

# Supreme Court of Florida

THURSDAY, JANUARY 23, 1986

RECEIVED

JAN 27 1986

THE FLORIDA BAR

Re: ROY EDWARD LEINSTER

CASE NO. 67,464

THE FLORIDA BAR  
Orlando

\*\*\*\*\*

Upon consideration of the Report of Referee, the Petition for Reinstatement, and the Recommendation of the Board of Governors,

IT IS ORDERED that the Petition for Reinstatement is granted and Roy Edward Leinster is reinstated to the practice of law in Florida, effective this date, with the following conditions:

1. A three year probationary period;
2. Total compliance with the conditions of his probation ordered on September 4, 1984, as amended by order dated October 1, 1985;
3. Attendance of at least one AA meeting per week;
4. Continued participation in Brookwood After Care Program;
5. Urine spot checks at least once a month;
6. A psychological evaluation by a person to be chosen by The Florida Bar to determine if additional treatment may be needed because of Mr. Leinster's propensity to expose himself while intoxicated; and
7. Continued treatment for such problem if the same appears necessary.

Roy Edward Leinster shall pay the costs of these proceedings in the amount of \$359.17. --

OVERTON, Acting C.J., McDONALD, EHRLICH, SHAW and BARKETT, JJ., concur

A True Copy

TEST:



TC

cc: John B. Root, Jr., Esquire  
R. Edward Leinster, Esquire  
John T. Berry, Esquire  
John Holmes, Esquire

PUBLIC RECORD

IN THE SUPREME COURT OF FLORIDA

Case No: 67,464

ROY EDWARD LEINSTER,

Complainant,

VS.

THE FLORIDA BAR,

Respondent,

REPORT OF REFEREE

This cause having come on for hearing on the Petition for Re-instatement filed by ROY EDWARD LEINSTER and, after hearing testimony and reviewing the exhibits filed herein, and the Disciplinary File, the Referee finds as follows:

1. ROY EDWARD LEINSTER, hereinafter referred to as "Petitioner", was suspended from the practice of law based on a "Stipulation. . . of Probable Cause" (Exhibit 1 to this Report).
2. The stated basis for the suspension as evidenced by the stipulation was Petitioner's illegal possession of cocaine.
3. There was no evidence presented at the re-instatement hearing to indicate that Petitioner has been involved with illegal drugs since his initial arrest on the cocaine charge.
4. The Complaint which led to the suspension of Petitioner contained as Count I allegations involving an indecent exposure incident which took place in 1982. (See Exhibit 2 to this Report which also includes affidavits stipulated into evidence at the original grievance hearing.)
5. Although the facts of the exposure Count were not included in the Stipulation, because of events which have occurred since the suspension, such allegations are important in considering the issue of reinstatement.
6. The evidence indicates that Petitioner did, in fact, undergo an in house treatment program for alcoholism and has generally followed up that treatment by participating in an after-care program.

PUBLIC RECORD

7. In addition, the evidence indicates that, except for one incident, Petitioner has remained sober since he entered Brookwood over a year ago.

8. It is, however, this one incident which now causes some concern about Petitioner's reinstatement.

9. On the 28th day of September, 1985 (after this Petition for Re-instatement was filed), Petitioner was arrested for Trespass after Warning for refusing to leave Darryl's Restaurant.

10. He was obviously and admittedly under the influence of alcohol at the time of his arrest.

11. Prior to his arrest at Darryl's he was observed staring at two women patrons.

12. His conduct was so frightening to the women that they delayed their departure until he left the premises.

13. After his arrest and upon his arrival at the central booking office, it was observed that his fly was unzipped.

14. Petitioner indicates that the reason the trousers were unzipped was because the zipper was broken.

15. The Referee accepts this explanation since there was no indication that his trousers were unzipped at Darryl's.

16. However, during the booking phase of his arrest, Petitioner pulled his pants down in the presence of female employees. (Testimony of Deputy Chatman).

17. Because of the 1982 incident involving the exposure, his attention to the women patrons at Darryl's and his dropping his pants during the booking procedure, there remains a concern that Petitioner may have a problem deeper than mere alcoholism. (See also the letter from Russell Troutman, Exhibit 3, Page 10.)

18. Notice is taken of the several letters written by lawyers concerning Petitioner's reinstatement and most of the letters recommend reinstatement. Some letters make no recommendation but only two express reservations. (See Exhibit 3 and 4 attached to this Report.)



19. Notice is also taken of the testimony of JIM HALL, the Director of Counseling Services at Brookwood, and the testimony of MR. PETERS and MR. ARNOLD, former patients at Brookwood and now friends of Petitioner, to the effect that an alcoholic's occasional "slipping" is not unusual and does not necessarily indicate that the alcoholic is not on the road to successful control of his problem.

20. Also considered is the testimony of MR. HOGAN, consultant to the Florida Bar Alcohol Treatment Program to the effect that he feels that Petitioner is "continuing recovery" and that he recommends reinstatement -- with conditions. (See his recommendation, Exhibit 5 to this Report.)

From the foregoing, it appears that the Petitioner is, when sober, a qualified attorney who has ably represented the interests of his clients. It also appears that in the past he has had difficulty in maintaining sobriety. Further that his lack of sobriety not only affects his ability to represent his clients but also compels him to engage in unacceptable social behavior.

The record also indicates that he has taken steps to control his alcohol dependence and has generally over the last year and a half made progress in that regard.

His suspension from the practice of law has satisfied the stipulated "punishment" for his previous conviction for possession of cocaine.

It is, therefore, recommended that Petitioner be reinstated to the practice of law but on the following conditions:

1. A three year probationary period.
2. Total compliance with the conditions of his probation ordered on September 4, 1984 as amended by order dated October 1, 1985. (Exhibit 5 to this Report.)
3. Attendance of at least one AA meeting per week.
4. Continued participation in Brookwood After Care Program.
5. Urine spot checks at least once a month.

PUBLIC RECORD

6. A psychological evaluation by a person to be chosen by the Florida Bar to determine if additional treatment may be needed because of Petitioners propensity to expose himself while intoxicated.

7. Continued treatment for such problem if the same appears necessary.

DATED this 28 day of November, 1985.

  
REFEREE

**Copies to:**

Bar Counsel - John B. Root, Jr.  
The Florida Bar  
605 East Robinson Street, Suite 610  
Orlando, FL 32801

Counsel for Petitioner - John Holmes  
811 North Magnolia Avenue  
Orlando, FL 32803

Petitioner - Ed. Leinster  
811 North Magnolia Avenue  
Orlando, FL 32803

Staff Counsel - The Florida Bar  
Tallahassee, FL 32301

PUBLIC RECORD