

IN THE SUPREME COURT OF THE UNITED STATES

**NADIA MARY METROKA,**  
Applicant,

v.

**THE FLORIDA BAR,**  
Respondent.

**APPLICATION FOR STAY OF DISBARMENT  
PENDING FILING AND DISPOSITION OF  
PETITION FOR WRIT OF CERTIORARI**

**To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:**

Applicant Nadia Mary Metroka respectfully applies, pursuant to Supreme Court Rule 23, for an order staying enforcement of the judgment of the Supreme Court of Florida imposing disbarment, pending the filing and disposition of a petition for a writ of certiorari.

**I. JUDGMENT FOR WHICH STAY IS SOUGHT**

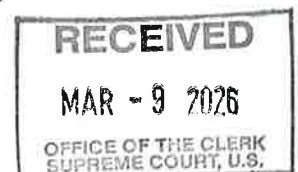
Applicant seeks a stay of the judgment of the Supreme Court of Florida ordering her disbarment from the practice of law. The Florida Supreme Court entered final judgment on January 22, 2026. Applicant moved for a stay pending review, which the Florida Supreme Court denied on **February 2, 2026**. (Appendix Applicant has acted diligently in preparing her petition for a writ of certiorari and files this application promptly thereafter.

This application follows exhaustion of available relief in the state court.

**II. JURISDICTION**

This Court has jurisdiction under **28 U.S.C. § 1257(a)**. Applicant intends to file a timely petition for a writ of certiorari seeking review of the Florida Supreme Court's final judgment imposing professional discipline in violation of federal constitutional guarantees.

This application is submitted pursuant to **Supreme Court Rule 23**.



### III. PROCEDURAL HISTORY

The Florida Bar initiated disciplinary proceedings asserting four counts of alleged misconduct. Following a referee proceeding, the referee recommended disbarment.

Applicant challenged the proceedings on federal constitutional grounds, including:

- lack of constitutionally required findings supporting professional unfitness,
- lack of required findings of subjective intent or reckless disregard,
- lack of required findings of falsity, reckless disregard, actual malice, or substantial likelihood of material prejudice to the administration of justice,
- lack of findings that a communication with person represented by counsel pertained to the matter for which representation was obtained,
- and relie uncharged, unreported alleged misconduct

The Florida Supreme Court entered an order imposing disbarment. Applicant sought a stay pending review, which the court denied on February 2, 2026.

Applicant has diligently prepared a petition for certiorari raising substantial federal constitutional questions and now seeks preservation of the status quo pending this Court's review.

### IV. STANDARD FOR GRANTING A STAY

A stay is appropriate where the applicant demonstrates:

1. a reasonable probability that certiorari will be granted;
2. a fair prospect that the Court will reverse;
3. irreparable harm absent a stay; and
4. that the balance of equities favors relief.

*See Nken v. Holder*, 556 U.S. 418, 434 (2009); *Hollingsworth v. Perry*, 558 U.S. 183 (2010).

Each factor strongly favors relief here.

### V. REASONS FOR GRANTING A STAY

#### A. There Is a Reasonable Probability This Court Will Grant Certiorari

The forthcoming petition presents substantial federal questions concerning constitutional limits on attorney discipline, including:

1. **Whether a state may impose disbarment absent findings satisfying constitutional standards of professional unfitness**, as required by *Konigsberg v. State Bar of California*, 366 U.S. 36 (1961).
2. **Whether attorney speech may be sanctioned without findings of the requisite mens rea required by the First Amendment**, including the subjective intent or recklessness standard articulated in *Counterman v. Colorado*, 600 U.S. 66 (2023).
3. **Whether attorney speech regarding a decisionmaker may be sanctioned without findings that the statements were false, made with reckless disregard, actual malice, and a substantial likelihood of material prejudice to the administration of justice** as required by *Garrison v. Louisiana*, 379 U.S. 64 (1964), *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991), and *Standing Comm. on Discipline of U.S. Dist. Court v. Yagman*, 55 F.3d 1430 (9th Cir. 1995).
4. **Whether attorney speech regarding communications with a person represented by counsel may be sanctioned where there is no evidence that the speech pertained to the matter for which representation was obtained** as required by *Schwartz v. Florida Bar*, 880 So. 2d 1094 (Fla. 2004) and *Konigsberg v. State Bar of California*, 366 U.S. 36 (1961).
5. **Whether due process permits discipline based on conduct not charged in the disciplinary complaint**, depriving the attorney of notice and an opportunity to defend in violation with *In re Ruffalo*, 390 U.S. 544 (1968).

These questions implicate recurring national issues concerning constitutional protections in attorney disciplinary proceedings.

## **B. There Is a Fair Prospect of Reversal**

The referee's report and resulting judgment impose the profession's most severe sanction without constitutionally required findings. (Appendix

The report does not expressly find:

- that Applicant is professionally unfit to practice law under constitutional standards;
- that protected speech was made with subjective intent or reckless disregard as required by *Counterman*;
- that the protected speech was false, made with reckless disregard as to its truth or falsity, actual malice, nor substantial likelihood of material prejudice to the administration of justice; or

- that the protected speech pertained to the matter for which representation was obtained;

Instead, discipline rests largely on characterizations of conduct deemed “unprofessional,” rather than findings satisfying constitutional thresholds for disbarment.

This Court has repeatedly held that professional licensing decisions must comport with constitutional safeguards. *Konigsberg*, 366 U.S. at 49–51.

The absence of required findings creates a substantial likelihood of reversal.

### **C. Applicant Will Suffer Irreparable Harm Absent a Stay**

Disbarment inflicts immediate and irreparable injury:

- loss of professional livelihood,
- destruction of professional reputation,
- inability to represent existing or prospective clients,
- and collateral consequences that cannot be undone even if certiorari is later granted.

Courts routinely recognize loss of professional licensure as irreparable harm. Once reputation and client relationships are destroyed, later relief cannot fully restore them.

Without a stay, this Court’s review risks becoming effectively meaningless.

### **D. The Balance of Equities and Public Interest Favor a Stay**

A temporary stay merely preserves the status quo while this Court considers substantial constitutional questions.

No countervailing harm results from brief preservation of Applicant’s license pending review, while denial imposes irreversible professional consequences.

The public interest favors careful constitutional review before permanent professional exclusion is enforced.

## **VI. TIMELINESS**


Applicant sought relief first in the Florida Supreme Court, which denied a stay on February 2, 2026. Applicant has acted diligently in preparing her certiorari petition and files this application promptly thereafter.

## VII. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Circuit Justice enter an order staying enforcement of the judgment of disbarment pending the filing and disposition of Applicant's petition for a writ of certiorari.

Respectfully submitted,

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Applicant Pro Se

  
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Ocala, Florida 34471

Appendix

Florida Supreme Court Order Denying Request for Stay.....App.1, page 7

Petition for Writ of Certiorari.....App, 2, page 8

# Supreme Court of Florida

MONDAY, FEBRUARY 2, 2026

The Florida Bar,  
Complainant(s)  
v.  
Nadia Mary Metroka,  
Respondent(s)


**SC2024-1794**  
Lower Tribunal No(s).:  
2021-50,014(17G);  
2023-50,114(17G);  
2023-50,466(17G);  
2024-70,352(17G)

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Respondent's "Motion to Stay Disbarment Pending Further Review" is denied.

MUÑIZ, C.J., and LABARGA, COURIEL, GROSSHANS, FRANCIS, SASSO, and TANENBAUM, JJ., concur.

A True Copy  
Test:

  
SC2024-1794 2/2/2026  
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John A. Tomasino  
Clerk, Supreme Court  
SC2024-1794 2/2/2026



BHP  
Served:  
KERI T. JOSEPH  
HON. GREGORY MILLER KEYSER  
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NADIA MARY METROKA  
PATRICIA ANN TORO SAVITZ