

IN THE SUPREME COURT OF FLORIDA
(Before the Honorable Charles M. Harris, Referee)

PUBLIC

CASE NO. 09B83C46
09D85C09

THE FLORIDA BAR,
Complainant,

vs.

ROY EDWARD LEINSTER,
Respondent.

FILED

SID J. WHITE

JAN 9 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk.

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Article XI of the Integration Rule of The Florida Bar, hearings were held on November 15, 1984. The Complaint, Stipulations and Consent to a Finding of Probable Cause, Conditional Guilty Plea for Consent Judgment, other exhibits, and the transcript 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 John B. Root, Jr.

For The Respondent J. Cheney Mason

II. Findings of Fact as to Each Item of Misconduct of which the Respondent is charged:

The Florida Bar based its action on the Stipulation and Consent to a finding of Probable Cause and presented no witnesses on its direct case. The Referee, therefore, finds as the facts in this those facts stated in said stipulation, a copy of which is attached to this report and made a part hereof.

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:

Based on the Stipulation and Consent to a Finding of Probable Cause filed herein and the admissions of the Respondent made before the Referee, I recommend that the Respondent be found guilty in accordance with the Conditional Guilty Plea for Consent Judgment entered by Respondent.

IV. Recommendation as to disciplinary measures to be applied: I recommend that the Supreme Court approve the Conditional Guilty Plea for Consent Judgment and discipline him in accordance with same. However, insofar as proof of rehabilitation may be a factor in reinstatement if the Supreme Court approves said Conditional Guilty Plea, I make the following additional findings:

1. Respondent was admitted to the Brookwood Recovery Center, a rehabilitation service center for alcohol and drug abuse, and completed the initial in-house treatment.

2. According to Judy Leeper, his counselor at Brookwood, Respondent has made substantial progress in his rehabilitation and she feels that he has a good chance of being able to remain free from alcohol dependence.

3. That Respondent's legal ability was never questioned in these proceedings. Various attorneys in the Orlando area, as well as a county judge in Orange County, testified to the fact that the Respondent has competently represented his clients.

4. It appears from all the witnesses, including the Respondent, that the Respondent has a strong desire to rehabilitate himself and to remain free from alcohol abuse.

5. It appears that since Respondent's admission to Brookwood Rehabilitation Center and throughout the period since his release, that he has remained free from any additional incidents relating to alcohol.

It is recommended, therefore, that once the suspension period runs that the Court order a prompt hearing in order to determine the status of Respondent's rehabilitation efforts at that time.

V. Personal History and Past Disciplinary Record:

AGE: 37
DATE OF BIRTH: 1947
DATE OF ADMISSION: February 27, 1974
PRIOR DISCIPLINARY CONVICTIONS: None

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

| | |
|---|------------------|
| A. Grievance Committee Level Costs | |
| 1. Administrative Costs | \$ 150.00 |
| 2. Transcript of grievance committee hearing, 7/19/83 | 297.50 |
| B. Referee Level costs | |
| 1. Administrative Costs | \$ 150.00 |
| 2. Transcript of referee hearing held 11/15/84 | 194.50 |
| 3. Bar Counsel's travel expenses, referee hearing | 20.80 |
| Travel Costs | |
| C. Miscellaneous Costs | |
| 1. Staff Investigator's expenses | <u>\$ 106.74</u> |

TOTAL ITEMIZED COSTS: \$ 919.54

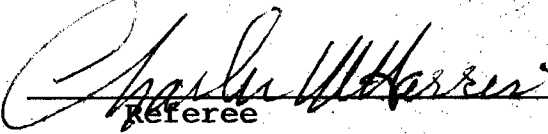
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It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the respondent, and that interest at the statutory rate shall accrue and be payable 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 7 day of ~~December~~ ^{January}, 1985.


Referee

Copies to:

Bar Counsel
Counsel for Respondent
Staff Counsel, The Florida Bar, Tallahassee, Florida 32301

SEARCHED INDEXED
SERIALIZED FILED
JAN 10 1985
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