

# Supreme Court of Florida

THURSDAY, MAY 30, 1996

THE FLORIDA BAR,

Complainant,

v.

ROY EDWARD LEINSTER,

Respondent.

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CASE NO. 86,667

RECEIVED

JUN 6 1996

THE FLORIDA BAR  
ORLANDO

The uncontested report of the referee is approved and respondent is suspended from the practice of law for twenty-one (21) days retroactive to August 11, 1995.

Respondent is further placed on probation for two (2) years under the terms and conditions set forth in the report.

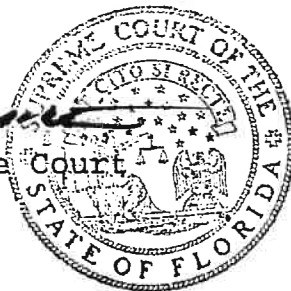
Judgment for costs in the amount of \$1,219.75 is entered against respondent for which sum let execution issue.

Not final until time expires to file motion for rehearing and, if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

A True Copy

TEST:

Sid J. White  
Clerk, Supreme Court



KBB

cc: Hon. Charles Davis, Jr., Referee  
Ms. Kimberly A. Ashby  
Mr. John A. Boggs  
Ms. Frances R. Brown ✓  
Mr. Chandler R. Muller



IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

RECEIVED  
MAY 06 1996  
THE FLORIDA BAR  
ORLANDO

THE FLORIDA BAR,

Complainant,

Case No. 86,667

[TFB Case Nos. 94-30,787 (09C),

v.

95-30,079 (09C), 95-31,335 (09C),  
and 96-30,133 (09C)]

ROY EDWARD LEINSTER,

Respondent.

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REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

- I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Frances R. Brown

For The Respondent - Chandler Robinson Muller

- II. Findings of Fact as to Each Item of Misconduct of which the Respondent Is Charged: After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I find pursuant to the Conditional Guilty Plea for Consent Judgment that the facts of the Consent Judgment are admitted. The Conditional Guilty Plea for Consent Judgment and the Complaint are attached hereto and incorporated herein.

- III. Recommendations as to Whether or Not the Respondent Should Be Found Guilty: As to each count of the complaint I make the following recommendations as to guilt or innocence:

FLB

Pursuant to the Conditional Guilty Plea for Consent Judgment, I find the respondent guilty as admitted in the Conditional Guilty Plea for Consent Judgment.

IV. Recommendation as to Disciplinary Measures to Be Applied:

Pursuant to the Conditional Guilty Plea for Consent Judgment, I make the following recommendations as to the disciplinary measures to be applied:

A. A 21-day suspension retroactive to August 11, 1995, when the respondent began residential treatment at The Cloisters in Pineland, Florida;

B. A two (2) year period of probation, beginning on the date the Florida Supreme Court's order entered in this matter becomes final, with the following conditions:

1. Respondent shall successfully complete his current probation in Orange County, Florida, as a result of his D.U.I. offense in Case No. T095-5721 [TFB Case No. 95-31,335 (09C)];

2. Respondent shall maintain compliance with his current contract for treatment with The Cornerstone Institute and respondent shall arrange for The Cornerstone Institute to send quarterly reports to The Florida Bar concerning respondent's treatment/condition. In the event that respondent and The Cornerstone Institute do not continue his counseling, respondent shall, within five (5) days of the termination of that relationship, inform The Florida Bar of said termination. Within 21 days of the termination of his relationship with The Cornerstone Institute, or any subsequent counselor or counseling agency substituted for The Cornerstone Institute, respondent shall substitute an equally qualified alcohol and substance abuse counselor or counseling agency which would adhere to the same reporting requirements and notify The Florida Bar of the new counselor or counseling agency;

3. Respondent shall actively participate in the program offered by Florida Lawyers Assistance, Inc. (hereinafter FLA) by signing a rehabilitation contract with that organization within ten (10) days of executing this consent judgment. Rehabilitation shall include weekly attendance at Alcoholics

Anonymous meetings, monthly meetings with a FLA monitor, and random urinalysis on a quarterly basis;

4. Respondent shall pay any registration fees required by FLA and will pay a monthly monitoring fee of \$50.00 to The Florida Bar during the probation period. All monthly monitoring fees must be remitted no later than five (5) days from the end of each respective month in which the monitoring fee is due. All fees must be paid to the bar's headquarters office in Tallahassee. Failure to pay shall be deemed cause to revoke probation;

5. Should FLA subsequently advise the bar that respondent may be impaired due to any suspected form of alcohol or substance abuse, respondent agrees to be immediately placed on the inactive list for incapacity not related to misconduct pursuant to the provisions of R. Regulating Fla. Bar 3-7.13. Respondent further agrees that if placed on the inactive list, he shall refrain from the practice of law until he is readmitted pursuant to R. Regulating Fla. Bar 3-7.13. Any such readmission shall require, as a condition precedent, recertification from FLA that respondent's alcohol/substance abuse is under control and will not impair his ability to practice law. The process of placement on the inactive list shall be repeated each time respondent proves unable to control his alcohol/substance abuse as reported to The Florida Bar by FLA and readmission will require the aforesaid recertification from FLA;

6. During the period of his probation, respondent shall not drive under the influence of alcohol or any other controlled substance, nor shall respondent commit battery upon the person of Christine Flora or Rhonda Schneider, nor shall respondent engage in any other criminal conduct against Ms. Flora or Ms. Schneider. If respondent engages in such acts, The Florida Bar will immediately file with The Supreme Court of Florida a petition for order to show cause why respondent should not be held in violation of this agreement and in contempt of the Court's order reflecting the terms of this agreement; and

7. Respondent shall pay the costs of this proceeding which currently total \$1,219.75.



- V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline to be recommended pursuant to R. Regulating Fla. Bar 3-7.6(k)(1), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Age: 48

Date admitted to bar: February 27, 1974

Prior disciplinary convictions and disciplinary measures imposed therein:

The Florida Bar v. Leinster, Case No. 65,937 (April 4, 1985) [TFB Case Nos. 09B83C46 and 09D85C09]. Respondent received a 91-day suspension with proof of rehabilitation pursuant to a conditional guilty plea for consent judgment. The matter involved respondent's indecent exposure and arrest for resisting arrest without violence in August, 1992, for which he was subsequently convicted; and his arrest in March, 1994, for possession of cocaine for which he entered a plea of guilty and adjudication was withheld. Respondent was sentenced to 60 days in the county jail and probation for a period of four (4) years on the cocaine possession charge; and

The Florida Bar v. Leinster, Case No. 90-31,237 (09C). Respondent received an admonishment for minor misconduct for failing to pursue a client's legal matter and failing to dismiss the action upon the client's decision not to proceed which resulted in the client having to pay a substantial amount of attorney's fees to the opposing party as the court found the suit to be frivolous.

- VI. Statement of costs and manner in which costs should be taxed:  
I find the following costs were reasonably incurred by The Florida Bar.

A. Grievance Committee Level Costs

- |                             |    |     |
|-----------------------------|----|-----|
| 1. Transcript Costs         | \$ | -0- |
| 2. Bar Counsel Travel Costs | \$ | -0- |

B. Referee Level Costs

- |                             |    |     |
|-----------------------------|----|-----|
| 1. Transcript Costs         | \$ | -0- |
| 2. Bar Counsel Travel Costs | \$ | -0- |

|    |                          |           |
|----|--------------------------|-----------|
| C. | Administrative Costs     | \$ 750.00 |
| D. | Miscellaneous Costs      |           |
|    | 1. Investigator Expenses | \$ 466.50 |
|    | 2. Copy Costs            | \$ 3.25   |

TOTAL ITEMIZED COSTS: \$1,219.75

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the respondent, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 2nd day of May, 1996.

/S/ CHARLES A. DAVIS, JR.

CHARLES A. DAVIS, JR.  
Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

✓ Ms. Frances R. Brown, Bar Counsel, 880 North Orange Avenue, Suite 200, Orlando, Florida, 32801

Mr. Chandler Robinson Muller, Counsel for Respondent, Post Office Box 2128, Winter Park, Florida, 32790-2128

Mr. John Berry, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida, 32399-2300

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. 86,667

[TFB Case Nos. 94-30,787 (09C),  
95-30,079 (09C), 95-31,335 (09C),  
and 96-30,133 (09C)]

v.

ROY EDWARD LEINSTER,

Respondent.

---

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, ROY EDWARD LEINSTER, and files this Conditional Guilty Plea. This Conditional Guilty Plea is filed pursuant to R. Regulating Fla. Bar 3-7.9(b), and tendered in exchange for the following disciplinary measures to be imposed upon the respondent to wit:

A) A 21-day suspension retroactive to August 11, 1995, when the respondent began residential treatment at The Cloisters in Pineland, Florida;

B) A two (2) year period of probation, beginning on the date the Florida Supreme Court's order entered in this matter becomes final, with the following conditions:

1. Respondent shall successfully complete his current probation in Orange County, Florida, as a result of his D.U.I. offense in Case No. T095-5721 [TFB Case No. 95-31,335 (09C)];

2. Respondent shall maintain compliance with his current contract for treatment with The Cornerstone Institute and respondent shall arrange for The Cornerstone Institute to send quarterly reports to The Florida Bar concerning respondent's

treatment/condition. In the event that respondent and The Cornerstone Institute do not continue his counseling, respondent shall, within five (5) days of the termination of that relationship, inform The Florida Bar of said termination. Within 21 days of the termination of his relationship with The Cornerstone Institute, or any subsequent counselor or counseling agency substituted for The Cornerstone Institute, respondent shall substitute an equally qualified alcohol and substance abuse counselor or counseling agency which would adhere to the same reporting requirements and notify The Florida Bar of the new counselor or counseling agency;

3. Respondent shall actively participate in the program offered by Florida Lawyers Assistance, Inc. (hereinafter FLA) by signing a rehabilitation contract with that organization within ten (10) days of executing this consent judgment. Rehabilitation shall include weekly attendance at Alcoholics Anonymous meetings, monthly meetings with a FLA monitor, and random urinalysis on a quarterly basis;

4. Respondent shall pay any registration fees required by FLA and will pay a monthly monitoring fee of \$50.00 to The Florida Bar during the probation period. All monthly monitoring fees must be remitted no later than five (5) days from the end of each respective month in which the monitoring fee is due. All fees must be paid to the bar's headquarters office in Tallahassee. Failure to pay shall be deemed cause to revoke probation;

5. Should FLA subsequently advise the bar that respondent may be impaired due to any suspected form of alcohol or substance abuse, respondent agrees to be immediately placed on the inactive list for incapacity not related to misconduct pursuant to the provisions of R. Regulating Fla. Bar 3-7.13. Respondent further agrees that if placed on the inactive list, he shall refrain from the practice of law until he is readmitted pursuant to R. Regulating Fla. Bar 3-7.13. Any such readmission shall require, as a condition precedent, recertification from FLA that respondent's alcohol/substance abuse is under control and will not impair his ability to practice law. The process of placement on the inactive list shall be repeated each time respondent proves unable to control his alcohol/substance abuse as reported to The Florida Bar by FLA and readmission will require the aforesaid recertification from FLA;

6. During the period of his probation, respondent shall not drive under the influence of alcohol or any other controlled substance, nor shall respondent commit battery upon the person of Christine Flora or Rhonda Schneider, nor shall respondent engage in any other criminal conduct against Ms. Flora or Ms. Schneider. If respondent engages in such acts, The Florida Bar will immediately file with The Supreme Court of Florida a petition for order to show cause why respondent should not be held in violation of this agreement and in contempt of the Court's order reflecting the terms of this agreement; and

7. Respondent shall pay the costs of this proceeding which currently total \$1,219.75.

The respondent is acting freely and voluntarily in this matter and has consulted with counsel of his choice.

This plea is based upon the following factual scenario:

TFB Case Nos. 94-30,787 (09C) and 95-30,079 (09C)

On or about December 4, 1993 and on or about December 30, 1994, respondent was arrested/charged with battery upon his current girlfriend, Christine Flora. On or about January 16, 1994 and on or about April 29, 1994, respondent was arrested/charged with battery upon Rhonda Schneider, his former girlfriend, with whom he has a minor daughter. Respondent has never been criminally prosecuted for the battery charges and Ms. Flora and Ms. Schneider have both declined to prosecute respondent. Respondent currently resides with Ms. Flora and his minor daughter.

TFB Case No. 95-31,335 (09C)

On or about January 11, 1995, respondent was arrested for suspected driving under the influence of alcohol. In the fall of 1995, respondent entered a plea of nolo contendere to the D.U.I. charge and he is currently on probation in Orange County, Florida.

Respondent acknowledges that he is an alcoholic and since August, 1995, he has been actively participating in counseling and treatment programs for his problem.

TFB Case No. 96-30,133 (09C)

On or about July 23, 1995, respondent was arrested for D.U.I. in Orange County, Florida. The state announced a nolle pros of the D.U.I. charge in open court on October 4, 1995. On March 26, 1996, the Ninth Judicial Circuit Grievance Committee "C" found probable cause against respondent in this matter. A formal Complaint has not yet been filed.

In exchange for respondent pleading guilty to the charges in Case No. 95-31,335 (09C), involving respondent's DUI plea, and no contest to the DUI in Case No. 96-30,133 (09C), the bar agrees to dismiss the charges in Case Nos. 94-30,787 (09C) and 95-30,079 (09C) concerning respondent's alleged battery on Christine Flora

and Rhonda Schneider.

The respondent admits that by reason of the foregoing he has violated the following Rules Regulating The Florida Bar: 3-4.3 for engaging in conduct that is unlawful; and 4-8.4(b) for committing a criminal act that reflects adversely on the lawyer's fitness as a lawyer in other respects.

If this Conditional Guilty Plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used against the respondent in any way.

If this plea is accepted, then the respondent agrees to pay all costs associated with this case pursuant to R. Regulating Fla. Bar 3-7.6(k) (1) (E) in the amount of \$1,219.75. These costs are due in full upon approval of this conditional plea and consent judgment by the Supreme Court of Florida.

Respondent further acknowledges his obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal

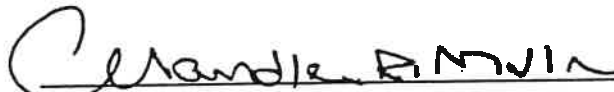
responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which the respondent is involved.

Dated this 15 day of April, 1996.



ROY EDWARD LEINSTER  
Respondent  
ATTORNEY NO. 171431

Dated this 15 day of April, 1996.



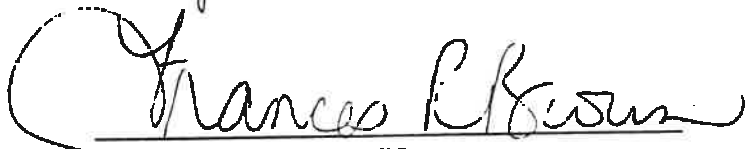
CHANDLER R. MULLER  
Counsel for Respondent  
ATTORNEY NO. 112381

Dated this 15th day of April, 1996.

(By Telephone) \_\_\_\_\_  
BRUCE BLACKWELL  
Designated Reviewer  
ATTORNEY NO. 190808



Dated this 5th day of April, 1996.

A handwritten signature in cursive script, reading "Frances R. Brown". The signature is written over a horizontal line.

FRANCES R. BROWN

Bar Counsel

ATTORNEY NO. 503452

G:\LEINSTER\CGP.

# Florida Lawyers Assistance, Inc.

2601 E. OAKLAND PARK BLVD. • SUITE 203 • FT. LAUDERDALE, FL 33306

HOT LINE 1-800-282-8981

TEL. (954) 566-9040 • FAX (954) 568-0803

Email: fla-lap@ix.netcom.com

**Mr. J. Cohen, J.D., CEAP**  
Executive Director

**Judith R. Rushlow, J.D.**  
Program Director

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**William Perouse**  
Attorney, St. Petersburg

**G. Victor Tulan**  
Attorney, Miami

**H. Allan Weber**  
Attorney, Orlando

## CONSULTANTS

**Charles Hagan, Jr., J.D., M.S.**  
Pine Island

**Varal Oberdier, J.D., M.S.**  
Jacksonville

October 17, 1996

**Angela Froelich**  
**Legal Assistant**  
**Lawyer Regulation Department**  
**The Florida Bar**  
**650 Apalachee Parkway**  
**Tallahassee, FL 32399-2300**

**Re: Roy Edward Leinster**

**Dear Angela:**

As follow up to our conversation concerning Ed Leinster, I'm enclosing copies of his most recent drug test results, positive for ethanol (alcohol), as well as the evaluation and recommendations of Joseph Trim, Ed.D. Also enclosed is a report received from Dr. Ken Thompson on September 3, concerning a previous drug screen which was positive for oxazepam.

On review of Mr. Leinster's file, I see that his Consent Judgment contains a provision agreeing to placement on inactive status if there is evidence of subsequent impairment. I have discussed this most recent positive test with him and reminded him of this agreement. He denies any use of alcohol at this time, but admits drinking in July of 1996. We briefly discussed Dr. Trim's recommendations and, since he is scheduled to see Dr. Trim again tomorrow, I suggested that he review them with him at that time.

Through our conversations with Mr. Leinster, we are aware that he has a number of stressors in his life, as confirmed by Dr. Trim, and we concur that he should receive proper treatment for his alcoholism. Inasmuch as he has no driver's license at this time, a residential program, followed by regular aftercare might be a better treatment alternative.

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OCT 22 1996  
THE FLORIDA BAR  
ORLANDO



I understand that you intend to contact Frances Brown at the Orlando office to discuss this as well as a recent complaint alleging that Mr. Leinster appeared in court while impaired. Along with a copy of this letter, I will provide her the enclosed drug test and evaluations from Dr. Thompson and Dr. Trim.

If you would like additional information or if you want to discuss this matter further, please do not hesitate to call.

Sincerely,



Judith R. Rushlow

/ss

Enclosures

cc: Frances R. Brown

PATIENT NAME  
WARD LEINNER

CLIENT NO. 74251-1  
ORDERING PHYSICIAN

AGE 11 SEX M I.D. NO. 216 54 9396

CLIENT FLORIDA LAWYERS ASSISTANCE  
2601 E OAKLAND PARK BLVD  
SUITE 203  
FORT LAUDERDALE, FL 33306

COLLECTED 11 OCT 96 RECEIVED 11 OCT 96 REPORTED 11 OCT 96  
10:45 AM

ACCESSION NO. 40195719-5 REQUISITION NO. 16711789-7

COMMENTS

| TEST NAME | UNITS | RESULTS | REFERENCE RANGE |
|-----------|-------|---------|-----------------|
|-----------|-------|---------|-----------------|

CHAIN OF CUSTODY:

CHAIN OF CUSTODY  
Chain of custody maintained.

BENZODIAZEPINE GC/MS:

|                    |       |          |                          |
|--------------------|-------|----------|--------------------------|
| BENZODIAZEPINES    | NG/ML | NEGATIVE | GC/MS CUTOFF: 150 NG /ML |
| NORDIAZEPAM, GC/MS | NG/ML | NEGATIVE | GC/MS CUTOFF: 150 NG /ML |
| OXAZEPAM, GC/MS    | NG/ML | NEGATIVE | GC/MS CUTOFF: 150 NG /ML |

SAP-10/URALC (BUNDLED):

|                    |       |          |                    |
|--------------------|-------|----------|--------------------|
| AMPHETAMINES       | NG/ML | NEGATIVE | CUTOFF: 1000 NG/ML |
| BARBITURATES       | NG/ML | NEGATIVE | CUTOFF: 300 NG/ML  |
| COCAINE METABOLITE | NG/ML | NEGATIVE | CUTOFF: 300 NG/ML  |
| METHADONE          | NG/ML | NEGATIVE | CUTOFF: 300 NG/ML  |
| METHAQUALONE       | NG/ML | NEGATIVE | CUTOFF: 300 NG/ML  |
| OPIATES            | NG/ML | NEGATIVE | CUTOFF: 300 NG/ML  |
| PROPOXYPHENE       | NG/ML | NEGATIVE | CUTOFF: 300 NG/ML  |
| THC (MARIJUANA)    | NG/ML | NEGATIVE | CUTOFF: 50 NG/ML   |
| PHENCYCLIDINE      | NG/ML | NEGATIVE | CUTOFF: 25 NG/ML   |

Testing performed by LabCorp, Tampa, Florida. Results for this specimen have been tested in accordance with the screening and confirmation cutoff levels listed above.

ETHANOL URINE (GC):

|                     |       |                           |
|---------------------|-------|---------------------------|
| ETHANOL, URINE (GC) | MG/DL | POSITIVE CUTOFF: 20 MG/DL |
|---------------------|-------|---------------------------|

# JOSEPH L. TRIM, ED.D., P.A.

501 EAST JACKSON STREET, SUITE 300 • ORLANDO, FLORIDA 32801 • (407) 423-7149 • FAX: (407) 422-0470

October 15, 1996

Myer J. Cohen, J.D., CEAP  
Executive Director  
Florida Lawyer's Association, Inc.  
2601 East Oakland Park Blvd, Ste. 203  
Fort Lauderdale, FL 33306

Re: Roy E. Leinster  
DOB: 07/14/47  
SSN: 216-50-9316

Dear Mr. Cohen:

Mr. Leinster was interviewed by me on September 18, 1996. His original appointment was scheduled for September 12, 1996 but he called to cancel due to a court commitment. The purpose of the interview was to determine the need for treatment for Substance Abuse due to concerns by the Florida Bar Association and Florida Lawyer's Association, Inc.

Mr. Leinster was on time for his appointment, dressed appropriately in a business suit, and cooperative with the interview. He reported the following history: Driving Under the Influence (DUI) arrest 1979; DUI arrest 1983; he states he quit drinking from 1984 to 1987 and attended AA meetings, he was evaluated by the Central Florida Safety Council (CFSC) and other counselors including Judy Leper who he says described him as a Situational Drinker (drinking centers around some event); DUI arrest 01/95 (not sure of Blood Alcohol Level (BAL), but says very drunk); in 4/95 he was holding his daughter in his lap while he was intoxicated, he fell asleep and his hand touched her while he was asleep, the child's mother called him about it and he was investigated by HRS which eventually dropped the case but his visits with his daughter were changed to supervised visits only and only four hours per week. Prior to this time he had custody of his daughter every other week. In December of 1995 his child's mother wound up with primary custody of the daughter but now he does have increased visiting hours. He says his drinking got worse in 11/95, he would drink on his boat in Saint Petersburg, he was experiencing blackouts and he was charged with a DUI and bribery.

Mr. Leinster is currently taking Revia and Xanax prescribed by Dr. Lautera, to help reduce the craving for alcohol and to help him sleep. He has been taking the Xanax for three to four years.

He states he is currently in counseling with David Fleischman, Ph.D. He states he usually starts drinking to ease emotional pain. This last time he began drinking he was drinking in the morning. He has been through two treatment programs, most recently in September of 1995 at The Cloisters. He has been attending Alcoholics Anonymous (AA). He states he knows he uses alcohol to escape, his self respect is eroding and he is not taking appropriate care of himself.

He did have a positive Urine Drug Screen (UDS) when tested by the Florida Lawyers Association (FLA) which, apparently, prompted this interview. He describes himself as a natural born worrier and says he is depressed a lot. He states he has not used any illegal drugs in the past 12 years when he was arrested for Cocaine Possession and suspended by the Florida Bar. He says he has not used alcohol in months, however, FLA reports that he had a UDS on 10/11/96 that was positive for alcohol. He reports he is under a two year contract with FLA. He also states he was accused of Domestic Violence by his girlfriend, Christine, 12 to 18 months ago. Mr. Leinster also reports he has several grievances currently pending before the Florida Bar. He states some people think he still uses drugs.

Mr. Leinster states he was married one time from 1977 to 1979 when they divorced. He has one child, a female, eight years of age. He has reported significant conflict with the child's mother over visitation and custody. He also states a woman in Ohio claims to have given birth to a male who she claims was fathered by Mr. Leinster, and, he states another woman is pregnant with his child and is due in December of 1996.

He reports he has cleared up his status with the CFSC and will get a driving license January of 1997. He was hospitalized about two months ago in Ohio with a heart rate of 160, and he has been scheduled for a stress test.

Mr. Leinster has many significant stressors in his life currently, these include:

1. A history of drug and alcohol abuse which he must cope with on a daily basis, and, in my opinion, is made more difficult with the use of the Xanax.
2. He has stated he is frequently depressed and might do better with a properly prescribed antidepressant and therefore a referral to a psychiatrist for evaluation is suggested.
3. The process of conflict over the care of his daughter creates severe anxiety and stress for him, as well as the Ohio case of paternity and the upcoming birth of a second child locally.
4. He has several grievances pending before the Florida Bar that could impact his practice and, if it were discovered he were continuing to use drugs or alcohol this could cost his license to practice law, especially in light of his previous drug/legal problems.
5. His profession, as a criminal defense attorney, is in itself stressful.

Rory F. Leinster  
Page 3  
October 15, 1996

As a result of the above the following recommendations are made:

1. An evaluation by a psychiatrist familiar with addictive disorders to assess the need for antidepressant medication and the use of Xanax as a sleep aid.
2. Continuing counseling with Dr. Fleischman for conflict over the custody of his daughter, stress reduction skills, and interpersonal concerns.
3. Random UDS by FLA to assess the presence of mood altering chemicals.
4. Addictions oriented Group therapy one time per week for a minimum of twelve weeks to assess his commitment to a structured recovery program.
5. Relapse prevention training.
6. AA/NA meetings at least three times per week.

Thank you for the opportunity to consult on this case. If I can be of further assistance please do not hesitate to contact me.

Sincerely,



Joseph L. Trim, Ed.D.  
Licensed Mental Health Counselor

# **INSIGHT**

Kenneth W. Thompson, M.D.  
Addiction Medicine  
Medical Review Officer Services

September 3, 1996

To: Florida Lawyers Assistance, Inc.

Re: Roy Leinster  
+D/S oxazepam

I talked with Mr. Leinster on September 3, 1996 regarding his positive drug screen, his involvement with the FLA and his history of drug use. He freely admitted that he had used Xanax and has done so for many years. He states that he uses approximately one or two 0.5 mg Xanax per day mostly at night to help sleep. He states that he is unaware that this would cause any problems. He was unable to give me a specific date of sobriety, but did admit that he had relapsed after his treatment at the Cloisters in September of 1995. He reports that he goes to AA up to 3 per week, but could not recite the 1<sup>st</sup> step. He states that he knows the program and could "teach" the program. He described current stressor regarding a custody battle for his child.

I discussed with him my concerns regarding the use of Xanax. It is my distinct impression that he is currently struggling with his program of recovery and is not felt to be in a stable state of sobriety and likely does not possess an adequate support network.

Recommend that he have an immediate evaluation by an addiction specialist to review his current state of recovery and to assess the need for alternative medications. I have not recommended that he stop the Xanax because of the potential for significant withdrawal problems that can occur. However, I believe that Xanax is not likely indicated.

Furthermore, it is noted that the drug screen being positive for oxazepam, may not be explained by the Xanax, as this is not a typical metabolite found. He did not admit to the use of any other benzodiazepines, however. Xanax frequently does not show up on drug screens.



Kenneth W. Thompson, M.D.

SEP 3 1996



# Supreme Court of Florida

TUESDAY, DECEMBER 17, 1996

THE FLORIDA BAR,

Complainant

v.

ROY EDWARD LEINSTER,

Respondent.

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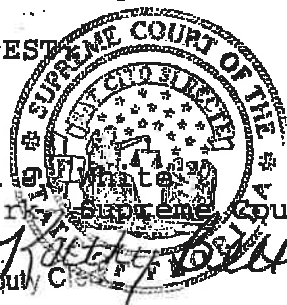
CASE NOS. 86, 667 and 89,404

The Florida Bar's Notice of Voluntary Dismissal is granted without prejudice pursuant to the Stipulation entered into between the parties.

A True Copy

TEST

Sid G. [Signature]  
Clerk, Supreme Court  
By: [Signature]  
Deputy Clerk



KEB

cc: Ms. Frances R. Brown  
Mr. John A. Boggs ✓  
Mr. Roy Edward Leinster

PUBLIC RECORD  
JAB 12/26/96