

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
STEVEN SCOTT BISS

VSB DOCKET NO.: 24-000-130241

MEMORANDUM ORDER OF IMPAIRMENT SUSPENSION

THIS MATTER came on to be heard on January 26, 2024, before a panel of the Disciplinary Board consisting of First Vice Chair, David J. Gogal, Donita M. King, Mary Beth Nash, Reiss F. Wilks, and Elisabeth Martingayle, Lay member. The Virginia State Bar (the "VSB") was represented by Assistant Bar Counsel, Tenley Seli. The Respondent, Steven Scott Biss, was not present, and no legal counsel appeared on this behalf; however, the Guardian *Ad Litem* (GAL), Kyle Elizabeth Skopic, appeared in person. The Chair polled the members of the Board Panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Caroline Jones, court reporter, of Chandler and Halasz, P.O. Box 1975, Mechanicsville, Virginia 23116, after being duly sworn, reported the hearing and transcribed the proceedings.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk") in the manner prescribed by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-18 of the Rules of Court.

The matter came before the Board on a petition for Impairment Suspension, pursuant to Part Six, Section IV, Paragraph 13-23 of the Rules, which petition alleges that the Respondent suffers from a physical or mental condition that materially impairs his fitness to practice law. Because the Respondent did not retain legal counsel for the hearing and no such counsel entered an appearance with the Board, the Board appointed a guardian *ad litem* in order to represent the best interest of Respondent as it pertains to Respondent's fitness to practice law.

The Board heard testimony from the following witnesses, who were sworn under oath: Kyle Elizabeth Skopic, GAL, and Respondent's current treating physician.

The Board accepted and considered the Affidavit of Richard A. DeLoria dated September 8, 2023, contained in VSB Exhibit #1. VSB exhibits # 1 through and including #3 were admitted without objection by the Respondent's GAL and pursuant to Rule 13-30.A.8 of the Rules of the Supreme Court of Virginia are SEALED . Respondent did not offer any exhibits.

After considering the exhibits, testimony and argument of counsel, the Board met in private to consider its decision.

FINDINGS OF FACT

Pursuant to Rule 13-30.A.8 of the Rules of the Supreme Court of Virginia, for good cause shown, in matters involving impairment, in accordance with Rule 13-30.A.3, the Findings of Fact made by a panel of the Disciplinary Board, upon the hearing of the above styled matter on January 26, 2023, are hereby SEALED and subject to review only by the parties, the Board, or a court of competent jurisdiction.

BOARD RULING

After due deliberation in closed session, the Board reconvened to announce its ruling. By unanimous vote and based on the evidence and testimony presented and the arguments of counsel, the Board finds by clear and convincing evidence that the Respondent suffers from a physical or mental condition which materially impairs his fitness to practice law. Accordingly, the Board concludes that an Impairment, as defined in Part Six, Section Four, Paragraph 13-1 of the Rules, exists.

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is SUSPENDED for an indefinite period of time, effective January 26, 2024.

It is further ORDERED that pursuant to the provision of Part 6, Section IV, Paragraph 13-29 of the Rules, the Respondent shall forthwith give notice by certified mail, of the Impairment Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the

disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Clerk within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.


It is further ORDERED that if the Respondent is not handling any client matters on the effective date of Suspension, January 26, 2024, he shall submit an affidavit to that effect to the Clerk within 60 days of the effective day of the Suspension. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

It is further ORDERED that to the extent that Respondent is not able, because of his impairment, to provide the notices and/or affidavit otherwise required by Part 6, Section IV, Paragraph 13-29 of the Rules, the Receiver is requested to provide such notices and/or affidavit required by Part 6, Section IV, Paragraph 13-29 of the Rules.

It is further ORDERED that the Clerk shall serve an attested copy of this order to: (1) the Respondent by certified mail, return receipt requested, and by regular first-class mail to his address of record with the Virginia State Bar, being 300 W. Main Street, Suite 102, Charlottesville, Virginia 22903, and a copy by first class mail to his current residence The Laurels of Charlottesville, 490 Hillside Drive, Charlottesville, VA 22901; (2) to Kyle Elizabeth Skopic, Respondent's GAL by electronic mail at Kyle@skopiclaw.com; (3) to Tenley Carroll Seli, Assistant Bar Counsel at 1111 East Main Street, Suite 700, Richmond, VA 23219 and (4) to Elliott P. Park, Receiver, by electronic mail at epp@parklawchambers.com .

ENTERED this 6th day of February, 2024.

VIRGINIA STATE BAR DISCIPLINARY BOARD



David J. Gogal, First Vice Chair