Supreme Court of Florida

THURSDAY, AUGUST 12, 1999

THE FLORIDA BAR,	*	
	*	
Complainant,	*	
	*	
vs.	*	CASE NO. 94,332
	*	
ROY EDWARD LEINSTER,	*	
	*	
Respondent.	*	
	*	
* * * * * * * * * * * * * * * * * * * *	*	

Upon considering The Florida Bar's response to this Court's order to show cause, it appears that disciplinary resignation is functionally equivalent to disbarment and would provide the most effective disposition in the present case. This Court would therefore likely grant Respondent's amended petition for disciplinary resignation with leave to seek readmission after five (5) years but for Respondent's request that his resignation take effect nunc pro tunc October 1, 1997. Such a retroactive effective date would allow Respondent to seek readmission after only slightly more than three (3) years from the present date, a result this Court finds unacceptable under the facts and circumstances of this case.

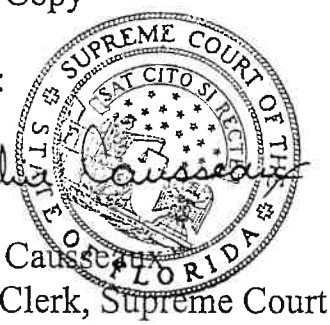
Respondent's amended petition for disciplinary resignation is accordingly denied, but without prejudice to resubmit same agreeing to the conditions that: 1) the effective date of Respondent's disciplinary resignation would be the date of this Court's possible future order granting same, not nunc pro tunc October 1, 1997; and 2) Respondent would be subject to the continuing jurisdiction of this Court.

KLK 8/16/99

It is so ordered.

A True Copy

TEST:



Debbie Causseaux
Acting Clerk, Supreme Court

KBB

cc: Ms. Frances R. Brown-Lewis
Mr. John Anthony Boggs
Mr. Billy Jack Hendrix
Mr. Roy Edward Leinster

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case No. 94,332
[TFB Case No. 99-30,922 (09C)(CRS)]

ROY EDWARD LEINSTER,

Respondent.
_____/

THE FLORIDA BAR'S RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE

The complainant, The Florida Bar, by and through the undersigned counsel, pursuant to the order of the Supreme Court of Florida dated February 11, 1999, submits this response to the court's direction to the bar to show cause why respondent's petition for disciplinary resignation should not be denied; why the bar should not prosecute one or more of the pending disciplinary complaints in a trial before a referee and, if one or more findings of professional misconduct are recommended, seek the imposition of appropriate disciplinary sanctions, and states:

WHETHER RESPONDENT'S PETITION FOR DISCIPLINARY RESIGNATION SHOULD BE DENIED

On December 2, 1998, respondent filed an amended petition for disciplinary

resignation that permits an application for readmission after five (5) years. The Board of Governors of The Florida Bar approved respondent's amended petition on December 11, 1998 and the bar filed a response reflecting same as required under R. Regulating Fla. Bar 3-7.12(b). Rule 3-7.12(b) provides that the court shall grant a disciplinary resignation petition if it is shown that:

> [T]he public interest will not be adversely affected by the granting of the petition and that such will neither adversely affect the integrity of the courts nor hinder the administration of justice nor the confidence of the public in the legal profession . . .

At issue in the present matter, is whether granting respondent's five (5) year disciplinary resignation, is in the public's interest and, to a lesser extent, whether it would be in the best interest of the judicial system, the bar, and respondent.

Respondent voluntarily ceased the practice of law on October 1, 1997 , in part, due to his serious addiction to alcohol.[1] On August 28, 1998, the court placed respondent on emergency suspension from the practice of law. At the present time, respondent is being held in the Orange County Jail without bond on a felony charge of driving under the influence of alcohol with serious bodily injury and is expected

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[1] On September 5, 1997, respondent executed a Conditional Guilty Plea for Consent Judgment in the violation of probation matter, Case No. 89,939, and agreed to a six (6) month suspension from the practice of law retroactive to October 1, 1997. Respondent has not practiced law since that time even though the Conditional Guilty Plea for Consent Judgment was eventually rejected by the court.

to go to trial on March 15, 1999. Should respondent be convicted of a felony, he may be further suspended under R. Regulating Fla. Bar 3-7.2 for a period of three (3) years and until his civil rights have been restored [Rule 3-7.2(h)(1)].

The majority of the bar's referee cases against the respondent stem from his abuse of alcohol.[2] The cases are based upon his various criminal arrests and charges, failing to promptly account for retainer paid by a former client where there are no allegations of theft of client funds, his violating his Florida Bar probation, his bribery of a deputy to have his DUI charge reduced to reckless driving and his appearing impaired in court at a sentencing proceeding. There is no allegation of prejudice to the client in the impairment case as the sentencing was postponed. As a whole his alleged misconduct did not adversely affect the administration of justice or the judicial system.[3] This is not to minimize the serious nature of respondent's alleged misconduct. The totality of his misconduct, if proven, is clearly egregious, especially his operating an automobile while under the influence of alcohol and seriously injuring another person due to an accident. However, in considering respondent's

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[2] Only one case involves a client grieving respondent for the handling of his case.

[3] After respondent's arrest for DUI causing serious bodily injury, respondent fled the jurisdiction and was arrested in Las Vegas, Nevada and returned to Florida. Such conduct could be viewed as impugning the judicial process; however, to the bar's knowledge respondent was not charged with fleeing the jurisdiction and he presently remains incarcerated.

petition for disciplinary resignation, the bar reviewed the relevant case law regarding granting petitions for resignation. The existing case law supports respondent's petition for disciplinary resignation. Other attorneys, who committed more serious offenses than respondent is alleged to have committed, were granted leave to resign from The Florida Bar. In The Florida Bar v. Dick, 512 So. 2d 195 (Fla. 1987), the bar filed a complaint against the attorney alleging several counts of misconduct. During that time, the attorney was adjudicated guilty of a felony. The attorney was suspended from the practice of law based on the felony conviction. The bar amended its complaint to include a count based on the attorney's felonious conduct which involved the mishandling of a time share preconstruction escrow deposit. The attorney filed a petition to resign with the referee as a result of a consent judgment entered into by the bar and the attorney. The referee recommended, and the court approved, the attorney's petition to resign with leave to apply for readmission after five (5) years. In the present matter, respondent has not been convicted or adjudicated guilty of a felony, although such charge is pending.

An attorney who received felony convictions for mail fraud and related offenses, which did not involve the attorney-client relationship, was permitted to permanently resign from The Florida Bar in The Florida Bar v. Cooperman, 500 So. 2d 1345 (Fla. 1987). Cooperman was adjudicated guilty as to one (1) count of

conspiracy to commit mail fraud and eight (8) counts of mail fraud for which he was sentenced to two (2) years in prison and was to be on probation for (4) four years from the date he was released from incarceration. In the case at bar, respondent's pending criminal charges, while serious, do not rise to the level of the nine (9) federal felony offenses against Cooperman.

In The Florida Bar v. Hernandez, Case No. 93,698, the attorney's petition for a five (5) year disciplinary resignation was denied. Therein, in light of the conviction in federal court for felonious conduct, the bar objected to the attorney's resignation on the basis that permanent disbarment was more appropriate. The attorney had pled guilty to federal charges of conspiracy to commit bank fraud, mail fraud, wire fraud and making a false statement to a federally insured financial institution in order to secure mortgage financing, and he had been suspended from practicing law due to the felony conviction. In opposition to the petition, the bar also alleged that Hernandez had used his attorney trust account to facilitate his scheme to defraud the bank and had opened various bank accounts in which to funnel illegally obtained funds in order to pay his personal expenses and those of his co-conspirators. Also, the attorney had a misdemeanor conviction in state court for accessory after the fact of voter fraud for which he was sentenced to one (1) year in prison. A disciplinary case is also pending against Hernandez for improperly soliciting victims in the Valujet disaster. The

nature of Hernandez's misconduct is diametrically different than that of the respondent and certainly is far more serious than what is alleged against respondent in the instant matter. Unlike Hernandez, respondent has not engaged in multiple acts of fraud, used his skills as an attorney in a fraudulent scheme or misused a public office or the public's trust. Rather, respondent's alleged misconduct involves his personal battle with alcohol addiction which has brought upon these tragic circumstances.

This case, in addition, is unlike State ex rel. Florida Bar v. Englander, 118 So. 2d 625 (Fla. 1960). Therein, the court denied an attorney's petition to withdraw. The attorney, at the time he submitted his petition, had been found guilty in a disciplinary proceeding of obtaining money under false pretenses and by fraudulent acts through the uttering of forged instruments. The referee in the disciplinary proceeding recommended that the attorney be permanently disbarred.

Also in reviewing respondent's petition for disciplinary resignation, the bar took into consideration respondent's long-standing, serious addiction to alcohol. Respondent's problem is evidenced by his recent arrest and the allegations in Case No. 89,939 [TFB Case No. 97-90,006 (OSC)]. That case involves a violation of probation matter wherein respondent allegedly failed to fully comply with the terms of his probation in Supreme Court Case No. 86,667, by failing to pass an urinalysis

test and continuing to consume alcohol in violation of the terms of his probation. During the processing of Case Nos. 86,667 and 89,939, respondent attempted in-patient treatment for his alcohol problem on several occasions. Given respondent's subsequent behavior, his attempts at rehabilitation were clearly unsuccessful.

Respondent is presently incarcerated and if convicted of a felony, he may remain imprisoned for quite some time. Potentially, respondent will not be able to practice law in the foreseeable future given his emergency suspension and pending criminal charges. The petition for disciplinary resignation filed by respondent terminates his membership in The Florida Bar; permits reapplication after five (5) years[4]; and compliance with all requirements for readmission including passing The Florida Bar exam and establishing rehabilitation from his alcohol addiction. If respondent's petition is granted, it would be the equivalent of disbarment in that the period in respondent's disciplinary resignation petition is the same as the minimum period of disbarment set forth in R. Regulating Fla. Bar 3-5.1(f). The bar supports respondent's disciplinary resignation because it expeditiously terminates respondent's bar membership and his ability to practice law in this state. It would be disingenuous for the bar to argue that such a result would adversely affect public interest or the

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[4] Provided respondent is not convicted of a felony which would require restoration of his civil rights prior to applying for readmission. The Florida Bar v. Clark, 359 So. 2d 863, 864 (Fla. 1978).

integrity of the courts. Further, granting respondent's petition will save the additional expenditure of time by the referee and costs incurred by The Florida Bar in prosecuting any of the pending cases. Conceivably, respondent's disciplinary cases could drag on for a considerable period of time. It would also be reasonable to assume that allowing respondent to remain a member of The Florida Bar while he is incarcerated and facing serious criminal charges, and permitting further time to pass while some or all of the pending disciplinary cases are pursued, would hinder the administration of justice and the confidence of the public in the legal profession.

WHETHER THE BAR SHOULD PROSECUTE ONE OR MORE OF THE PENDING DISCIPLINARY COMPLAINTS IN A TRIAL BEFORE A REFEREE

If respondent's disciplinary resignation is not granted, the bar would be required to pursue the pending disciplinary cases against respondent. If respondent is found guilty of some or all of the charges in those cases, the court would consider the following factors in imposing a sanction: (a) the duty violated; (b) the lawyer's mental state; (c) the potential or actual injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors.[5] In deciding whether or not to approve respondent's resignation petition, the bar had to consider the likelihood of

[5] Florida Standards for Imposing Lawyer Sanctions 3.0.

a referee making a finding of guilt in any or all of the pending disciplinary cases, and what discipline would be warranted. With respect to respondent's pending cases, the only discipline that could be imposed that would have the same effect as a five (5) year resignation would be disbarment. It should be noted that respondent has not been found guilty of any misconduct in the pending disciplinary cases, nor have evidentiary hearings been conducted or aggravating or mitigating factors discussed. The disciplinary charges against respondent in the pending referee cases, taken as a whole, may not warrant "enhanced" disbarment.[6] Even in the most serious of the pending cases, which concern respondent's arrest for DUI causing serious bodily injury [Case No. 94,206], violating his disciplinary probation [Case No. 86,667], and appearing in federal court for a client's sentencing in an impaired condition [Case No. 91,093], a referee may find a long suspension appropriate rather than disbarment to be appropriate given existing case law and the Florida Standards for Imposing Lawyer Regulation.

In The Florida Bar v. Hirsch, 342 So. 2d 970, 971 (Fla. 1977), the court stated:

> Disbarment is the extreme and ultimate penalty in disciplinary proceedings. It occupies the same rung of the ladder in these proceedings as the death penalty in criminal proceedings. It is reserved, as the rule provides, for those who should not be permitted to associate

[6] Rule 3-5.1(f) allows for disbarment for a period of time beyond five years as determined by the court and for permanent disbarment.

> with the honorable members of a great profession. But, in disciplinary proceedings, as in criminal proceedings, the purpose of the law is not only to punish but to reclaim those who violate the rules of the profession or the laws of the Society of which they are a part.

This court has recently held that misconduct that causes injury to the legal system and the profession warrants disbarment. In The Florida Bar v. Weisser, 721 So. 2d 1142 (Fla. 1998), Weisser was disbarred for five (5) years for intentional violation of an order of the Supreme Court of Florida by the unlicensed practice of law in representing his son in a civil case after resigning from the bar. In The Florida Bar v. Klausner, 721 So. 2d 720, 721 (Fla. 1998), this court reiterated that "no ethical violation is more damaging to the legal profession and process [lawyers who intentionally lie under oath, like to the court, or present false or forged documents to the court], and an officer of the court who knowingly and deliberately seeks to corrupt the legal process can logically expect to be excluded from that process." In that case the attorney was found guilty of forging names on documents submitted to the court on a client's behalf and falsely representing himself to the court. This court noted that the argument for disbarment was strong; however, there was substantial case law reflecting that a suspension was the appropriate discipline for conduct not nearly as egregious as Klausner's.[7] Accordingly, the court ordered that Klausner be

[7] The Florida Bar v. Kravtiz, 694 So. 2d 725 (Fla. 1997) [30-day suspension where the attorney presented false evidence and made misrepresentations to a client, opposing counsel, and

suspended for three (3) years rather than disbarred. Respondent's alleged misconduct does not involve the serious type of subversion of the legal system as in Weisser and Klausner inasmuch as respondent has not engaged in false representations to any court.

Respondent's alleged misconduct in most of the pending disciplinary cases do not involve any actual injury or prejudice to clients. The criminal charges against respondent did not evolve from any attorney-client relationship. Most of the pending discipline cases did not arise from any grievances filed by respondent's clients. Bar discipline exists primarily to protect the public from misconduct that occurs in the course of an attorney's representation of a client. The Florida Bar v. Helinger, 620 So. 2d 993, 995 (Fla. 1993). While evidence has not been formally presented in these matters, it is clear that respondent is a long-term alcoholic and that these matters would most likely not be presently pending before the court if not for that fact. While it does not completely excuse a lawyer's misconduct, alcoholism is considered a mitigating factor in bar disciplinary proceedings.[8]

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the court]; The Florida Bar v. Schramm, 668 So. 2d 585 (Fla. 1996) [91-day suspension for making false representations to a judge, failing to properly represent a client, failing to return a fee paid by the client, and failing to communicate with the client].

[8] Florida Standards for Imposing Lawyer Sanctions 9.32: "Mitigating factors include: (h) physical or mental disability or impairment."

Case law exists involving attorneys' substance abuse problems, which did not involve the practice of law and/or any injury to clients, where suspension was deemed appropriate. In The Florida Bar v. Moody, 577 So. 2d 1317 (Fla. 1991), the attorney entered a guilty plea to one count of manslaughter, a second-degree felony, resulting from a car accident where the attorney was driving with a 0.15 blood alcohol level and a passenger in the other vehicle was killed. The attorney also entered an Alford plea to one (1) count of leaving the scene of an accident with injuries, a third-degree felony. The attorney was sentenced to eleven and one-half (11½) months imprisonment, suspended, followed by two (2) years of community control and five (5) years probation. In recommending a nine (9) month suspension, nunc pro tunc from the date of the attorney's felony conviction suspension, the referee found substantial mitigation, including that the violations did not involve the practice of law and did not affect a client, the attorney's fleeing the scene of the accident occurred because his reasoning was impaired due to the use of alcohol and the injuries incurred, and the attorney had no prior disciplinary history. The court accepted the referee's recommendations as to discipline. Even in the dissenting opinion, a suspension was urged, although for a three (3) year period rather than the nine (9) month sanction imposed. Like Moody, it could be argued that respondent's failure to

appear before the criminal court[9] causing bench warrants to be issued for his arrest, resulted because his reasoning was impaired due to his alcoholism. Fortunately, respondent's driving under the influence of alcohol did not kill anyone as occurred in Moody. This is not to suggest that the injuries caused by respondent, through his causing an accident while in an impaired condition, did not inflict substantial suffering upon the victim.

A two (2) year suspension and an indefinite period of probation with conditions was found to be the appropriate discipline for an attorney's conviction for making obscene telephone calls. Helinger, supra. Over a five (5) year period the attorney made the obscene calls to the same woman. During that same period of time respondent consumed alcohol and used cocaine. The attorney pled guilty to six (6) counts of making obscene phone calls and was sentenced to thirty (30) days in jail and six (6) months probation. He was diagnosed with a mental disorder and also sought treatment for alcohol and cocaine addiction. The court in Helinger stated:

> [M]isconduct occurring outside the practice of law or in which the attorney violates no duty to a client may be subject to lesser discipline. In a case resulting from a criminal conviction, discipline is imposed in addition to the criminal penalty already exacted in the criminal case. Thus, in some cases, a ninety-day suspension or less might be the appropriate discipline for a conviction that does not relate to the practice

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[9] Case No. 94,206 [TFB Case Nos. 97-31,765 (09C) & 98-31,903 (09C)] - Counts I and II of the bar's complaint.

of law or involve fraud or dishonesty . . . [At pages 995-996].

Because the attorney subjected his victim to repeated psychological and emotional trauma over a five (5) year period, and the attorney had a prior arrest for making obscene phone calls, the court found the two (2) year suspension was warranted rather than the referee's recommendation of a ninety (90) day suspension[10].

The attorney in The Florida Bar v. Boland, 702 So. 2d 229 (Fla. 1997) admitted the allegations in one count of the bar's complaint which reflected that the attorney was convicted of driving under the influence resulting in revocation of his driver's license for six (6) months in 1980; that in 1983 his driver's license was revoked for five (5) years following classification as an habitual traffic violator; that he was found guilty of operating a motor vehicle without insurance in 1987; that he was convicted of first-degree misdemeanor possession of marijuana in 1993; that in 1994 the attorney's driver's license was suspended for one (1) year for driving with an unlawful blood alcohol level; that his driver's license was indefinitely suspended on nine (9) occasions between 1987 and 1993 for failure to appear in court on traffic summonses; and that his driver's license was indefinitely suspended thirteen (13) other times between 1987 and 1994 for failure to pay traffic fines. The attorney was

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[10] The dissenting opinion in Helinger found disbarment was more appropriate given the attorney's systematic harassment of the victim, for his own personal gratification, over a five (5) year period.

also found guilty of incompetent representation of a client seeking to challenge an out-of-state custody order, counseling a client to engage in fraudulent conduct and conversion. The client was injured in that it was found the attorney's actions had contributed to the client's loss of custody. The court found that a harsher discipline might have been imposed given the multiple offenses, the attorney's prior discipline, his selfish or dishonest motive, indifference to making restitution, the attorney's refusal in the past to obtain treatment for his admitted alcoholism, and the vulnerability of the victim. However, the court found a two (2) year suspension followed by a two (2) year period of probation to be the appropriate discipline in light of the attorney's disability or impairment which was considered in mitigation.

Based upon the above authorities, it is not clear a referee would recommend disbarment or enhanced disbarment over a suspension in any or all of the disciplinary cases pending against respondent. Because this court has repeatedly held that a referee's recommended discipline will not be overturned as long as the discipline has a reasonable basis in existing case law[11], the bar most likely would have little success in appealing a referee's suspension recommendation. Even if the bar waits to see if respondent is convicted of a felony, disbarment is not a certainty in cases where the

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[11] Weisser, supra; The Florida Bar v. Pellegrini, 714 So. 2d 448 (Fla. 1998); The Florida Bar v. Corbin, 701 So. 2d 334 (Fla. 1997); The Florida Bar v. Lecznar, 690 So. 2d 1284 (Fla. 1997).

misconduct resulted from a felony conviction. "The fact that an attorney is convicted of a felony does not automatically require disbarment; rather, the court continues to view each attorney discipline case solely on the merits presented therein." The Florida Bar v. Jahn, 509 So. 2d 285, 286 (Fla. 1987). In that case the attorney was adjudicated guilty of delivery of cocaine to a minor, a first-degree felony, and possession of cocaine, a third-degree felony. The attorney was sentenced to a four and one-half (4½) year term of imprisonment and was also suspended from the practice of law due to the felony convictions. The referee recommended that the appropriate discipline to be imposed based upon the attorney's felonious conduct was a three (3) year suspension retroactive to the date of the attorney's felony conviction suspension. The court imposed the three (3) year suspension noting the following facts: the attorney's lack of prior disciplinary history, that no clients were injured, that the misconduct was directly related to the attorney's drug addiction, and the attorney had made exemplary efforts to rid himself of chemical dependency. The court stated:

> An attorney with a chemical dependency problem, whether the drug of his choice is legal such as alcohol, or illegal such as cocaine, should be encouraged to seek treatment to rid himself of the dependency. We have held in prior bar disciplinary cases that an addicted attorney who has demonstrated positive efforts to free himself of his drug dependency should have that fact recognized by the referee and this Court when considering the appropriate discipline to be imposed. [At page 287].

It is possible that during disciplinary proceedings in the present matters, respondent's attempts, albeit unsuccessful, to rid himself of his alcohol addiction would be considered favorably by a referee. Further, even assuming a referee recommends disbarment there is case law to support a five (5) year disbarment. In The Florida Bar v. Grief, 701 20. 2d 555 (Fla. 1997) the attorney, despite mitigation circumstances, was disbarred for five (5) years after being convicted of conspiracy to defraud the government by filing false immigration documents with the United States Immigration and Naturalization Service during a five (5) month period.

CONCLUSION

Respondent's disciplinary resignation is compatible with the public interest in that it will expeditiously resolve all of respondent's pending disciplinary cases and terminate his membership in The Florida Bar. At the same time, the resignation will positively affect the interests of judicial economy in that a referee will not have to expend considerable time hearing the pending cases against respondent (and any other cases that are opened in the future) and it will save additional costs incurred by the bar in prosecuting any of the pending cases. Further, a five (5) year disciplinary

resignation[12] is in effect a disbarment which is arguably the appropriate sanction under the relevant case law for behavior similar to that of the respondent. The respondent's conduct, unlike that which arguably would require sterner discipline, does not strike to the heart of our profession or require the maximum punishment under the rules.[13] Quite frankly, respondent's alleged misconduct is an embarrassment to the bar and diminishes the entire legal profession in the eyes of the public. To further delay respondent's termination as a lawyer in this state, while engaging in lengthy and public prosecutions, will only serve to further lessen the public's opinion of lawyers in general and the justice system as a whole.

WHEREFORE, The Florida Bar respectfully requests that this court approve respondent's resignation, in lieu of further disciplinary proceedings, for five (5) years and continuing thereafter until respondent is able to establish he is worthy of readmission in accordance with the Rules Regulating The Florida Bar.

Respectfully submitted,

JOHN F. HARKNESS, JR.

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[12] The Florida Bar. Re Richard J. Alfieri, 428 So. 2d 662 (Fla. 1983).

[13] The Florida Bar v. Luongo, 694 So. 2d 740 (Fla. 1997); The Florida Bar v. Lechtner, 666 So. 2d 892 (Fla. 1996); The Florida Bar v. Davis, 657 So. 2d 1135 (Fla. 1995) [Disciplinary cases resulting from "Operation Courtbroom" where judges and lawyers were criminally prosecuted for giving and accepting bribes and other criminal conduct].

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BY: Jan Wichuli #381586
fo
FRANCES R. BROWN-LEWIS
Bar Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Response to the Court's Order to Show Cause has been sent by regular U.S. Mail to The Clerk of the

Court, The Supreme Court of Florida, Supreme Court Building, 500 S. Duval Street, Tallahassee, Florida, 32399-1927; a copy of the foregoing Response has been sent by regular U.S. Mail to the respondent, Roy Edward Leinster, #98041108, Orange County Jail, Genesis Bldg. B-95, Post Office Box 4970, Orlando, Florida, 32802; and a copy has been forwarded to Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida, 32399-2300, this 11th day of March, 1999.

for Jan Webber #381586
Frances R. Brown-Lewis
Bar Counsel

Supreme Court of Florida

THURSDAY, FEBRUARY 11, 1999

THE FLORIDA BAR,	*	
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Complainant,	*	
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vs.	*	CASE NO. 94,332
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ROY EDWARD LEINSTER,	*	
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The Florida Bar is hereby directed to show cause why respondent's petition for disciplinary resignation should not be denied and why the Bar should not prosecute one or more of the pending disciplinary complaints in a trial before a referee and, if one or more findings of professional misconduct are recommended, seek the imposition of appropriate disciplinary sanctions.

A True Copy

TEST:

Sid J. White,
Clerk Supreme Court

KBB
cc: Ms. Frances R. Brown-Lewis
Mr. John Anthony Boggs
Mr. Billy Jack Hendrix
Mr. Roy Edward Leinster