

COPY

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

Case No. 97-30,837 (09C) (CDS)

v.

89,404

FILED

918 J. WHITE

NOV 25 1996

ROY EDWARD LEINSTER,

Respondent.

CLERK, SUPREME COURT  
By Chief Deputy Clerk

PETITION FOR RESPONDENT'S PLACEMENT ON THE INACTIVE LIST FOR  
INCAPACITY NOT RELATED TO MISCONDUCT

COMES NOW Petitioner, The Florida Bar, and files this  
Petition for Respondent's Placement on the Inactive List for  
Incapacity not Related to Misconduct pursuant to R. Regulating  
Fla. Bar 3-7.13 and in support thereof would show:

1. Respondent entered into a conditional guilty plea for  
consent judgment in The Florida Bar v. Leinster, 675 So. 2d 930  
(Fla. 1996), wherein he was suspended from the practice of law  
for 21 days, nunc pro tunc to August 11, 1995, and placed on  
probation for a period of two years by order of this court dated  
May 30, 1996. Respondent pled guilty to and was found guilty of  
violating rules 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.  
A copy of the order, report of referee and conditional guilty

plea for consent judgment are attached as exhibit "A."

2. Under the conditions of respondent's probation he agreed to be immediately placed on the inactive list for incapacity not related to misconduct should Florida Lawyers Assistance, Inc., (hereinafter referred to as "FLA, Inc.") advise the bar that respondent may be impaired due to any form of substance abuse.

3. By letter dated October 17, 1996, FLA, Inc., notified the bar that respondent had failed to pass a recent urinalysis. A copy of the letter, and its attachments, are attached as Composite Exhibit "B." The urinalysis indicated respondent had consumed alcohol in violation of the terms of his disciplinary probation.

4. Respondent exhibits an ongoing pattern of substance abuse and at this time does not appear to be stabilized sufficiently to continue the practice of law without client harm.

5. If and when petitioner will be capable of practicing law in the future is uncertain.

6. The bar submits respondent should be placed on the inactive list for incapacity not related to misconduct until such time as FLA, Inc. certifies to the bar respondent's substance abuse appears to be under control and will not impair his ability to practice law. Only then may respondent petition for reinstatement pursuant to R. Regulating Fla. Bar 3-7.13. The bar further submits that said suspension period should run consecutive to any other suspension period entered against respondent.

WHEREFORE, by reason of the foregoing, petitioner respectfully requests this Honorable Court to place respondent on the inactive list for incapacity not related to misconduct.

Respectfully submitted,



FRANCES R. BROWN  
Bar Counsel  
The Florida Bar  
880 North Orange Avenue  
Suite 200  
Orlando, Florida 32801  
(407) 425-5424  
ATTORNEY NO. 503452

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing has been furnished by regular U.S. mail to Sid J. White, Clerk of the Court, Supreme Court of Florida, 500 S. Duval Street,

Tallahassee, Florida, 32399-1927; a copy of the foregoing has been furnished by certified mail, return receipt requested, No. P 954 330 332, to respondent, Roy Edward Leinster, 1302 East Robinson Street, Orlando, Florida, 32801-2178; and a copy of the foregoing has been furnished by regular U.S. mail to Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida, 32399-2300, this 22nd day of November, 1996.

A handwritten signature in cursive script, appearing to read "Frances R. Brown", written over a horizontal line.

FRANCES R. BROWN

Bar Counsel

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