

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF:

VSB DOCKET NO. 09-000-079001

STEVEN SCOTT BISS

ORDER

This matter came before the Virginia State Bar Disciplinary Board (Board) on April 24, 2009, pursuant to the Notice of Hearing, Petition for Show Cause with attachments filed by the Virginia State Bar (VSB) and the Show Cause Order entered by the Clerk of the Disciplinary System alleging noncompliance with the Rules of the Supreme Court of Virginia Part Six, Section IV, Paragraph 13(M). The hearing was held before a duly convened panel of the Board consisting of Paul M. Black, William C. Boyce, Jr., Thomas R. Scott, Jr., Jody D. Katz, Lay Member, and Robert E. Eicher, Chair.

All required notices were sent by the Clerk of the Disciplinary System. The VSB was represented by Kathryn R. Montgomery, Assistant Bar Counsel. The Respondent appeared *pro se*. Tracy J. Johnson, Chandler & Halasz, P. O. Box 9349, Richmond, VA 23227, (804) 730-1222, having been duly sworn, reported the hearing.

The Chair opened the hearing by calling the case in the hearing room. The panel was then polled as to whether any member had any personal or financial interest that would impair, or reasonably could be perceived to impair, his or her ability to be impartial. Each member, including the Chair, answered in the negative.

This matter arises out of the VSB's Petition for Paragraph 13(M) Show Cause Hearing (Petition) filed with the Board by Bar Counsel on March 31, 2009, based upon Respondent's

alleged failure to comply with Paragraph 13(M)'s requirement that he make appropriate arrangements for the disposition of a client's personal injury claim following the suspension of his license effective January 1, 2009, for one year and one day.

The VSB alleged in its Petition that after January 1, 2009, Respondent continued his representation of Judy Guthrie by attempting to settle her personal injury claim against Mary J. Tomillon and John M. Tomillon, with the adjuster.

Paragraph 13(M) provides, in pertinent part, as follows with respect to a lawyer whose license is suspended or revoked:

[R]espondent shall forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. *The Respondent shall also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension.*

(italics added.)

Bar Counsel presented the testimony of Greg Williams (Williams), a claims adjuster with Virginia Farm Bureau, the Tomillons' insurer. Williams testified about his communications with Respondent regarding settlement of Guthrie's claim. Bar Counsel also introduced the following exhibits without objection: VSB Exhibit One (Memorandum Order), VSB Exhibit Two (Respondent's letter to the Tomillons dated December 9, 2008), VSB Exhibit Three (Respondent's e-mail to Williams dated January 12, 2009), VSB Exhibit Four (Respondent's letter to Williams dated January 21, 2009), and VSB Exhibit Five (Respondent's e-mail exchange with Williams dated February 17, 2009). Bar Counsel then rested her case.

Respondent testified. Respondent also introduced Respondent's Exhibit One (Verified Response with attachments) without objection, including an e-mail from Respondent to another lawyer, dated December 14, 2008, regarding Respondent's transfer of his representation of clients, including Judy Guthrie's personal injury claim. Thereafter, Respondent rested his case.

Bar Counsel and Respondent presented closing arguments. The Board then adjourned to deliberate whether Respondent had violated Paragraph 13(M).

DISPOSITION

After considering the evidence, argument of Bar Counsel and Respondent, and Rule 13(M) of the Rules of Professional Conduct, the Board, by majority decision, finds by clear and convincing evidence that Respondent has complied with Part Six, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia. Accordingly, this proceeding under Part Six, Section IV, Paragraph 13(M) is dismissed.

It is ORDERED that a copy of this Order be forwarded by certified mail, return receipt requested, to Respondent at his address of record and by regular mail to Kathryn R. Montgomery, Assistant Bar Counsel, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800.

Entered this Order this 4th day of May, 2009.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By Robert E. Eicher
Robert E. Eicher, Chair