

IN THE SUPREME COURT OF FLORIDA

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THE FLORIDA BAR,
Complainant,

Case No. _____

v.

99-30,922(09C)(CRS)

ROY EDWARD LEINSTER,
Respondent.

_____ /

PETITION FOR DISCIPLINARY RESIGNATION

COMES NOW the respondent, Roy Edward Leinster, and files this Petition for Disciplinary Resignation pursuant to R. Regulating Fla. Bar 3-7.12 and states:

1. Respondent knowingly and voluntarily files this petition to resign from The Florida Bar, with leave to reapply after five years with full knowledge of its effect.

2. Respondent is 51 years old and has been a member of The Florida Bar since February 27, 1974, and is subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.

3. The following disciplinary charges are currently pending against respondent:

A. Cases Pending Before the Supreme Court of Florida

Case No. 93,715; TFB Case No. 99-30,220 (09C)(CES) - On August 28, 1998, the Supreme Court of Florida placed respondent on

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emergency suspension based upon numerous criminal charges against respondent and his long history of alcohol abuse.

TFB Case Nos. 97-31,765 (09C), 98-31,903 (09C), 98-32,060 (09C), 99-30,201 (09C) and 99-30,446 (09C) - These matters are the underlying disciplinary cases resulting from respondent's emergency suspension.

B. Cases Pending Before a Referee

Case No. 88,457; TFB Case Nos. 95-31,433 (09C) and 95-31,561 (09C) - Allegations of incompetence, negligence and inadequate communication regarding respondent's handling of a criminal case and two dissolution of marriage actions for clients.

Case No. 89,223; TFB Case No. 96-30,496 (09C) - Allegations of trust account violations, and failing to timely provide an accounting of fees to a client.

Case No. 89,224; TFB Case No. 96-30,668 (09C) - Allegation of attempted bribery of a deputy sheriff regarding respondent's personal DUI case.

Case No. 89,939; TFB Case No. 97-90,006 (OSC) - A violation of probation matter wherein respondent failed to fully comply with the terms of his probation in Case No. 86,667 [TFB Case Nos. 94-30,787 (09C) and 95-30,079 (09C)], he failed to pass an urinalysis test, and continued to consume alcohol in violation of the terms of his probation.

Case No. 91,093; TFB Case No. 97-30,430 (09C) - Allegation that respondent appeared in federal court for a client's sentencing hearing in an impaired condition.

C. Cases Pending Before a Grievance Committee

Case No. 98-31,918 (09C); Complainant: Della Gilbert - The complainant retained respondent to represent her son, Farley Gilbert, in a post-conviction matter. The complainant alleges respondent did not diligently pursue the matter, did not respond to her telephone calls, and will not return her son's file. Respondent claims he filed an exhaustive habeas corpus for Mr. Gilbert and

kept in contact with him. The court record does not reflect an exhaustive habeas corpus for Mr. Gilbert. Respondent filed a motion to withdraw a previously filed motion to vacate and set aside judgment but did not inform Mr. Gilbert that he was withdrawing the motion.

D. Cases Pending at Staff Level

Case No. 97-32,118 (09C); Complainant: The Florida Bar - On or about May 21, 1997, a compliance examination was conducted by the bar on respondent's trust account records for the period of January 1, 1993 through April 30, 1996. Respondent did not maintain a trust account during the examination period although it appeared that on several occasions, respondent received trust funds from clients. It was the opinion of the bar's auditor that respondent was not in substantial compliance with The Florida Bar Rules Regulating Trust Accounts. This case was closed on February 3, 1998 pursuant to the terms of respondent's Conditional Guilty Plea for Consent Judgment and was reopened on July 20, 1998 after the Court did not approve the consent judgment.

4. Respondent has the following discipline history:

A. The Florida Bar v. Leinster, 467 So. 2d 986 (Fla. 1985) - Conditional guilty plea for a ninety-one (91) day suspension for possession of cocaine, resisting arrest without violence, and battery.

B. The Florida Bar v. Leinster, Case No. 90-31,237 (09C) - Grievance committee level private reprimand for neglecting a legal matter.

C. The Florida Bar v. Leinster, 675 So. 2d 930 (Fla. 1996) - A twenty-one (21) day suspension retroactive to August 11, 1995 and a two (2) year period of probation with conditions for arrests for battery upon his current and former girlfriends; a DUI arrest in January, 1995 to which respondent pled nolo contendere; and a DUI arrest in July, 1995 which the state nolle prossed.

5. Respondent submits that he is unable to engage in the

practice of law in accordance with the Rules Regulating The Florida Bar due to his addiction to alcohol and the resulting criminal charges currently pending against him.

6. This resignation will not adversely affect the public interest, the purity of the courts, nor hinder the administration of justice nor the confidence of the public in the legal profession.

7. Respondent agrees to reimburse the Client's Security Fund of The Florida Bar for any and all payments imposed as a result of his defalcations.

8. Respondent agrees to reimburse The Florida Bar for the costs incurred in his disciplinary cases.

WHEREFORE, respondent respectfully requests this Honorable Court to grant the petition herein as follows:

A. Respondent to be permitted to resign retroactive to October 1, 199~~7~~⁷ Ed.

B. Respondent be granted leave to reapply for readmission to

The Florida Bar five years from the date of resignation.

Respectfully submitted,



ROY EDWARD LEINSTER

Respondent

9646 Kilgore Road

Orlando, FL 32836-5704

(407) 876-0146

Attorney No. 171431

Dated: 11/10/98

CERTIFICATE OF SERVICE

Original to: The Clerk of the Court, The Supreme Court of Florida

Copies to: Jack F. Harkness, Jr., Executive Director, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL, 32399-2300

✓ John Anthony Boggs, Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL, 32399-2300

Frances R. Brown-Lewis, Bar Counsel, The Florida Bar, 1200 Edgewater Drive, Orlando, FL, 32804-6314

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