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THE FLORIDA BAR  
LEGAL DIVISION

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

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.

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:

JAB 5/7/96  
PUBLIC RECORD  
MDC 5/7/96

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;

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

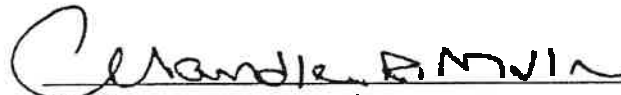
responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which the respondent is involved.

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

Tuesday, July 29, 1997 5:18 PM

Citation	Copr. (C) West 1997 No Claim to Orig. U.S. Govt. Works	Rank(R)	Page(P)	Database	Mode
675 So.2d 930 (Table)		R 5 OF 32	P 1 OF 1	FL-CS	Term
(Cite as: 675 So.2d 930)					
Δ <KeyCite History>					

The Florida Bar  
v.  
Roy Edward Leinster  
NO. 86,667  
Supreme Court of Florida.  
May 30, 1996

Disposition: Suspension approved.

(The decision of the Supreme Court of Florida is referenced in  
the Southern Reporter in a table captioned 'Florida Decisions  
Without Published Opinions.')

Fla. 1996.  
The Florida Bar v. Leinster  
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