**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF FLORIDA**
**TALLAHASSEE DIVISION**

MORGAN & MORGAN, P.A.; and
and ALEXANDER M. CLEM;

Plaintiffs,

vs. Case No. 4:26-cv-00405-RH-MAF

THE FLORIDA BAR; JOSHUA E. DOYLE, in his official capacity as Executive Director of The Florida Bar; JONATHAN GRABB, in his official capacity as Chief Ethics Counsel of The Florida Bar; and LAURA N. GRYB, in her official capacity as Chief Branch Discipline Counsel of the Orlando Branch of The Florida Bar;

Defendants.
_____/

**ANSWER AND AFFIRMATIVE DEFENSES**

Defendants, The Florida Bar (the "Bar") and Joshua E. Doyle, Jonathan Grabb, and Laura N. Gryb, in their official capacities, hereby file their Answer and Affirmative Defenses as follows:[1]

**ANSWER TO PARAGRAPH 1:** Admitted for jurisdictional purposes only.

**ANSWER TO PARAGRAPH 2:** Admitted for venue purposes only.

**ANSWER TO PARAGRAPH 3:** Admitted for venue purposes only.

[1] To the extent any response to the Complaint's "Introduction" is required, Defendants deny any claims, arguments or allegations contained in that section.

**ANSWER TO PARAGRAPH 4:** Admitted that Morgan & Morgan, P.A. is a law firm with offices in Florida which advertises in multiple types of media in Florida and other states. Otherwise, Defendants are without knowledge sufficient to admit or deny, and the allegation is denied.

**ANSWER TO PARAGRAPH 5:** Admitted that Alexander M. Clem is a member in good standing of the Bar and eligible to practice law in Florida. Otherwise, Defendants are without knowledge sufficient to admit or deny, and the allegation is denied.

**ANSWER TO PARAGRAPH 6:** Admitted that the Bar is an arm of the Florida Supreme Court and that its functions are set forth in The Rules Regulating the Florida Bar and related authority. These include "Evaluation of Advertisements" under Rule 4-7.19, issuance of certain types of opinions under that rule, and investigatory and prosecutorial responsibilities under Chapter 3 of the Rules Regulating the Florida Bar, but the allegation is denied to the extent it conflicts with the responsibilities of the Bar set forth under those Rules.

**ANSWER TO PARAGRAPH 7:** Admitted that Joshua E. Doyle is Executive Director of the Bar but denied to the extent that the descriptions oversimplify or contradict the Executive Director's duties as authorized in The Rules Regulating the Florida Bar.

**ANSWER TO PARAGRAPH 8:** Denied that Jonathan Grabb is Chief Ethics Counsel of the Bar, because his title is Director of Ethics and Advertising. The allegation is also denied to the extent that the descriptions oversimplify or contradict his duties as authorized in The Rules Regulating the Florida Bar, particularly under Rule 4-7.19 of the Rules Regulating the Florida Bar ("Evaluation of Advertisements"), which does not describe opinions "approving or disapproving" advertisements. But admitted that Mr. Grabb oversees the department which evaluates proposed advertisements pursuant to Rule 4-7.19.

**ANSWER TO PARAGRAPH 9:** Admitted that Ms. Gryb is the Chief Branch Discipline Counsel for the Bar's Orlando branch, but the allegation is otherwise denied.

**ANSWER TO HEADER A:** To the extent that a response is required to header A above paragraph 10, the allegation in the header is denied.

**ANSWER TO PARAGRAPH 10:** Admitted that *The Florida Bar re Amendment to Florida Bar Code of Professional Responsibility (Advertising)*, 380 So. 2d 435 (Fla. 1980), indicates that Florida's ethics rules generally tracked model codes of the American Bar Association, which provided certain restrictions on attorney advertising with certain exceptions at different points in time. *See* 380 So. 2d at 435–36. The allegation is otherwise denied.

**ANSWER TO PARAGRAPH 11:** Admitted that the selective quotes from *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977), are accurately quoted. Denied to the extent that the allegation is intended to be a comprehensive statement of the holding in *Bates,* and the allegation is otherwise denied.

**ANSWER TO PARAGRAPH 12:** Admitted that the American Bar Association adopted redrafted rules in 1983, which included a prohibition on "false or misleading communication about the lawyer or the lawyer's services." Defendants are without sufficient knowledge to admit or deny the remainder of the allegation, such as the simplified characterization of why the American Bar Association adopted the Model Rules of Professional Conduct, and therefore denies the remainder of the allegation.

**ANSWER TO PARAGRAPH 13:** Admitted that the Florida Supreme Court adopted rules in 1986 and that the Opinion adopting the revisions is selectively quoted accurately in paragraph 13. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 14:** Admitted that the Florida Supreme Court adopted rules in 1990 and that the selective quotations are accurately quoted, but the allegation and its legal conclusions and characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 15:** Admitted that the Florida Supreme Court adopted rules in 1990 and that the selective quotations are accurately quoted. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 16:** Denied, other than admitting that the Bar is responsible for carrying out the responsibilities assigned to it by the Florida Supreme Court in the Rules Regulating the Florida Bar and that advertisements including aspects of the examples listed in the allegation have been considered by parts of the Bar under prior versions of the Rules Regulating the Florida Bar.

**ANSWER TO PARAGRAPH 17:** Admitted that the selective quotations in the cited case are accurately quoted and that advertisements including aspects of the examples listed have been considered by parts of the Bar under prior versions of the Rules Regulating the Florida Bar. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 18:** Admitted that the selective quotations in the cited cases are accurately quoted and that courts granted some of the relief requested in the cited cases regarding prior versions of the Rules Regulating the Florida Bar. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 19:** Admitted that Rule 4-7.15(c), in its current form, has not been the subject of a constitutional challenge which has resulted in an adjudication.

**ANSWER TO HEADER B:** To the extent that a response is required to header B above paragraph 20, the allegation in the header is denied.

**ANSWER TO PARAGRAPH 20:** Admitted that the selectively quoted portions of Rule 4-7.15(c) and the associated comment are accurately quoted. Otherwise denied.

**ANSWER TO PARAGRAPH 21:** Denied, other than it is admitted that Florida and Pennsylvania have rules concerning the use of celebrities in lawyer advertising.

**ANSWER TO PARAGRAPH 22:** Defendants are without knowledge sufficient to admit or deny the allegation in paragraph 22, and it is therefore denied.

**ANSWER TO HEADER C:** To the extent that a response is required to header C above paragraph 23, the allegation in the header is denied.

**ANSWER TO PARAGRAPH 23:** Admitted that the selective quotations in the cited cases are accurately quoted. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 24:** Denied.

**ANSWER TO PARAGRAPH 25:** Denied that Rule 4-7.15(c) constitutes a "blanket prohibition on celebrities." The remainder of the allegation is also denied.

**ANSWER TO PARAGRAPH 26:** Admitted that the Rules Regulating the Florida Bar were amended in 1990 and that the selective quotations in the cited cases are accurately quoted. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 27:** Admitted that the referenced citations are accurately quoted, but denied that they comprehensively stand for the propositions cited. The allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 28:** Admitted that the referenced citations are accurately quoted, but the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 29:** Admitted that the selective quotations from the referenced document are accurately quoted and that a task force was appointed by Bar leadership in 1995 to recommend any changes to the Bar's lawyer advertising rules, but the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 30:** Admitted that the selective quotations from the referenced documents are accurately quoted, but the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 31:** Admitted that the Bar commissioned a study concerning lawyer advertising, and that the report summary does not reflect the use of celebrities. The remainder of the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 32:** Admitted that the Florida Supreme Court amended the Rules Regulating the Florida Bar in 2004. Admitted that the selectively cited case is accurately quoted, but the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 33:** Admitted that a task force was formed in 2004 concerning the Bar's lawyer advertising rules and that the selectively cited document is accurately quoted, but the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 34:** Admitted that the selective quotations are accurately quoted, but the allegation and its characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 35:** Admitted that the Florida Supreme Court adopted revisions to the Rules Regulating the Florida Bar in 2007 and that the selective quotations are accurately quoted, but the allegation and its legal conclusions and characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 36:** Admitted that the Florida Supreme Court adopted revisions to the Rules Regulating the Florida Bar in 2009 and that the

selective quotations in paragraph 36 are accurately quoted, except that the final quotation appears to derive from the Petition in Case No. 08-1890 rather than Case No. 08-1181. The allegation and its legal conclusions and characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 37:** Admitted that a study was completed in 2011 and that the selective quotations in paragraph 37 are accurately quoted, but the allegation and its legal conclusions and characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 38:** Admitted that the Bar recommended retaining Rule 4-7.15(c). Admitted that the selective quotation from the referenced study is accurately quoted. Otherwise denied.

**ANSWER TO PARAGRAPH 39:** Admitted that the referenced authorities are accurately quoted and that the Florida Supreme Court adopted the Bar's proposal for Rule 4-7.15(c) in 2013, but the allegation and its legal conclusions and characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 40:** Admitted that the selective quotations from the referenced authorities are accurately quoted and that the Florida Supreme Court adopted the Bar's proposal for Rule 4-7.15(c) in 2013, but the allegation and its legal conclusions and characterizations are otherwise denied.

**ANSWER TO PARAGRAPH 41:** Admitted that Justices Canady and Pariente separately dissented and that the selectively quoted language is accurately

quoted. Denied that these quotes reflect their full dissent or the Court's majority opinion, or that they address the current version of Rule 4-7.15(c).

**ANSWER TO HEADER D:** To the extent that a response is required to header D above paragraph 42, the allegation in the header is denied.

**ANSWER TO PARAGRAPH 42:** Admitted that selective portions of the comment to Rule 4-7.15(c) are accurately quoted, but the allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 43:** Denied.

**ANSWER TO PARAGRAPH 44:** Denied.

**ANSWER TO PARAGRAPH 45:** Denied.

**ANSWER TO PARAGRAPH 46:** Admitted that it was determined that the individuals identified in paragraph 46 were not celebrities for purposes of applying Rule 4-7.15(c). Admitted that the selective quotation referenced in paragraph 46 is accurately quoted. Paragraph 46 is otherwise denied.

**ANSWER TO PARAGRAPH 47:** Denied.

**ANSWER TO HEADER E:** To the extent that a response is required to header E above paragraph 48, the allegation in the header is denied.

**ANSWER TO PARAGRAPH 48:** Admitted that members of the Bar are required to comply with the Rules of Professional Conduct contained within The Rules Regulating the Florida Bar, which include lawyer advertising regulations, and

that "[v]iolation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline," pursuant to Rule 3-4.2 of the Rules Regulating the Florida Bar. Admitted that discipline can include public reprimand, suspension, and disbarment under Rule 3-5.1. Otherwise denied.

**ANSWER TO PARAGRAPH 49:** Admitted that Rule 4-5.1 of the Rules Regulating the Florida Bar provides that "[a] partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, must make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers therein conform to the Rules of Professional Conduct"; that "[a]ny lawyer having direct supervisory authority over another lawyer must make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct"; and that "[a] lawyer is responsible for another lawyer's violation of the Rules of Professional Conduct if: (1) the lawyer orders the specific conduct or, with knowledge thereof, ratifies the conduct involved; or (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action," which is further supplemented by comments to the Rule. To the extent that the allegation in paragraph 49 is inconsistent with Rule 4-5.1, it is denied.

**ANSWER TO PARAGRAPH 50:** Admitted that Ms. Gryb is the Chief Branch Discipline Counsel for the Bar's Orlando branch, but the allegation is otherwise denied.

**ANSWER TO PARAGRAPH 51:** Admitted that Morgan & Morgan has submitted advertisements for evaluation under the Rules Regulating the Florida Bar, but the legal characterizations and conclusions regarding these submissions are denied. Admitted that the Bar's staff provided an evaluation of submissions contained in the second sentence of the paragraph pursuant to Rule 4-7.19(b) and advised that an advertisement cannot contain the voice or image of a celebrity and that the referenced individuals are celebrities. Admitted that the Bar's Standing Committee on Advertising determined that the proposed advertisement referenced in the third sentence would violate Rule 4-7.15(c) unless it was modified. Defendants are otherwise without knowledge sufficient to admit or deny the allegation that Morgan & Morgan still wishes to run these or similar celebrity advertisements in Florida, which is therefore denied. Defendants are also without knowledge regarding whether future celebrity advertisements proposed by Morgan & Morgan would comply with the Rules Regulating the Florida Bar, because, for instance, Defendants do not know whether such celebrities would be offering client testimonials, which are permitted under Rule 4-7.15(c).

**ANSWER TO PARAGRAPH 52:** Admitted that Morgan & Morgan has used advertisements in some states other than Florida which include celebrities. Defendants are otherwise without knowledge sufficient to admit or deny the allegation, which is therefore denied.

**ANSWER TO PARAGRAPH 53:** Admitted that in or around April 2026, Morgan & Morgan asked the Bar to consider amending Rule 4-7.15(c) to allow the use of celebrities in lawyer advertising with an appropriate disclaimer. Denied that the Board took no action.

**ANSWER TO PARAGRAPH 54:** Admitted that Morgan & Morgan asked the Bar to suspend enforcement of Rule 4-7.15(c) before a formal rule change could be considered by the Florida Supreme Court. Admitted that the Bar's Board Review Committee on Professional Ethics received comments about possible revisions to Rule 4-7.15, including from Morgan & Morgan and from the chair of the Standing Committee on Advertising, who expressed concern about Morgan & Morgan's proposed rule change. The remainder of the allegation is denied.

**ANSWER TO PARAGRAPH 55:** Denied.

**Claim one: Violation of the First Amendment (under 42 U.S.C. § 1983)**

**ANSWER TO PARAGRAPH 56:** Admitted that the selective quotations in the cited cases are accurately quoted. It is denied that this allegation, which includes

legal conclusions, is a comprehensive statement of the applicable law or the cited authorities.

**ANSWER TO PARAGRAPH 57:** Denied.

**ANSWER TO HEADING ABOVE PARAGRAPH 58:** To the extent an answer is required to the heading above paragraph 58, it is denied.

**ANSWER TO PARAGRAPH 58:** Admitted that the selective quotations in the cited cases are accurately quoted, but it is denied that this allegation, which includes legal conclusions, is a comprehensive statement of the applicable law or the cited authorities.

**ANSWER TO PARAGRAPH 59:** Denied.

**ANSWER TO PARAGRAPH 60:** Denied.

**ANSWER TO PARAGRAPH 61:** Denied.

**ANSWER TO PARAGRAPH 62:** Denied.

**ANSWER TO HEADING ABOVE PARAGRAPH 63:** To the extent an answer is required to the heading above paragraph 63, it is denied.

**ANSWER TO PARAGRAPH 63:** Denied.

**ANSWER TO PARAGRAPH 64:** Denied.

**ANSWER TO PARAGRAPH 65:** Denied.

**ANSWER TO PARAGRAPH 66:** Denied that a regulation of celebrities in advertising does not accord with common sense. Denied that there have been no

negative consequences from advertising using celebrities. Admitted that Babe Ruth was used in advertising for Red Rock Cola. The allegation is otherwise denied.

**ANSWER TO PARAGRAPH 67:** Defendants lack sufficient knowledge to admit or deny the allegations in paragraph 67, which are therefore denied. Defendants also deny the legal arguments and conclusions in paragraph 67 and deny the relevance of the apparent attempt to draw analogies between insurance companies and law firms, to the extent an answer is required.

**ANSWER TO PARAGRAPH 68:** The first sentence is denied. Admitted that the selectively cited authorities are correctly quoted, but the Plaintiffs' allegations and legal conclusions based on those authorities are denied, to the extent an answer is required.

**ANSWER TO PARAGRAPH 69:** Denied that Florida imposes a "total prohibition" on the appearance of celebrities in lawyer advertising. Denied that the ABA model rules "allow" celebrities to appear in such ads, since they do not carry the force of law and because such advertisements may be addressed by other parts of the ABA model code. Denied that the rules of every other state allow celebrities to appear in such ads, because the advertisement may be otherwise restricted by the rules of those states. Defendants lack sufficient knowledge to admit or deny what evidence exists about the protection of citizens in other states and therefore deny the last sentence of paragraph 69.

**ANSWER TO PARAGRAPH 70:** The characterization of Pennsylvania Rule of Professional Conduct 7.2(d) in paragraph 70 is denied. That rule (now Rule 7.2(e)) provides that "[a]n advertisement or public communication that contains a paid endorsement shall disclose that the endorser is being paid or otherwise compensated for his or her appearance or endorsement," and that "[n]o advertisement or public communication shall contain an endorsement by a celebrity or public figure." Denied that this rule is less restrictive than Rule 4-7.15(c) of the Rules Regulating the Florida Bar and denied that Rule 4-7.15(c) prohibits *any* use of a non-client celebrity's "voice or image." Defendants lack sufficient knowledge to admit or deny what evidence exists about the protection of Pennsylvania citizens, but deny the allegation, legal conclusion and characterization contained in the last sentence of paragraph 70.

**ANSWER TO PARAGRAPH 71:** Admitted that the selective quotations to the cited authorities are accurate, but it is denied that this allegation and its legal conclusions are a comprehensive statement of the applicable law or the cited authorities.

**ANSWER TO PARAGRAPH 72:** Admitted that, in general terms, the Federal Trade Commission is a federal agency charged with protecting consumers. The remainder of the allegation and its legal characterizations and conclusions are denied.

**ANSWER TO HEADING ABOVE PARAGRAPH 73:** To the extent an answer is required to the heading above paragraph 73, it is denied.

**ANSWER TO PARAGRAPH 73:** Denied.

**ANSWER TO PARAGRAPH 74:** Admitted that the quotation to the cited document is accurate, but the allegation and its legal characterizations and conclusions are otherwise denied. Denied that "the Bar's advertising committee held that Morgan & Morgan violated Rule 4-7.15(c)," with respect to the referenced proposed advertisement, but admitted that it determined that the proposed advertisement would violate Rule 4-7.15(c) if it was used unless it was modified.

**ANSWER TO PARAGRAPH 75:** Admitted that the quotation to the selectively cited authority is accurate, but the legal characterizations and conclusions are otherwise denied.

**ANSWER TO PARAGRAPH 76:** Admitted that the quotations to the selectively cited authorities are accurate, but the legal characterizations and conclusions are otherwise denied. Admitted that in its proposal to amend the rule, Morgan & Morgan suggested requiring a disclosure "of the celebrity's relationship with the lawyer."

**ANSWER TO PARAGRAPH 77:** Admitted that the selective quotations to the cited authorities are accurate, but the allegation and its characterizations and legal conclusions are otherwise denied.

**ANSWER TO HEADING ABOVE PARAGRAPH 78:** To the extent an answer is required to the heading above paragraph 78, it is denied.

**ANSWER TO PARAGRAPH 78:** Denied, other than that the selective quotations are accurately quoted.

**ANSWER TO PARAGRAPH 79:** Denied.

**ANSWER TO PARAGRAPH 80:** Denied, other than admitting that the partial quotation of Rule 4-7.15(b) is accurately quoted.

**Claim two: Void for vagueness (under 42 U.S.C. § 1983)**

**ANSWER TO PARAGRAPH 81:** Denied.

**ANSWER TO PARAGRAPH 82:** Denied.

**ANSWER TO PARAGRAPH 83:** Denied, other than it is admitted that lawyers who violate the Rules Regulating the Florida Bar are subject to potential discipline.

**ANSWER TO REQUEST FOR RELIEF:** To the extent any response is required to the request for relief following paragraph 83, it is denied that Plaintiffs have properly sought or are entitled to any such relief.

To the extent Defendants have not fully responded above to any allegation of the Complaint, it is denied.

## AFFIRMATIVE DEFENSES AND DENIALS

Defendants assert the following affirmative defenses and denials:

1. Plaintiffs do not have standing. They cannot be injured by an alleged "blanket" prohibition on the use of celebrities in lawyer advertising because Rule 4-7.15(c), on its face and as applied, is not a "blanket prohibition." They also lack standing to challenge Rule 4-7.15(c) as unconstitutionally vague since there are no allegations suggesting they have been or could be injured, or that their speech could be chilled, by uncertainty in the Rule's interpretation, particularly in light of the examples cited in the Complaint. They have not suffered any other injury.

2. Plaintiffs' challenges are not ripe. No disciplinary proceeding has been initiated against them, and their as-applied claims depend on advertisements not yet submitted for evaluation. Because Plaintiffs misconstrue the rule as a "blanket prohibition," their claim as to any present harm or chilled speech is not ripe. Plaintiffs' request for amendment to Rule 4-7.15(c) is still under active consideration by the Bar.

3. Abstention may be appropriate under the doctrine of *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496 (1941), to the extent any proposed revision is submitted to the Florida Supreme Court which may construe or amend Rule 4-7.15(c) in a manner that could avoid or narrow any federal

constitutional question, particularly with respect to vagueness. The Bar is actively considering proposed amendments to Rule 4-7.15(c).

4. Plaintiffs' claims are barred to the extent Rule 4-7.15(c) regulates false, deceptive, or misleading speech.

5. Plaintiffs' claims are barred because the Bar has a substantial interest in protecting consumers from false, deceptive, misleading, and unduly manipulative lawyer advertising.

6. Plaintiffs' claims are barred because Rule 4-7.15(c) directly and materially advances the Bar's substantial interest in protecting consumers from false, deceptive, misleading, or unduly manipulative lawyer advertising.

7. Plaintiffs' claims are barred because there is a reasonable fit between Rule 4-7.15(c)'s restrictions on attorney advertising and the Bar's substantial interest in protecting consumers.

8. The Bar, an arm of the Supreme Court of Florida, is immune from suit under the Eleventh Amendment and is not a "person" under 42 U.S.C. § 1983.

9. Plaintiffs have failed to state a claim on which relief can be granted.

Defendants reserve the right to amend and supplement their Answer and Affirmative Defenses.

Respectfully submitted this 23rd day of October, 2026.

**HOLLAND & KNIGHT LLP**

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