

**IN THE UNITED STATE DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**SHERRI L. RENNER,**

**Plaintiff,**

**vs.**

**Case No. 4:17cv451-WS/CAS**

**THE SUPREME COURT OF FLORIDA  
and THE FLORIDA BAR,**

**Defendants.**

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**AMENDED COMPLAINT**

Plaintiff Sherri L. Renner, appearing pro se, sues Defendants for monetary damages for violating her rights under federal law, and states:

**Introduction**

1. This is an action for damages stemming from Defendants' creation, maintenance, and operation of a civil-rights-free-zone that is occupied solely by and applicable only to conditionally-admitted Florida Bar members, and damages for retaliation for Plaintiff's exercise of her rights under the Americans with Disabilities Act and Rehabilitation Act.

2. The civil-rights-free-zone constitutes an additional, unwritten burden that is placed only on conditionally-admitted attorneys, many of whom already

are burdened by conditions on their admission and membership status that violate the Americans with Disabilities Act and Rehabilitation Act.

3. That zone is a procedural void that essentially amounts to a strictly dichotomous “comply or contempt” system: comply deferentially with the terms and conditions of the probationary, second-class membership status – no matter how burdensome or arbitrary, no matter how divorced from potential harm to the public, no matter how long the probationary status has lasted, no matter how many years the member has practiced free of any evidence that would call into question the member’s fitness to practice, no matter how intensely the member worked to serve the legal community and advance access to justice – or suffer contempt of court and destruction of career, livelihood, reputation, and the obliteration of the significance of every hard-won achievement.

4. Defendants should have filled that civil-rights-free-“comply or contempt”-zone long ago with a published procedure that conditionally-admitted Bar members could utilize to initiate meaningful judicial review of their conditional status while ensuring confidentiality.

5. Because of the Defendants’ creation, maintenance, and operation of this zone, and because of their retaliation against Plaintiff for exercising her rights, after twelve years of practice and in the absence of evidence of unfitness

to practice, Plaintiff suffered all the harms described in paragraph 3 above, and continues to suffer reputational damage from which she can never recover.

### **Parties**

6. When this action was commenced, Plaintiff was an attorney licensed in the State of Florida, practicing law through a solo practice organized as a Florida professional limited liability company. At the time of the filing of this amended complaint, Plaintiff is a former attorney, her license having been revoked wrongfully and without just cause by the Defendants, and having been disbarred from the United States District Court for the Southern District of Florida, solely because of the Defendants' wrongful and discriminatory acts.

7. Defendant Supreme Court of Florida (FSC) is a public entity whose principal place of business is in Tallahassee, Florida. Per Article V, Section 15 of the Florida constitution, "The supreme court has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted." It is responsible for the promulgation and enforcement of the rules regulating the Florida Bar. FSC is a public entity within the meaning of Title II of the Americans with Disabilities Act, and receives federal financial assistance within the meaning of the Rehabilitation Act.

8. Defendant The Florida Bar is a public entity whose principal place of

business is in Tallahassee, Florida. The Florida Bar is an arm or agency of the FSC, is responsible for investigating and prosecuting violations of the Rules Regulating the Florida Bar, and is charged with authority to oversee administration of conditional attorney admissions. Defendant Bar has the authority to propose new rules and amendments to existing rules. The attorneys employed by The Florida Bar are members of the Bar and are bound to comply with the Rules Regulating members of The Florida Bar. The Florida Bar is a public entity within the meaning of Title II of the Americans with Disabilities Act, and receives federal financial assistance within the meaning of the Rehabilitation Act.

### **Jurisdiction and Venue**

9. This Court has jurisdiction over this matter because the claims set forth in this Complaint arise under federal law. *See*, 28 U.S.C. § 1331, § 1343, 29 U.S.C. § 794, 42 U.S.C. § 12101 *et seq.*, and 42 U.S.C. § 2000d-7.

10. Venue properly lies in the United States District Court for the Northern District of Florida because the acts and omissions giving rise to this Complaint occurred there and because Defendants reside there.

11. This Honorable Court, as do all federal courts, has an interest in the outcome of this action because this action challenges, and alleges damages resulting from, the wrongfully discriminatory environment in which the

Defendants act to revoke, without just cause and in violation of civil rights, the licenses of attorneys admitted to practice law. Admission to practice law in any state jurisdiction, such as Florida, is a prerequisite to being admitted to practice in the federal system, whether in the district trial courts, the circuit appellate court, the United States Supreme Court, or any of the federal administrative courts such as immigration, tax, and veterans' benefits courts. Because the federal courts rely on state attorney regulatory systems, the federal courts have an interest in ensuring that the states' procedures and actions are not violative of attorneys' civil rights, particularly when those civil rights are established by Acts of Congress. In sum, the federal courts must ensure that they are not beneficiaries of wrongfully discriminatory systems.

### **Facts Common to All Counts**

12. To practice law in the State of Florida, a person must be a member of The Florida Bar.

13. Plaintiff was admitted to membership in The Florida Bar on February 18, 2005.

14. Solely because of a history of mental health treatment, Plaintiff's admission to The Florida Bar was conditional.

15. Even though all symptoms of a mental health disorder had been

absent for approximately three years prior to her admission, the length of the conditional status of her admission was indefinite.

16. The conditions on her admission included a number of burdens that were not shared by other members of The Florida Bar, including:

- a. That Plaintiff consult with a licensed mental health provider at least monthly, or more frequently as such mental health provider deems necessary.
- b. That Plaintiff have the mental health provider submit quarterly reports, confirming Plaintiff's continuing ability to engage in the active practice of law, to The Florida Bar during the entire probationary period.
- c. That Plaintiff submit quarterly sworn statements to The Florida Bar by March 31, June 30, September 30, and December 31 during the entire probationary period attesting to her compliance with the conditions.
- d. That Plaintiff remit a monitoring fee of \$75 with each quarterly report.

17. Additionally, Plaintiff was subject to additional or heightened discipline or punishment than other attorneys might suffer: license suspension

or revocation only upon a finding of probable cause<sup>1</sup> that Plaintiff may have violated some professional conduct rule.

18. The potential for Plaintiff to suffer disbarment upon a finding of probable cause, or for some minor misconduct for which “first class” (unconditionally admitted) Bar members might suffer only minor discipline, constituted a continual, chilling threat.

19. In sum, Plaintiff was subjected to burdens not linked to any conduct, but imposed purely because of her status as a person with a disability, and were burdens not shared by other Bar members; therefore, Plaintiff held a “second class” membership in The Florida Bar.

20. At the same time, Plaintiff was required to pay the same annual membership dues to the Bar, meet the same CLE requirements, and adhere to all rules of professional conduct, the same as all other members of the Bar.

21. The probationary period was indefinite and could only be terminated in Plaintiff’s favor upon meeting all of the following conditions:

- a. A minimum five years must elapse,
- b. Plaintiff must then submit to a comprehensive psychiatric

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<sup>1</sup>Under Rule 3.2(k) of the Rules Regulating The Florida Bar, probable cause means, “cause to believe that a member of The Florida Bar is guilty of misconduct justifying disciplinary action” and falls short of actual guilt. A finding of probable cause is all that is required to authorize The Florida Bar to file a formal complaint under Rule 3-3.2(b).

- evaluation by a psychiatrist selected by the Florida Bar,
- c. the evaluating psychiatrist must recommend Respondent's unconditional admission,
  - d. the Florida Bar must exercise its option to petition Defendant Court for termination of the probationary period, and
  - e. Defendant Court must agree and so order.

22. Plaintiff's years of practicing law were filled with public service. She devoted significant hours of her time to pro bono matters; she successfully represented indigent plaintiffs as lead counsel in constitutional civil rights – including First and Fourth Amendment – cases; she organized an attorney group that later became known as the Palm Beach County Chapter of the Christian Legal Society, which she then registered with the Florida Bar as an official voluntary bar group; she then teamed that group with a charitable organization to create a pro bono legal consultation ministry that would address the legal needs of the West Palm Beach inner city families that the charitable organization served; she then took that ministry another step forward and created LawYou America, LLC, which helps pro se litigants, including survivors of domestic violence, on a broader scale; then recognizing the need for monetary support for these litigants, she established Pursuing Justice Foundation, Inc., a §501(c)(3) tax-exempt charity

established to help indigent pro se litigants pay the normal expenses of litigation.

23. Plaintiff complied with the terms of the conditional admission for twelve years.

24. All of the reports to Defendant Bar from Plaintiff's mental health care provider stated that Plaintiff was able to engage in the active practice of law.

25. Plaintiff never experienced symptoms of any mental illness or disorder during the time she was a member of The Florida Bar, or any time thereafter.

26. Plaintiff was never subjected to a Bar disciplinary proceeding.

27. After the requisite five years had elapsed, Plaintiff submitted to evaluations in late 2010, paying several hundreds of dollars to each evaluator, but the evaluation reports were replete with errors in personal, diagnostic, and treatment histories, and the recommendations were untethered from any legal standard or parameters that would indicate awareness of and adherence to an appropriate scope of Bar oversight.

28. Although neither evaluator wrote the words, "I recommend unconditional admission," neither of them articulated any reason or opinion for continuation of the terms and burdens on Plaintiff's conditional status.

29. The Florida Bar recognized or should have recognized that the

evaluation reports were devoid of any evidence or opinion that Plaintiff posed a direct threat to the health or safety of others, or that there was any probability at all that injury to the public could occur if Plaintiff's admission status was made unconditional.

30. In fact, there was no such threat – either direct or potential – and The Florida Bar should have petitioned the Florida Supreme Court immediately for Plaintiff's unconditional admission, but failed and refused to do so.

31. In March 2011, Plaintiff requested The Florida Bar provide her with documents reflecting the standard by which psychiatric evaluators are guided in rendering opinions as to whether attorneys should be conditionally or unconditionally admitted to practice, or whether existing conditions should be lifted; The Florida Bar responded promptly by directing Plaintiff to the Florida Board of Bar Examiners, which is another arm or agency of Defendant Florida Supreme Court.

32. In March 2012, Plaintiff consulted with an attorney, who practiced in the areas of professional responsibility and lawyer regulation, on the question of how to have the conditions on Plaintiff's admission removed without her having to submit to another dubious, invasive, and expensive evaluation; the attorney opined that Plaintiff's only option was continued compliance, and never

mentioned the existence of a procedure to obtain judicial review.

33. Indeed, although the Rules Regulating The Florida Bar permit Defendant Bar to initiate contempt proceedings relative to compliance with conditions on attorney admissions, those Rules provide for no procedure that Plaintiff, or any other conditionally-admitted Bar member, could invoke to obtain confidential judicial review.

34. In October 2014, Plaintiff requested in writing to The Florida Bar that the Bar take action to have Plaintiff's status changed from conditional to unconditional, referencing a February 2014 letter from the U.S. Department of Justice to the Louisiana State Bar Association – the substance of which concerns violations of the ADA in mental health screening of Bar applicants, but also is applicable to conditional admissions – in support of her request.

35. Despite having no legitimate interest in Plaintiff's continued conditional status, Defendant Bar refused the request.

36. In February 2016, Plaintiff questioned the Bar about how to initiate the process of removing the conditions on her admission, explaining that she'd conducted research and found rules concerning the Bar's initiation of proceedings but no rule that permits or guides Bar members to do so, and mentioning the options of bringing suit under the Americans with Disabilities Act or resorting to

a strategic noncompliance.

37. The Bar responded but did not provide the requested information; so Plaintiff replied, stating that the Bar's response constituted an acknowledgment that no procedural mechanism existed through which she could initiate a review of her conditional status.

38. The Bar did not respond to Plaintiff's reply.

39. Plaintiff concluded that the only avenue available to her to challenge the burdens and conditions on her admission and bring the matter before the Florida Supreme Court for review while maintaining the confidentiality of her conditional status was to refuse to comply with the reporting requirements, which would prompt Defendant Bar to take action.

40. Therefore, a full year after Defendant Bar tacitly admitted that there existed no procedure, and after twelve years of complying with the conditions on her admission, Plaintiff opted to strategically default on the terms of her conditional admission to force Defendant Bar to take some action, as outlined in Chapter 3 of the Rules Regulating the Florida Bar.

41. Plaintiff communicated this decision and explained the basis for it in a letter to The Florida Bar in February, 2017, in which she again cited the Americans with Disabilities Act and again pointed out the absence of a published

procedure for obtaining judicial review.

42. Plaintiff was confident that the Bar knew how to and would initiate the action in such a way that Plaintiff's conditional status would remain confidential.

43. If there was a published procedure that a conditionally-admitted member of The Florida Bar could invoke to obtain a confidential judicial review of the conditional status, Plaintiff would have utilized it.

44. Plaintiff was hopeful that the Bar would file a motion or petition seeking to change Plaintiff's admission status from conditional to unconditional because the Bar and its attorney employees are required to act in accordance with the law, including the Americans with Disabilities Act, Rehabilitation Act, and the Rules of Professional Conduct.

45. The Florida Bar, however, knowing that there was no published procedure that Plaintiff could utilize to obtain the confidential judicial review that she was seeking; knowing that the Bar had no legitimate interest in Plaintiff's continued conditional status; knowing that each and every report by Plaintiff's mental health care providers stated that Plaintiff was fit and able to practice law; knowing that no risk or threat, direct or otherwise, to the public existed or would exist if Plaintiff were to be relieved of the burdens and conditions on her

admission status; and therefore knowing that continued enforcement of the conditions on Plaintiff's admission violated the Americans with Disabilities Act and Rehabilitation Act; Defendant Bar filed its petition with the FSC, insisting that Plaintiff be found in contempt and requesting that Plaintiff's license be suspended or revoked.

46. Defendant FSC entered an order to show cause why Plaintiff should not be held in contempt.

47. Plaintiff timely filed a well-reasoned and well-supported response, citing the Americans with Disabilities Act and appending letters attesting to Plaintiff's good mental health from Plaintiff's mental health care provider and a long-time friend who is a respected member of the Bar; and Defendant Bar filed a reply.

48. Plaintiff was confident that Defendant FSC would deny Defendant Bar's petition because any other result would violate the Americans with Disabilities Act and the Rehabilitation Act, and would be fundamentally unfair because she had not committed contempt of court.

49. Then, on September 20, 2017, Defendant FSC entered its order finding Plaintiff in contempt without opinion or explanation, sanctioning Plaintiff with revocation of her license to practice law, and ordering her to pay

administrative costs for the action; Defendant Court allowed Plaintiff thirty days to wind up her business and conclude her practice.

50. This shocking and unjust revocation of Plaintiff's license to practice law caused irreparable harm to Plaintiff; devastation to her life, livelihood, finances, and ability to earn a living; emotional distress; interference with and disruption of advantageous business relationships; public disclosure of private facts; humiliation; reputational harm; and stigma that will follow her throughout the remainder of her life and will require her to explain the extremely private circumstances surrounding Defendants' actions.

51. Defendant Bar immediately published Defendant Court's order, which included highly personal and stigmatizing information, publically on the Bar's website.

52. Defendant Bar then informed Plaintiff that she was subject to all the disciplinary rules that apply to members who are disbarred for cause after hearings, putting Plaintiff in a far worse position than if she had never been admitted to the Bar.

53. On October 5, 2017, Plaintiff filed a motion for rehearing, appending a letter in support of Plaintiff from the Mayor of the Town of Hilliard, for which Plaintiff had been serving as Town Attorney for nearly two-and-one-half years.

54. Because of her disability, Defendants, jointly and severally, have subjected Plaintiff to discrimination, and excluded her from participation in and denied her the benefits of the services, programs, or activities that accompany membership in The Florida Bar.

**Count One**  
**Claim Against The Florida Bar for**  
**Discriminatory Procedure in Violation**  
**of the Americans with Disabilities Act**

55. Plaintiff restates the allegations set forth at paragraphs 1 through 54 as if fully set forth here.

55. Plaintiff brings this count against The Florida Bar for violating Plaintiff's rights under Title II of the Americans with Disabilities Act.

56. Congress enacted the Americans with Disabilities Act "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities," among other purposes. 42 U.S.C. § 12101(b).

57. Defendant Bar is a public entity as defined at § 12131(1) of the ADA, and therefore is prohibited from discriminating against individuals, including Plaintiff, in violation of the ADA.

58. Title II of the ADA prohibits public entities from subjecting qualified individuals with disabilities to discrimination, excluding them from participation in, or denying them the benefits of the entity's services, programs, or activities.

*See*, 42 U.S.C. § 12132.

59. Under Title II, a public entity is prohibited from administering “a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability.” 28 C.F.R. § 35.130(b)(8).

60. At all material times, Plaintiff has been a qualified individual with a disability within the meanings of 42 U.S.C. § 12131(2) because:

- a. she has a record of a mental impairment that substantially limited one or more major life activities, or was misclassified as having one, and has been regarded by the Bar as having such an impairment, which served as the justification for requiring Plaintiff to accept and comply with the burdens of the conditional admission; and
- b. she was subjected to ongoing enforcement of the burdens of her conditional status and then a contempt proceeding when the Bar knew it had no legitimate interest in Plaintiff’s continued conditional status and knew there existed no published procedure Plaintiff could invoke to obtain confidential judicial review of her conditional status; therefore

Plaintiff was subjected to discrimination by Defendant Bar in violation of the ADA because of an actual or perceived mental impairment; and

- c. she met and meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Defendant Bar, *i.e.*, membership in The Florida Bar and accompanying ability to practice law and participate in activities related to membership in the Bar.

61. At all material times, Defendants knew that Plaintiff was a qualified person with a disability within the meaning of the Americans with Disabilities Act and Rehabilitation Act.

62. But for the procedural void, which constitutes an additional burden on conditionally-admitted Bar members, Plaintiff would not have had to choose between continued compliance and strategic noncompliance, and would not have suffered the extreme harm inflicted upon her.

63. Defendant Bar maintains and utilizes this procedural void as a pretext or guise under which it can, with impunity, purge Bar membership rolls of people deemed unfit to practice, and thereby discriminate against Bar members who are protected by the ADA.

64. Emboldened by the procedural void, The Florida Bar's ADA violations also include the following:

- a. failing and refusing to petition the Florida Supreme Court for Plaintiff's unconditional admission following the 2010 evaluations,
- b. requiring Plaintiff to continue to comply with the burdens of her conditional status knowing that these burdens served no legitimate purpose and that the Bar had no legitimate interest in Plaintiff's conditional status,
- c. accepting Plaintiff's quarterly reports and monitoring fees following the 2010 evaluations,
- d. petitioning the Florida Supreme Court, following Plaintiff's strategic noncompliance, to hold the Plaintiff in contempt when the Bar knew or should have known that continued enforcement of the conditional admission furthered no legitimate purpose because of the absence of any evidence to suggest that Plaintiff posed any risk to the public.

65. The discriminatory acts and conduct flow from the procedural void and constitute a continuing violation of the ADA; or, each reporting period after

the evaluations in which Defendant Bar accepted Plaintiff's reports and monitoring fees under threat of contempt was another violation of the ADA.

66. Defendant Bar is authorized to propose new rules to govern conduct and procedure, but never proposed the creation of a published procedure that a conditionally-admitted Bar member could invoke to obtain confidential judicial review of the member's conditional status, because the Bar covets its power to seek disbarment of second-class Bar members who are protected by the ADA.

67. The facts that Defendant administers and helps create a regulatory system that has detailed procedures for Bar-initiated proceedings, yet no procedure that empowers Bar members to initiate challenges to indefinite conditional admissions, indicate that Defendant utilizes criteria or methods of administration that either purposely or in effect discriminate against Bar members in violation of the ADA.

68. Defendant has known about the violations noted herein but has failed to correct them, thereby exhibiting discriminatory policies and practices and deliberate indifference to the rights of Plaintiff and other conditionally admitted members of The Florida Bar.

69. Defendant exploited this procedural void to exclude Plaintiff from participation in and deny her the benefits of its programs or activities, because

of her status as a qualified person with a disability.

70. Therefore, Defendant has subjected Plaintiff to discrimination in violation of the ADA.

71. As a direct and proximate result of Defendant Bar's policies, practices, and deliberate indifference, Plaintiff has suffered and continues to suffer from harm and violation of her rights.

WHEREFORE, Plaintiff demands judgment against Defendant The Florida Bar for compensatory damages and for other and further relief that the Court deems just and proper.

**Count Two**  
**Claims Against The Supreme Court of Florida for**  
**Discriminatory Procedure in Violation**  
**of the Americans with Disabilities Act**

72. Plaintiff restates the allegations set forth at paragraphs 1 through 54, 56, and 58 through 62 as if fully set forth here.

73. Plaintiff brings this count against the Supreme Court of Florida (FSC) for violating Plaintiff's rights under Title II of the Americans with Disabilities Act.

74. Defendant Court is a public entity as defined at § 12131(1) of the ADA, and therefore is prohibited from discriminating against individuals including Plaintiff in violation of the ADA.

75. Defendant FSC has the inherent power and duty to prescribe

standards of conduct for lawyers, to determine what constitutes grounds for discipline of lawyers, to discipline for cause attorneys admitted to practice law in Florida, and to revoke the license of every lawyer whose unfitness to practice law has been duly established.

76. Defendant FSC does not have the power or authority to violate the ADA by revoking the license of any conditionally-admitted attorney who has established her fitness to practice law.

77. Defendant Bar, in its petition for contempt, did not establish Plaintiff's unfitness to practice law, and Defendant FSC ordered no evidentiary hearing before it ordered revocation of Plaintiff's license.

78. In fact, Plaintiff had established her fitness to practice over the twelve years she was a member of The Florida Bar.

79. The facts that Defendant FSC creates, maintains, and utilizes a regulatory system that has detailed procedures for Bar-initiated proceedings, yet no procedure that empowers Bar members to initiate challenges to indefinite conditional admissions, indicate that Defendant utilizes criteria or methods of administration that either purposely or in effect discriminate against Bar members in violation of the ADA.

80. Defendant FSC created, maintains, and utilizes this procedural void

as a pretext or guise under which it can, with impunity, purge Bar membership rolls of people deemed unfit to practice, and thereby discriminate against Bar members who are protected by the ADA.

81. Defendant has known about the violations noted herein but has failed to correct them, thereby exhibiting discriminatory policies and practices and deliberate indifference to the rights of Plaintiff and other conditionally admitted members of The Florida Bar.

82. Defendant exploited this procedural void to exclude Plaintiff from participation in and deny her the benefits of its programs or activities, because of her status as a qualified person with a disability.

83. Therefore, Defendant has subjected Plaintiff to discrimination in violation of the ADA.

84. As a direct and proximate result of Defendant FSC's policies, practices, and deliberate indifference, Plaintiff has suffered and continues to suffer from harm and violation of her rights.

WHEREFORE, Plaintiff demands judgment against Defendant Supreme Court of Florida for compensatory damages and for other and further relief that the Court deems just and proper.

**Count Three**  
**Claim Against The Florida Bar for**  
**Discriminatory Procedure in Violation**  
**of the Rehabilitation Act**

85. Plaintiff restates the allegations set forth at paragraphs 1 through 54, 61, as if fully set forth here.

86. Plaintiff brings this count against The Florida Bar for violating Plaintiff's rights under the Rehabilitation Act (RA), which provides,

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . .

29 U.S.C. § 794(a),

87. Defendant The Florida Bar, as an arm or agency of the Florida Supreme Court, is a program or activity receiving federal financial assistance within the meaning of the RA.

88. At all material times, Plaintiff has been a qualified individual with a disability within the meaning of 29 U.S.C. § 705(20) because:

- a. she has a record of a mental impairment that substantially limited one or more major life activities, or was misclassified as having one, and has been regarded by the Bar as having such an impairment, which served as the justification for

requiring Plaintiff to accept and comply with the burdens of the conditional admission; and

- b. she was subjected to ongoing enforcement of the burdens of her conditional status and then a contempt proceeding when the Bar knew it had no legitimate interest in Plaintiff's continued conditional status and knew there existed no published procedure Plaintiff could invoke to obtain confidential judicial review of her conditional status; therefore Plaintiff was subjected to discrimination by Defendant Bar in violation of the ADA because of an actual or perceived mental impairment; and
- c. she met and meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Defendant Bar, *i.e.*, membership in The Florida Bar and accompanying ability to practice law and participate in activities related to membership in The Florida Bar.

89. But for the procedural void, which constitutes an additional burden on conditionally-admitted Bar members, Plaintiff would not have had to choose

between continued compliance and strategic noncompliance, and would not have suffered the extreme harm inflicted upon her.

90. Defendant Bar maintains and utilizes this procedural void as a pretext or guise under which it can discriminate against Bar members who are protected by the RA.

91. Emboldened by the procedural void, The Florida Bar's RA violations also include the following:

- a. failing and refusing to petition the Florida Supreme Court for Plaintiff's unconditional admission following the 2010 evaluations,
- b. requiring Plaintiff to continue to comply with the burdens of her conditional status knowing that these burdens served no legitimate purpose and that the Bar had no legitimate interest in Plaintiff's conditional status,
- c. accepting Plaintiff's quarterly reports and monitoring fees following the 2010 evaluations,
- d. petitioning the Florida Supreme Court, following Plaintiff's strategic noncompliance, to hold the Plaintiff in contempt when the Bar knew or should have known that continued

enforcement of the conditional admission furthered no legitimate purpose because of the absence of any evidence to suggest that Plaintiff posed any risk to the public.

92. The discriminatory acts and conduct flow from the procedural void and constitute a continuing violation of the ADA; or, each reporting period after the evaluations in which Defendant Bar accepted Plaintiff's reports and monitoring fees under threat of contempt was another violation of the RA.

93. Defendant Bar is authorized to propose new rules to govern conduct and procedure, but never proposed the creation of a published procedure that a conditionally-admitted Bar member could invoke to obtain confidential judicial review of the member's conditional status, because the Bar covets its power to seek disbarment of second-class Bar members who are protected by the RA.

94. The facts that Defendant administers and helps create a regulatory system that has detailed procedures for Bar-initiated proceedings, yet no procedure that empowers Bar members to initiate challenges to indefinite conditional admissions, indicate that Defendant utilizes criteria or methods of administration that either purposely or in effect discriminate against Bar members in violation of the RA.

95. Defendant has known about the violations noted herein but has failed

to correct them, thereby exhibiting discriminatory policies and practices, and deliberate indifference to the rights of Plaintiff and other conditionally admitted members of The Florida Bar.

96. Defendant exploited this procedural void to exclude Plaintiff from participation in and deny her the benefits of its programs or activities, solely because of her status as a qualified person with a disability.

97. Therefore, Defendant has subjected Plaintiff to discrimination in violation of the RA, 29 U.S.C. § 794(a).

98. As a direct and proximate result of Defendant Bar's policies, practices, and deliberate indifference, Plaintiff has suffered and continues to suffer from harm and violation of her rights.

WHEREFORE, Plaintiff demands judgment against Defendant The Florida Bar for compensatory damages and for other and further relief that the Court deems just and proper.

**Count Four**  
**Claims Against The Supreme Court of Florida for**  
**Discriminatory Procedure in Violation**  
**of the Rehabilitation Act**

99. Plaintiff restates the allegations set forth at paragraphs 1 through 54, 81, 82, 88, and 89, as if fully set forth here.

100. Plaintiff brings this count against the Supreme Court of Florida (FSC)

for violating Plaintiff's rights under the Rehabilitation Act (RA), which provides,

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . .

29 U.S.C. § 794(a),

101. Defendant FSC is a program or activity receiving federal financial assistance within the meaning of the Rehabilitation Act.

102. Defendant FSC created, maintains, and utilizes the procedural void as a pretext or guise under which it can discriminate against Bar members who are protected by the RA.

103. The facts that Defendant FSC creates, maintains, and utilizes a regulatory system that has detailed procedures for Bar-initiated proceedings, yet no procedure that empowers Bar members to initiate challenges to indefinite conditional admissions, indicate that Defendant utilizes criteria or methods of administration that either purposely or in effect discriminate against Bar members in violation of the RA.

104. Defendant FSC created, maintains, and utilizes this procedural void as a pretext or guise under which it can discriminate against Bar members who are protected by the ADA.

105. Therefore, Defendant has subjected Plaintiff to discrimination in

violation of the RA, 29 U.S.C. § 794(a).

106. As a direct and proximate result of Defendant FSC's policies, practices, and deliberate indifference, Plaintiff has suffered and continues to suffer from harm and violation of her rights.

WHEREFORE, Plaintiff demands judgment against Defendant Supreme Court of Florida for compensatory damages and for other and further relief that the Court deems just and proper.

**Count Five**  
**Claim Against The Florida Bar for**  
**Retaliation in Violation**  
**of the Americans with Disabilities Act**

107. Plaintiff restates the allegations set forth at paragraphs 1 through 54, 56, 57, and 60 through 63 as if fully set forth here.

108. Plaintiff brings this count against The Florida Bar under Title IV of the Americans with Disabilities Act, which prohibits discrimination against any individual because that person has opposed any act or practice made unlawful under the ADA.

109. Although all or some of the terms and burdens of Plaintiff's conditional admission status may always have violated the ADA, those terms and burdens of Plaintiff's conditional status certainly violated the ADA following the 2010 evaluations.

110. Following those evaluations, Plaintiff began protesting the continued enforcement of the terms and burdens of her conditional admission, and in October 2014 cited the Americans with Disabilities Act in support of her protests.

111. Defendant Bar was aware of her protests and reference to the ADA.

112. Plaintiff's strategic noncompliance in February 2017 constituted opposition to Defendant Bar's continuing acts or practices of requiring Plaintiff's compliance with the terms and burdens of her conditional status and the Bar's refusal to petition the Florida Supreme Court to change her status to unconditional.

113. With knowledge that Plaintiff's noncompliance was not an act of contempt and that Plaintiff was protected under the ADA, Defendant Bar took adverse action against Plaintiff by filing with Defendant FSC a petition for the FSC to find Plaintiff in contempt and for the suspension or revocation of Plaintiff's license to practice law.

114. Defendant Bar took this action because it covets its strictly dichotomous "comply or contempt" power, because it resented and sought to punish Plaintiff's opposition, and because it rejects Plaintiff's statements and implications that The Florida Bar must comply with the ADA as it applies to Bar members with histories of mental health treatment.

115. Defendant's strictly dichotomous "comply or contempt" policy intimidates individuals for the purpose of interfering with rights secured by the ADA, and Defendant by its actions sought to use Plaintiff as an example and threat to other similarly situated attorneys who might consider challenging that policy and asserting their own ADA rights.

116. Therefore, The Florida Bar's adverse action against Plaintiff was causally connected to Plaintiff's statements and noncompliance.

117. As a direct and proximate result of Defendant Bar's retaliation, Plaintiff has suffered, and continues to suffer from harm and violation of her rights.

WHEREFORE, Plaintiff demands judgment against Defendant The Florida Bar for compensatory damages and for other and further relief that the Court deems just and proper.

**Count Six**  
**Claim Against the Supreme Court of Florida**  
**for Retaliation in Violation**  
**of the Americans with Disabilities Act**

118. Plaintiff restates the allegations set forth at paragraphs 1 through 54, 56, 60 through 62, and 74 through 82 as if fully set forth here.

119. Plaintiff brings this count against the Supreme Court of Florida under Title IV of the Americans with Disabilities Act, which prohibits discrimination

against any individual because that person has opposed any act or practice made unlawful under the ADA.

120. Although all or some of the terms and burdens of Plaintiff's conditional admission status may always have violated the ADA, those terms and burdens of Plaintiff's conditional status certainly violated the ADA following the 2010 evaluations.

121. Following those evaluations, Plaintiff began protesting the continued enforcement of the terms and burdens of her conditional admission, and in October 2014 cited the Americans with Disabilities Act in support of her protests.

122. Plaintiff's strategic noncompliance in February 2017 constituted opposition to Defendant Bar's continuing acts or practices of requiring Plaintiff's compliance with the terms and burdens of her conditional status and the Bar's refusal to petition the Florida Supreme Court to change her status to unconditional.

123. Defendant FSC was aware of Plaintiff's protests and references to the ADA because Defendant Bar communicated them to the FSC, along with her subtle threat to bring legal action under the ADA.

124. With knowledge that Plaintiff's noncompliance was not an act of contempt and that Plaintiff was protected under the ADA, Defendant FSC took

adverse action against Plaintiff by finding Plaintiff in contempt and revoking her license to practice law.

125. Defendant FSC took this action because it covets its strictly dichotomous “comply or contempt” power, because it resented and sought to punish Plaintiff’s opposition, and because it rejects Plaintiff’s statements and implications that FSC must comply with the ADA as it applies to Bar members with histories of mental health treatment.

126. Defendant’s strictly dichotomous “comply or contempt” policy intimidates individuals for the purpose of interfering with rights secured by the ADA, and Defendant by its actions sought to use Plaintiff as an example and threat to other similarly situated attorneys who might consider challenging that policy and asserting their own ADA rights.

127. Therefore, Defendant FSC’s adverse action against Plaintiff was causally connected to Plaintiff’s statements and noncompliance.

128. As a direct and proximate result of Defendant FSC’s retaliation, Plaintiff has suffered, and continues to suffer from harm and violation of her rights.

WHEREFORE, Plaintiff demands judgment against Defendant the Supreme Court of Florida for compensatory damages and for other and further relief that

the Court deems just and proper.

Respectfully submitted,

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By: /s/ Sherri L. Renner  
SHERRI L. RENNER

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on \_\_\_\_\_, 2018, I electronically filed the foregoing document with the U.S.D.C. for the Northern District of Florida by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system:

William H. Stafford, III, Esq.  
Office of the Attorney General  
Counsel for Defendant Supreme  
Court of Florida

Barry Richard, Esq.  
Greenberg Traurig, P.A.  
Counsel for Defendant The Florida  
Bar

By: /s/ Sherri L. Renner  
SHERRI L. RENNER