

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matter of*

*Gerard Raymond Marks*

*Attorney at Law*

*On August 5, 2008, came Gerard Raymond Marks and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his resignation at a time when disciplinary charges are pending, he admits that the charges in the attached Certification and Affidavit Declaring Consent to Revocation are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation accepts his resignation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Gerard Raymond Marks be and the same hereby is revoked, and that the name of the said Gerard Raymond Marks be stricken from the Roll of Attorneys of this Commonwealth.*

Enter this Order this 6<sup>th</sup> day of August, 2008

For the Virginia State Bar Disciplinary Board

By Barbara S. Lanier  
Barbara S. Lanier  
Clerk of the Disciplinary System

RECEIVED

VIRGINIA:

AUG 5 2008

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

CONSENT TO REVOCATION OF LICENSE TO PRACTICE LAW VSB CLERK'S OFFICE

TO THE HONORABLE MEMBERS OF THE VIRGINIA STATE BAR DISCIPLINARY BOARD:

Your Affiant, GERARD RAYMOND MARKS, first being duly sworn, upon his oath does respectfully represent unto the Disciplinary Board the following:

1. That he was licensed by the Board of Law Examiners on April 30, 1992 to practice law in the courts of the Commonwealth, and that he did on April 30, 1992, qualify before the Supreme Court of Virginia.

2. That this consent is freely and voluntarily tendered by him pursuant to Part 6, Section IV, Paragraph 13(L) of the Rules of the Supreme Court of Virginia, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of consenting to Revocation.

3. That he is aware that there are proceedings currently pending involving allegations of Misconduct (VSB Docket No.s 07-101-070562 and 07-010-070838), the nature of which are set forth in the attached Certification of disciplinary violations issued by the Tenth District, Section I, Subcommittee of the Virginia State Bar, in addition to five other matters, 08-101-073184 (Complainant: Greg C. Nagy), in which the Respondent acknowledged being paid \$1,000 to incorporate Mr. Nagy's business, but did not do so and did not issue a refund; 08-101-073106 Raymond Batiato) in which the Respondent admitted to forging a judge's signature on a divorce decree and filing bonus pleadings in his client's divorce case; 08-101-072405 (James A. Dougherty) in which the Respondent admitted to receiving \$1,000 for a custody and support matter, but doing little or nothing in the case and not accounting for his fee; 08-101-073225 (Tiffany M. Joyner) in which the Respondent was hired for a personal injury case and issued a purported settlement check to his client when no settlement had occurred, and 08-101-072154 (The Honorable Robert Malcolm D. Turk) in which the Respondent admitted to forging the signatures of various judges to four different circuit court orders.

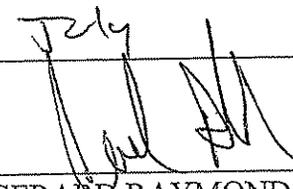
4. That the material facts upon which the allegations of Misconduct are predicated are true; and,

5. That he submits this consent to Revocation because he knows that if disciplinary Proceedings based on the alleged Misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

In accordance with Paragraph 13(L)(2), the admissions offered in this affidavit consenting to Revocation shall not be deemed an admission in any proceeding except one relating to the status of this attorney as a member of a bar.

WHEREFORE, your Affiant respectfully requests that he be allowed to consent to the Revocation of his license to practice law before this Honorable Board and before all other courts of the Commonwealth of Virginia, that his name be stricken from the roles of attorneys qualified to practice law in the Commonwealth of Virginia; and that such orders and decrees as may be necessary or required in this regard may be entered.

GIVEN under my hand this 30<sup>th</sup> day of July, 2008.

  
GERARD RAYMOND MARKS  
Affiant

STATE OF VIRGINIA

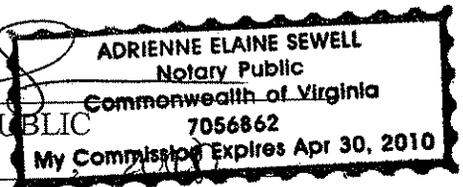
City/County of Montgomery, to wit:

I, Adrienne Sewell, a Notary Public in and for the city/county and state aforesaid, whose notarial commission expires on the 30 day of April, 2010, do hereby certify that GERARD RAYMOND MARKS, personally known to me, appeared before me on this 30 day of July, 2008, and was by me duly sworn and thereupon executed in my presence and acknowledged to me the truth and voluntariness of the foregoing Affidavit and Oath.

GIVEN under my hand this 30 day of July, 2008.

My commission expires the 30 day of April

  
NOTARY PUBLIC



VIRGINIA:

BEFORE THE TENTH DISTRICT, SECTION I, COMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTERS OF  
GERARD RAYMOND MARKS, ESQUIRE

VSB Docket Nos.: 07-101-070562 & 07-101-070838

SUBCOMMITTEE DETERMINATION  
(DIRECT CERTIFICATION)

On January 31, 2008, a meeting in this matter was held before a duly convened Subcommittee of the Tenth District, Section I, Committee consisting of Dr. Joseph A. Barta, Esquire, lay member, Dennis E. Nagel, Esquire, and Max Jenkins, Esquire, Chair presiding. Scott Kulp, Esquire, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar.

Pursuant to Part 6, §IV, ¶ 13(G)(1)(c) of the *Rules of the Virginia Supreme Court*, a Subcommittee of the Tenth District, Section I, Committee of the Virginia State Bar hereby serves upon Gerard Raymond Marks, Esquire (hereinafter the "Respondent") the following Certification:

A. VIRGINIA STATE BAR DOCKET NO.: 07-101-070562

I. Statement of Facts and Nature of Misconduct

1. At all times relevant hereto, the Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Complainant, Dan Canada, paid Respondent \$1,000 in May 2005 to represent him in an easement dispute he had with the neighbors of his rental property.

3. In October 2006, Respondent not only told Mr. Canada he had a prescriptive easement across the neighbors' property but also hand-delivered a court Order to Mr. Canada purportedly granting Mr. Canada a prescriptive easement across the neighbors' property. This Order reflects entry on September 29, 2006 and signature by Judge Ray W. Grubbs of the Circuit Court for Montgomery County.

4. During the course of trying to have the Montgomery County Sheriff's Office serve the Order on the neighbors, Mr. Canada learned that Judge Grubbs's signature on the Order is a forgery.

5. Respondent admitted to Mr. Canada, to Judge Grubbs, and to Judge Robert M.D. Turk that he forged Judge Grubbs's signature on the Order.

6. Respondent admitted to the bar's Investigator, James E. Whitener, that he forged Judge Grubbs's signature on the Order.

7. In his July 2, 2007 written response to the bar Complaint, Respondent agrees with the allegations contained within Mr. Canada's Complaint as being "essentially correct." Respondent further states, "[o]ne item I note that I need to take care of is to refund Mr. Canada the fee he paid me."

8. Respondent admitted to the bar's Investigator, James E. Whitener, that he received \$1,000 from Mr. Canada for the representation and had not, as of the December 19, 2007 interview, reimbursed any portion of the fee to Mr. Canada.

## II. Charges of Misconduct

The above facts, if proven, constitute violations of the Rules of Professional Conduct.

**RULE 1.16** Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers fitness to practice law;

**B. VIRGINIA STATE BAR DOCKET NO.: 07-101-070838**

**I. Statement of Facts and Nature of Misconduct**

10. At all times relevant hereto, the Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.

11. In May 2007, Complainant, Joel H. Peck, Clerk of Virginia's State Corporation Commission, was contacted by Ms. Lilly Smith to inquire about the status of a Virginia limited liability company she retained Respondent to organize.

12. Mr. Peck later received a faxed copy of a certificate from Ms. Smith that was purportedly signed by Mr. Peck, attesting to the fact that the certificate of organization was issued to Double S Trucking, LLC on May 8, 2007. Ms. Smith said she obtained the certificate from Respondent.

13. After searching the State Corporation Commission's business entity records, Mr. Peck could not find any limited liability company with the name Double S Trucking, LLC.

14. Based upon a review of Commission documents, Mr. Peck concluded his purported signature on the May 8, 2007 certificate is a forgery.

15. Upon interview with the bar's Investigator, James E. Whitener, Respondent admitted he forged Mr. Peck's signature on the certificate of organization.

16. Respondent informed the bar's Investigator that while he had no specific recollection of how he forged/generated the certificate, he opined he must have used a cut and paste method and a copy machine.

## II. Charges of Misconduct

The above facts, if proven, constitute violations of the Rules of Professional Conduct.

### **RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers fitness to practice law;

## CERTIFICATION

The Subcommittee, on behalf of the Tenth District, Section I, Committee, hereby certifies the Charges of Misconduct in the above-referenced matters to the Virginia State Bar Disciplinary Board pursuant to Part 6, §IV, ¶ 13(G)(1)(c) of the *Rules of the Virginia Supreme Court*.

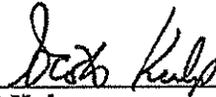
TENTH DISTRICT, SECTION I SUBCOMMITTEE OF  
THE VIRGINIA STATE BAR

By: \_\_\_\_\_

Max Jenkins, Esquire  
Subcommittee Chair

**CERTIFICATE OF SERVICE**

I certify that I have this 7<sup>th</sup> day of February, 2008 mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and correct copy of the Subcommittee Determination (Direct Certification) to Respondent Gerard Raymond Marks, Esq., 519 Roanoke Street, P.O. Box 2204, Christiansburg, VA 24068-072405, his last address of record with the Virginia State Bar, and by regular mail to 301 Royal Lane, Blacksburg, VA 24060, his personal residence upon information and belief, and to Michael L. Rigsby, Esq., 804.285.7994, Forest Plaza II, Suite 310, 7275 Glen Forest Drive, Richmond, Virginia 23226, Respondent's counsel of record.



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Scott Kulp  
Assistant Bar Counsel