized, and before providing the notarized affidavits to Eschevarria, Respondent reviewed the foreclosure files submitted to him by Echevarria.

4. During a period prior to 1996, Respondent reviewed the foreclosure files submitted to him by Echevarria, and provided the notarized Affidavits to Eschevarria without charging for reviewing the files and for completing the Affidavits.

5. In approximately 1996, Respondent advised Michael Echevarria, a limited partner in the limited partnership of Echevarria, McCalla, Raymer & Frappier, and later the sole partner in Echevarria & Associates, that the time demands and burden on his office from reviewing the foreclosure files was becoming too great.

6. In approximately 1996, Respondent and Michael Echevarria agreed that Respondent would receive two dollars (\$2.00) for each Affidavit As To Reasonable Attorneys Fees completed by Respondent, notarized, and returned to Echevarria.

7. Beginning in 1996 and continuing through 2002, Respondent signed thousands of Affidavits In Support Of Attorneys Fees per year, had his signature notarized, and then returned them to Echevarria.

8. During the period beginning in 1996 and continuing through 2002, Respondent signed and had notarized as many as 700 Affidavits a month, and returned them to Echevarria.

9. Prior to completing the affidavits and returning them to Echevarria, Respondent did not determine whether the foreclosure cases for which the Affidavits were being finalized by him were contested or uncontested.

10. During the period beginning in 1996 and continuing through at least December 2002, the Affidavits which Respondent executed and sent to Echevarria had been sent to him by Echevarria completed except for, in some cases, the years of Respondent's experience, Respondent's signature, and the notarization.

11. Respondent knew that the Affidavits were being provided to support a claim for attorneys fees in foreclosure cases, and would in most cases be submitted to the Judge hearing the foreclosure case.

12. Beginning in 1996 and through at least December 2002, in the vast majority of foreclosure cases for which Respondent completed affidavits for Echevarria, Respondent was not sent the files to review when the Affidavits were sent to him.

13. Beginning in 1996, in the vast majority of foreclosure cases for which Respondent completed affidavits for Echevarria, Respondent did not review the

foreclosure files prior to sending the completed Affidavits to Echevarria.

14. In 1996 and continuing during 1998, the Affidavits In Support of Attorneys Fees stated in part that Respondent:

"is familiar with the amount customarily charged by attorneys and allowed by this Court for attorney's fees for foreclosing mortgages. He knows the reasonable value for those services and he has reviewed the file of Echevarria, McCalla, Raymer, Barrett & Frappier, including pleadings, correspondent and other matters in this action and is of the opinion that the services rendered were necessary and a reasonable number of hours for the services rendered is eight (8) which includes an additional two hours to complete this action, and that a reasonable hourly rate for said services is \$125.00. In his opinion, the sum of \$850.00 [or \$1,000.00 in 1998] would be a reasonable attorney's fee to be allowed the Plaintiff's attorneys for their services." Bracketed information added.

15. Respondent had not reviewed the foreclosure files of Echevarria, McCalla, Raymer, Barrett & Frappier, including pleadings, correspondent and other matters in the vast majority of the cases for which he provided the Affidavits.



16. Respondent did not know at the time he signed the affidavits whether the firm to which he was providing the affidavits had performed work which on an hourly basis would warrant the fee related.

17. Respondent did not review the files to determine whether in the case in question there was an agreement with the lender that Echevarria would be paid a fixed fee depending on the state of the litigation.

18. Beginning some time prior to August 23, 2001, in Affidavits as To Reasonable Attorneys Fees executed by Respondent, his averments included the following statements:

"I have reviewed the attorney's file in the cause and familiarized myself with the proceedings in the above styled cause; It is my opinion that the time and services rendered by the attorney, and their paralegals, are reasonable and necessary to represent adequately and appropriately the Plaintiff in this cause; I am familiar with Rule 4-1.5(b) of the Rules Regulating The Florida Bar, and have taken into consideration the factors set forth in such Rule for the determination of reasonable attorney's fees.

19. Rule 4-1.5(b), Rules Regulating The Florida Bar, includes as a factor to be considered the time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill required to perform the legal

service properly.

20. Respondent did not review the files prior to executing and returning the affidavits.

21. In Suntrust Bank v. David K. Meehan and Elizabeth J. Meehan, et al., Case No.: 01-6221-CI-11, In and For Pinellas County, Florida (Meehan), Respondent executed an Affidavit In Support Of Attorneys Fees on August 23, 2001.

22. At the time that Respondent executed the Affidavit of Attorneys Fees, he represented that he had reviewed the attorney's file in the cause and familiarized himself with the proceedings in the above styled cause; that it was his opinion that the time and services rendered by the attorney and their paralegals were reasonable and necessary to represent adequately and appropriately the Plaintiff in this cause; that he had taken into consideration the factors set forth in Rule 4-1.5(b), Rules Regulating The Florida Bar, and had taken into consideration the factors set forth in the Rule for the determination of reasonable attorney's fees; that he was familiar with and considered the dictates of the Florida Supreme Court in Florida Patient's Compensation Fund vs. Rowe, 427 So.2d 1145 (Fla. 1985) for the determination of reasonable attorney's fees; that he had taken into account the time and labor required, the novelty, complexity and difficulty of the questions

involved and the skill requisite to perform the legal services properly; the amounts involved and the results obtained; the time limitations imposed by the client or by the circumstances; and whether the fee was fixed or contingent.

23. In the August 23, 2001 affidavit, Respondent represented that based upon his review as set forth, it was his opinion that a reasonable attorney's fee and paralegal fee was \$1,325.00.

24. When Respondent executed the Affidavit In Support Of Attorneys Fees in Meehan, and when he returned it to Echevarria, Respondent had not reviewed the Meehan file.

25. When Respondent executed the affidavit, he did not know whether Meehan was contested or uncontested.

26. When Respondent executed the Affidavit In Support of Attorneys Fees in Meehan, Echevarria had been providing representation for less than one week on that case.

27. At the time Respondent executed the Affidavit in Meehan, he had reviewed no time records of Echevarria attorneys or other staff working on the Meehan case.

28. At the time Respondent executed the Affidavit in Meehan, Respondent had not reviewed the attorney's file in the cause and familiarized himself with the

proceedings in the cause.

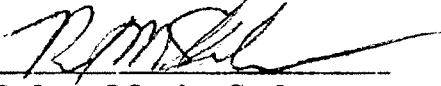
29. At the time Respondent executed the Affidavit in Meehan, Respondent had not reviewed any billable hours or time records, related to the Meehan case, of attorneys or support staff at the Echevarria law firm.

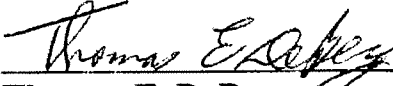
30. At the time Respondent executed the Affidavit in Meehan, Respondent did not know the nature of the fee agreement between Echevarria and the lender, and between the lender and Meehan.

31. On June 10, 2003, Judicial Circuit Grievance Committee 13D found probable cause for further disciplinary proceedings.


32. By reason of the foregoing, the Respondent has violated the following Rules Regulating The Florida Bar: Rule 4-3.3(a)(1)(false statement of material fact to a tribunal; Rule 4-8.4(c)(dishonesty).

WHEREFORE, The Florida Bar respectfully requests that the Respondent be appropriately disciplined.

  
**Robert Maxim Stoler**  
Chair, Thirteenth Judicial Circuit  
Grievance Committee "D"  
P.O. Box 380  
Tampa, Florida 33601-0380  
(813) 221-2626  
Florida Bar No. 816256

  
**Thomas E. DeBerg**  
Assistant Staff Counsel  
The Florida Bar  
Suite C-49  
5521 W. Spruce St.  
Tampa, FL 33607-5958  
(813) 875-9821  
Florida Bar No. 521515

**JOHN F. HARKNESS, JR.**  
Executive Director  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
(850) 561-5600  
Florida Bar No. 123390

  
**JOHN ANTHONY BOGGS**  
Staff Counsel  
The Florida Bar  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
(850) 561-5600  
Florida Bar No. 253847

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the original of the foregoing Complaint has been furnished by regular U. S. mail to **The Honorable Thomas D. Hall**, Clerk, The Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida, 32399-1925; a true and correct copy by U. S. certified mail #7001 1940 0006 2505 3003, return receipt requested, and by regular U. S. mail to Anthony G. **Woodward, Esquire, c/o John A. Weiss, Esquire**, at Suite B-2, 2937 Kerry Forest Parkway, Tallahassee, Florida 32309-6825, Counsel for Respondent, by regular U.S. mail to **Timon V. Sullivan**, Designated Reviewer, 113 S. Armenia Avenue, Tampa, Florida 33609-3307; and by regular U. S. mail to **Thomas E. DeBerg**, Assistant Staff Counsel, The Florida Bar, 5521 W. Spruce St., Suite C-49, Tampa, FL 33607-5958, all this 1<sup>st</sup> day of August, 2003.

  
**JOHN ANTHONY BOGGS**  
Staff Counsel

**NOTICE OF TRIAL COUNSEL**

**PLEASE TAKE NOTICE** that the trial counsel in this matter is **Thomas E. DeBerg**, whose address is The Florida Bar, 5521W. Spruce St., Suite C-49, Tampa, FL 3607-5958. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to **Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300.**

IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)

THE FLORIDA BAR,  
Complainant,

TFB No.2003-11,210(13D)

v.

ANTHONY G. WOODWARD,  
Respondent.

**NOTICE OF FINDING OF PROBABLE CAUSE FOR  
FURTHER DISCIPLINARY PROCEEDINGS**

TO: Anthony G. Woodward, Esquire  
c/o John A. Weiss, Esquire  
Suite B-2  
2937 Kerry Forest Parkway  
Tallahassee, Florida 32309-6825


Certified Mail  
Return Receipt Requested  
No. 7001 1940 0006 2505 2990

You are hereby notified that the Thirteenth Judicial Circuit Grievance Committee "D", on the 10th day of June, 2003, found probable cause for the violation of Rules:

4-8.4(c) (misrepresentation, dishonesty)  
4-3.3(a)(1) (false statement of a material fact)

The record of proceedings before the Grievance Committee has been referred to the undersigned staff lawyer for the drafting and filing of a formal complaint pursuant to Rule 3-7.4(l).

Dated this 11<sup>th</sup> day of June, 2003.

  
Thomas Edward DeBerg  
Assistant Staff Counsel  
The Florida Bar  
Suite C-49, 5521 W. Spruce Street  
Tampa, Florida 33607-5958  
(813) 875-9821  
Florida Bar No. 521515

cc: Chief Disciplinary Counsel, Headquarters  
Robert Maxim Stoler, Chair  
Timon V. Sullivan, Designated Reviewer  
Linda Lyman, Branch Office Manager

# Supreme Court of Florida

THURSDAY, APRIL 15, 2004

CASE NO.: SC03-1351

Lower Tribunal No.: 2003-11,210(13D)

THE FLORIDA BAR

vs. ANTHONY G. WOODWARD

Complainant

Respondent

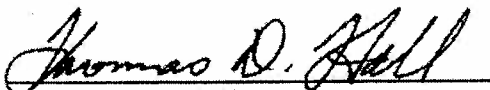
The uncontested report of the referee is approved and respondent is suspended from the practice of law for sixty (60) days, effective thirty (30) days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. If respondent notifies this Court in writing that he is no longer practicing and does not need the thirty (30) days to protect existing clients, this Court will enter an order making the suspension effective immediately. Respondent shall accept no new business from the date this order is filed until the suspension expires.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Anthony G. Woodward in the amount of \$750.00, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

A True Copy

Test:



Thomas D. Hall  
Clerk, Supreme Court



dy

Served:

JOHN ANTHONY BOGGS

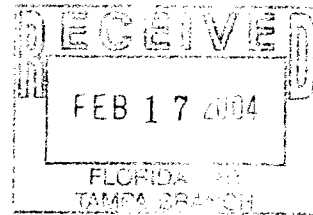
TIMON V. SULLIVAN

ROBERT MAXIM STOLER

THOMAS E. DEBERG

JOHN A. WEISS

HON. WILLIAM B. BLACKWOOD, JR., JUDGE



**IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)**

**THE FLORIDA BAR,**

**Complainant,**

**Case No. SC03-1351  
TFB No. 2003-11,210(13D)**

**v.**

**ANTHONY G. WOODWARD,**

**Respondent.**

\_\_\_\_\_ /

**REPORT OF REFEREE**

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar, this Court has considered the Consent Judgement (Conditional Guilty Plea For Consent Judgment), as well as other evidence and pleadings before this court. Any pleadings, notices, motions, orders, transcripts, and exhibits are forwarded to The Supreme Court of Florida with this report and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Thomas Edward DeBerg

For The Respondent: Martin Errol Rice

II. Findings of Fact as to Each Item of Misconduct With Which the Respondent Is Charged: After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I recommend that the Conditional Guilty Plea For Consent Judgment submitted by the parties be accepted.



The facts of this case for purposes of the consent judgment are those stated by the parties in the Conditional Guilty Plea for Consent Judgment, submitted with the record in this case, the admissions in the case, and the facts noted in the Mitigation section of this report.

III. Recommendations as to Whether or Not the Respondent should Be Found Guilty: As to each count of the complaint I make the following recommendations as to guilt or innocence:

I recommend that Respondent's plea to the following violation of Florida Rules Regulating The Florida Bar be accepted:

Rule 4-8.4(d)(a lawyer shall not engage in conduct in the practice of law that is prejudicial to the administration of justice); and Rule 4-8.4(c) (misrepresentation).

IV. Recommendation as to Disciplinary Measures to Be Applied:

I recommend that Respondent receive a sixty-day suspension.

V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(k)(1), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Year of Birth: 1962

Date Admitted to Bar: September 29, 1988

Prior Disciplinary convictions and Disciplinary  
Measures Imposed Therein: None

The referee notes that the Respondent is not certified in any area of practice.

Aggravating Factors: None

Mitigating Factors:

- Standard 9.32(a) absence of a prior disciplinary record;
- (g) character or reputation;
- (e) full and free disclosure to the disciplinary board and cooperative attitude towards the proceedings

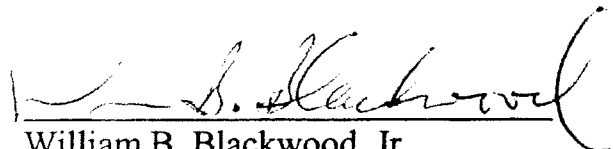
The affidavits were submitted in cases in which there was a flat fee agreement between the attorney and the lender, but not between the lender and the debtor being foreclosed.

IV. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar:

A. Bar expenses as set forth in Exhibit A attached hereto .....	590.01
B. Administrative Costs (Rule 3-7.6(o)(1)(I)) .....	750.00
	_____
TOTAL ITEMIZED COSTS: .....	\$1,340.01
	_____

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses, together with the foregoing itemized costs, be charged to the respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 9<sup>th</sup> day of February, 2004.

  
 \_\_\_\_\_  
 William B. Blackwood, Jr.,  
 Referee

Copies:

Thomas E. DeBerg, Esquire, Assistant Staff Counsel, The Florida Bar, 5521 W. Spruce St, Suite C-49, Tampa, Florida 33607-5958

Anthony G. Woodward, Esquire, Respondent, c/o Martin Errol Rice, Esquire at P.O. Box 205, St Petersburg, Florida 33731-0205

John Anthony Boggs, Esquire, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300