

No. 13-1499

In the Supreme Court of the United States

LANELL WILLIAMS-YULEE,

Petitioner,

v.

THE FLORIDA BAR,

Respondent.

**On Petition for a Writ of Certiorari to
the Supreme Court of Florida**

REPLY BRIEF FOR PETITIONER

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REPLY BRIEF FOR PETITIONER

Canon 7C(1) of Florida Code of Judicial Conduct prohibits a candidate for elected judicial office from personally soliciting campaign contributions. The Florida Supreme Court held in a divided decision that Canon 7C(1) survives strict scrutiny under the First Amendment to the U.S. Constitution. As we demonstrated in the petition, that decision merits further review because it implicates an intractable conflict among the lower courts on a constitutional question of substantial practical importance, in a case that cleanly presents the issue.

Respondent agrees, “urging this Court to accept this case for review.” Resp. Br. 2. Respondent recognizes (*id.* at 1) that the petition “accurately summarizes” the conflict among the lower courts. And because “[o]ver twenty states that provide for popular election of judges have rules similar to Canon 7C(1),” respondent continues, there is no dispute that the issue is frequently recurring and that “[j]udicial conflicts over the issues raised by the petition are likely to increase in the foreseeable future.” *Id.* at 2. Against this background, “[i]t is a virtual certainty” that the conflict identified in the petition “will not be resolved without the intervention of this Court.” *Ibid.*

Respondent further observes (Br. 2) that the Florida Supreme Court’s decision in this case, although favorable to it on the merits, offers it “little comfort” because, if petitioner’s challenge to Canon 7C(1) had been litigated in federal court instead, the canon would have been invalidated under the Eleventh Circuit’s conflicting decision in *Weaver v. Bonner*, 309 F.3d 1312 (11th Cir. 2002). Indeed, the

conflict between the Florida high court and the Eleventh Circuit leaves open the possibility that petitioner herself could file a Section 1983 suit seeking a federal-court injunction against enforcement of the state sanctions imposed in the proceedings below. That would be an especially untoward result.

It also is notable that respondent does not dispute any aspect of our statement of the case. See S. Ct. Rule 15.2. The facts presented here are, in other words, as uncontested as they are straightforward.

Typically, a respondent joins in a petitioner's request for further review only when "there is a clear conflict of decisions" and "the question is undoubtedly of such importance as to need a Supreme Court determination." Stephen M. Shapiro, et al., *Supreme Court Practice* 510 (10th ed. 2013).¹ That is precisely the case here. Because this case offers an opportunity to answer the question presented free of any doubt that the controversy here is both ripe and ongoing (see Pet. 15-16 & n.9; Resp. Br. 3), the petition for a writ of certiorari should be granted.

¹ See, e.g., Br. for Resp. at 7, *Mach Mining, LLC v. EEOC*, No. 13-1019 (May 27, 2014) (respondent "agree[d]" that "this Court's review is necessary to provide guidance" in a case "present[ing] a recurring question of substantial importance"), cert. granted, 134 S. Ct. 2872 (2014) (Mem.); Br. for Resp. at 18, *Am. Broad. Co., Inc. v. Aereo, Inc.*, No. 13-461 (Dec. 12, 2013) (respondent agreed "that the Court should grant the petition to resolve [an] important issue of federal law"), cert. granted, 134 S. Ct. 896 (2014) (Mem.); Br. for NFL Resp. at 4, *Am. Needle, Inc. v. Nat'l Football League*, No. 08-661 (Jan. 21, 2009) (respondent "t[ook] the unusual step of supporting certiorari" in case involving a conceded circuit conflict), cert. granted, 557 U.S. 933 (2009) (Mem.).

Respectfully submitted.

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