

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE
RULES REGULATING THE
FLORIDA BAR –
MISCELLANEOUS PETITION

CASE NO. SC2025-1178

THE FLORIDA BAR’S RESPONSE TO COMMENTS

This Court granted leave to The Florida Bar (the bar) to respond to comments filed in this matter by order dated October 10, 2025.

The bar requests that this Court amend the Rules Regulating The Florida Bar as proposed in the bar’s petition in this matter. The Court should decline to accept Mr. Chinaris’ comments because they address technology that may exist in the future and not advertising methods as they currently exist.

The bar’s petition proposes that this Court exempt sponsored search engine results from the advertising filing requirements of R. Regulating Fla. Bar 4-7.19 provided that the sponsored search engine results “do not include any images, audio, or video” other than the content described in R. Regulating Fla. Bar 4-7.16 (“Presumptively Valid Content”).

The bar’s proposal was in response to lawyers’ use of sponsored search engine advertising campaigns. During the 2024-2025 fiscal year, The Florida Bar’s Ethics & Advertising department received approximately 20 advertising campaigns that used sponsored search engine results.

As described by Mr. Chinaris, these advertising campaigns include a random assortment of “headlines and text” submitted by the advertising lawyer “but the lawyer does *not* determine the format and specific content of each advertisement.” Chinaris comments, p. 3. These advertising campaigns frequently result in “hundreds or thousands of unique” advertisements. *Id.* Currently, R. Regulating Fla. Bar 4-7.19 requires that each of these unique combinations must be separately filed for review if they include any content other than the content listed in R. Regulating Fla. Bar 4-7.16.

To date, none of the sponsored search engine advertising campaigns received have included the filing fees necessary to review every unique advertisement generated. Additionally, each advertising campaign submitted for bar staff’s review consisted solely of text and did not include any images, audio, or video.

Bar staff recognized the difficulty of reviewing these advertising campaigns and notified bar leadership, who acted quickly to approve the amendments filed in the bar’s petition.

The bar’s petition was drafted to address technological advances in advertising as they currently exist. Mr. Chinaris asserts that the bar’s petition will not accomplish its intended result because “many sponsored search engine results containing images, audio, or video that fall outside the limited list of ‘presumptively permissible content’ in Rule 4-7.16 would still need to be filed[.]” Chinaris comments, p. 4. However, it is unclear what sponsored search engine results Mr. Chinaris is referring to, as none of the advertising campaigns filed for bar staff’s review have included images, audio, or video. In effect, the current “percentage of sponsored search engine results contain[ing] content that is not listed in Rule 4-7.16” is zero. *See* Chinaris comments, p. 8.

Regarding Florida’s “pre-distribution review” of commercial speech, the Eleventh Circuit opined that “even as to an unusually

time-sensitive advertisement, we think that a twenty-day delay represents a constitutionally acceptable burden under the circumstances.” *Harrell v. Florida*, 608 F.3d 1241, 1271 (11th Cir. 2010). “Misleading advertising may be prohibited entirely” and states may restrict advertising “when experience has proved that in fact such advertising is subject to abuse[.]” *In re R.M.J.*, 455 U.S. 191, 203 (2011).

This Court implicitly recognized that illustrations may mislead prospective clients and warrant greater scrutiny than advertisements that are comprised solely of text when it limited its list of illustrations that are “presumptively valid content” to those specifically identified in R. Regulating Fla. Bar 4-7.16(a)(12).

To the extent that Mr. Chinaris’ comments suggest developing technology, such as generative artificial intelligence, may create advertisements with unique images, audio, or video, experience demonstrates that these technologies commonly result in deceptive and misleading content. *See The Florida Bar v. Neusom*, No. SC2024-0611 (Fla. 2025) (lawyer suspended for 2 years as reciprocal discipline for using AI in a legal pleading that included inaccurate citations and fabricated authorities); *Clerk of the Court v. Rangel*, 50 Fla. L. Weekly 1945 (Fla. 2d DCA Aug. 29, 2025) (lawyer referred to The Florida Bar for filing an answer brief that included numerous non-existent cases and false quotations); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024) (lawyer sanctioned for filing a response created with generative AI without checking the citations); *Mata v. Avianca*, 678 F. Supp. 3d 443, (S.D.N.Y. 2023) (two lawyers and law firm jointly and severally sanctioned for using ChapGPT to write a motion that cited authorities that did not exist or did not support the proposition for which they were cited); *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024) (the Second Circuit referred a lawyer to its Grievance Panel for investigation after the lawyer cited court decisions, one of which the Second Circuit was unable to locate); *Garner v. Kadince*,

Inc., 571 P.3d 812 (Utah Ct. App. 2025) (lawyer sanctioned for citing artificial intelligence “hallucinated authority” in opposition to petitioner’s filing); and *People v. Crabill*, No. 23PDJ067, 2023 WL 8111898 (Colo. O.P.D.J. Nov. 22, 2023). The bar respectfully submits that these technological advances in advertising should be carefully scrutinized rather than permitted without pre-distribution review as Mr. Chinaris’ comments propose.

For the above stated reasons, the bar respectfully requests that this Court amend the rules as proposed in the bar’s original petition.

Respectfully submitted,

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902

Rosalyn Sia Baker-Barnes
President-elect 2025-26
Florida Bar Number 327920

Michael Fox Orr
President-elect 2025-26
Florida Bar Number 14594

Elizabeth Clark Tarbert
Director, Lawyer Regulation Division
Florida Bar Number 861294

The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
Primary E-mail Address:
jdoyle@floridabar.org
Secondary E-mail Address:
rules@floridabar.org

CERTIFICATE OF TYPE SIZE AND STYLE

I certify that this petition is typed in 14-point Bookman Old Style type.

/s Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this motion has been sent by e-mail to the following individuals on this 13th day of October, 2025:

Steven Bell, Steve@meltzerandbell.com

Timothy P. Chinaris, tchinaris@chinarislaw.com

Eddie Farah, EFarah@FarahandFarah.com

Brian F. LaBovick, brian@labovick.com

Carey Meldon, eservice@meldonlaw.com

Laura Roe, laura.roe@stpete.org

Chris Speziok, cspeziok@meldonlaw.com

/s/ Joshua E. Doyle

Joshua E. Doyle
Executive Director
Florida Bar Number 25902