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**IN THE SUPREME COURT OF FLORIDA**

**THE FLORIDA BAR,**

**Complainant,**

**Case No. 82,042**

**v.**

**TFB No. 93-11,247(13E)**

**DAVID BALDWIN WEBSTER,**

**Respondent,**

\_\_\_\_\_ /

**BRIEF OF**  
**DAVID WEBSTER**

David Webster  
1100 N. Florida Avenue, #300  
Tampa, FL 33602  
Florida Bar #121526

My name is David Webster and I am a recovering alcoholic.

I am 52 years old, admitted to practice (November 10, 1969) in Florida and did so without disciplinary problem (record) for 18 years (9/3/87). In the early 1980's, I became addicted to cocaine and alcohol. This lead (over five years) to the loss of my home, wife, friends, reputation and profession.

By the end of 1986, it finally became clear to me I was addicted to cocaine. I began individual psychotherapy (drug use) and have been clean since 1988.

By the Spring of 1990 (drug free but in denial of my alcoholism) I was without: funds; family or hope.

I learned of and subsequently was offered a position as Assistant Attorney General in a Pacific Country (Federated States of Micronesia). At the time, this appeared as the solution to my problems.

I spoke with the Attorney General, they were having problems filling the position (low salary, third world conditions). I was never asked about my prior disciplinary history or status in the Florida Bar, I did not volunteer (the information). **My decision not to (voluntarily) disclose this information (consciously made) was wrong. My judgment was extremely poor.**

In my heart I knew I was being dishonest, even though, "technically" I did not make a misrepresentation. The only excuse I can offer is the alcoholic (in me) was grasping at straws and doing everything (by leaving Florida) in order to avoid the treatment (F.L.A./A.A.) which I (obviously) needed.

I had a degree of success in Micronesia. Subsequently, was recommended and interviewed for the position (neighboring island group - Palau) as Special Prosecutor. Again, during the application and interview process, I was not asked about my disciplinary history nor my status in the Bars of Florida or Washington, D.C.

While I disclosed my drug history, I did not disclose (to my employer or the Palau Court) the fact of my suspension, the nature of my conduct (in Florida) or my status with The Florida Bar. Again, in my heart I knew this was wrong, it was dishonest and I exercised extremely poor judgment.

I rationalized I was eleven time zones away (from Florida); they really did not care (or else they would ask) they needed a prosecutor (badly), the reason I was offered the position was because of successful prosecutions (in the sister island group Micronesia) and they did not ask (or care) about my background.

**This rationalization was wrong, I was wrong and I regret my lack of candor to my employers and the Courts before whom I practiced.**

On February 29, 1992, my wife (Dorothy) and I married and thereafter blessed with a (new) family, John (2 ½ years) and Susan (1 ½ years).

Since returning from Palau (September, 1992) we have resided in Tampa where I am employed (Law Clerk) in the Law Office of William F. Merlin, Jr., P.A.

In April, 1993 I was confirmed in the Episcopal Church and have accepted Jesus Christ as my Savior.

My (and family) community activities since then have centered around our Church. I am active in the Father's Ministry; the Angel Tree Project; Adult Bible Study; the Family Supper group and the formation of a St. John's A.A. Group.

In the latter part of 1993, I returned to individual psychotherapy (weekly) and by the Spring of 1994, I finally admitted (to myself) I am an alcoholic and need the support of A.A. (and F.L.A.) to sustain my recovery.

In June, 1994 I signed a (three year) contract with F.L.A., Inc., requiring weekly (3 to 4) meetings (A.A. and Attorney's support groups), random drug and alcohol screening and annual workshop. By the time this matter is considered, I will have completed the first half (18 months) of this (F.L.A.) obligation.

**I regret my stubbornness (and poor judgment) in not recognizing my alcoholism.** Alcoholism is a cunning and baffling disease which convinced me (for many years) I did not have an "alcohol" problem. The hallmark of the alcoholic mentality is dishonesty to himself, his family, his friends and the people he deals with.

My mental state (1990-1991) allowed me to rationalize that following the "letter of the law" as opposed to the "spirit of the law" was acceptable.

I have abstained from drug use since 1988.

I have abstained from alcohol since the Spring of 1993.

I became an active member of A.A. (and F.L.A.) in June, 1994.

I have been accepted in the Guardian Ad Litem Program (Hills. Co.) {training begins 9/95}.

## CONCLUSION

I am guilty of dishonesty and poor judgment, not just to the Courts (before whom I practiced) and my employers but also to family and friends who tried, for many years (unsuccessfully) to make me aware of my problem.

To those people and to this Court, I apologize and ask forgiveness.

The Board of Governors voted to ask this Court to disregard the sanction (recommended by Judge Salton) and order disbarment. I beg this Court to affirm Judge Salton's recommendation and allow the punishment (suspension) to run concurrent with the suspension period in The Florida Bar RE: Webster, 647 So.2d 816 (Fla. 1994).

If this Court affirms the ruling of Judge Salton, I will be eligible to file a petition for reinstatement in December, 1996.

Realistically speaking, allowing for investigation, final hearing and preparation of transcript time (6-8 months) and assuming a favorable recommendation, my petition would be before this Court in August or September 1997. By that time I will have completed the three year F.L.A. contract.

If this Court allows me to return to the practice of law, I promise to remain in recovery, use good judgment (in all matters) and follow (not just the letter but) the spirit of the law.

At this stage of my recovery I am not just a promise maker, I am a promise keeper.

Respectfully submitted.

DAVID WEBSTER



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I HEREBY CERTIFY that a copy of this brief was sent by U.S. MAIL to JOSEPH CORSMEIR and DAVID RISTOFF, THE FLORIDA BAR, Suite C-49, Tampa Airport, Marriott Hotel, Tampa, Florida, 33607, this <sup>9th</sup> day of August, 1995.



DAVID WEBSTER