

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
MARC BRANDON AYERS**

VSb DOCKET NO. 25-080-134876

**AGREED DISPOSITION MEMORANDUM ORDER
TEN-MONTH SUSPENSION**

On December 18, 2025, this matter was heard, telephonically, by the Virginia State Bar Disciplinary Board (the “Board”) upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part Six, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Adam M. Carroll, Second Vice Chair (the “Chair”); Robin J. Kegley; Kamala H. Lannetti; David J. Gogal; and Tammy D. Stephenson, Lay Member. The Virginia State Bar was represented by Richard W. Johnson, Jr., Assistant Bar Counsel. Marc Brandon Ayers (the “Respondent”) was present and was represented by counsel, Jeffrey Hamilton Geiger. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter to which each member responded in the negative. Beverly Horne, Court Reporter, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, Respondent’s Answer, Respondent’s Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall

receive a ten-month suspension, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective December 18, 2025.

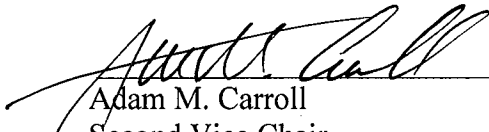
It is further **ORDERED** that the Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent must forthwith give notice by certified mail of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of her clients. The Respondent must give such notice immediately and in no event later than fourteen (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 forty-five (45) days of the effective date of the Suspension. The Respondent must also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within sixty (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 the Suspension, he shall submit an affidavit to that effect within sixty (60) days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. The Board must 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 pursuant to Part Six, Section IV, Paragraph 13-9.E, of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against the Respondent.

It is further **ORDERED** that an attested copy of this Order be mailed by the Clerk to the Respondent by electronic, first-class and certified mail, return receipt requested, to his Virginia State Bar address of record, at The Law Office Of M. Brandon Ayers LLC 209 S College Ave Salem, VA 24153-5059, and a copy by electronic mail to Richard W. Johnson, Jr., Assistant Bar Counsel.

ENTERED THIS **18th** DAY OF DECEMBER, 2025
VIRGINIA STATE BAR DISCIPLINARY BOARD


Adam M. Carroll
Second Vice Chair



VIRGINIA :

**BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
MARC BRANDON AYERS**

VSB Docket No. 25-080-134876

**AGREED DISPOSITION
(TEN-MONTH SUSPENSION OF PRIVILEGE TO PRACTICE LAW IN VIRGINIA)**

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, and Va. Code § 54.1-3935, the Virginia State Bar, by Jessica C. Beatty, Assistant Bar Counsel, Marc Brandon Ayers, Respondent, and Jeffrey Hamilton Geiger, Respondent's counsel, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. Respondent was admitted to the Virginia State Bar ("VSB") in 2016. At all relevant times, Respondent was a member of the VSB.
2. On or about February 5, 2024, Complainant Samantha Danielle Jones ("Ms. Jones") hired Respondent to represent her in a custody and visitation matter.
3. A hearing was set for Monday, April 29, 2024, in Ms. Jones's custody and visitation matter, including the opposing party's motion to amend visitation and a show cause against Ms. Jones, for which she had been served with a summons to appear.
4. On or about Friday, April 26, 2024, Respondent and Ms. Jones met in person at Respondent's office.
5. During the April 26, 2024, meeting, Respondent and Ms. Jones discussed that Ms. Jones's case would benefit from being continued.

6. During the April 26, 2024, meeting, Respondent advised Ms. Jones that if she was sick, then Respondent could ask for a continuance of the trial date. Ms. Jones was not sick on April 26, 2024.

7. On Friday, April 26, 2024, after Respondent and Ms. Jones met in person, Ms. Jones called Respondent to voice her concerns that she would get in trouble for representing to the court that she was sick when she was not sick. Ms. Jones recorded the phone call.

8. During this phone call, Respondent stated *“what I’ve laid out for you today is the surest bet to get what we want.”* Respondent further stated that *“we need more time”* and advised Ms. Jones that her being sick would be sufficient to obtain a continuance of the hearing.

9. Throughout this phone call, both Ms. Jones and Respondent referred to “the plan” of Ms. Jones pretending to be sick so that Respondent could request a continuance.

10. During the same phone call, Respondent stated the plan *“is a little shady. They’re playing shady. We’ll play shady back. That’s how I can justify that.”*

11. Ms. Jones responded that she did not feel comfortable not appearing for court, and Respondent advised that there was a “97-98-99%” chance that the Court would just leave the temporary order in place if Ms. Jones did not appear. Ms. Jones repeatedly expressed reservations and concerns. Respondent insisted that Ms. Jones should *“trust me and do what I say.”*

12. Respondent stated that *“what I don’t want to do, because this is not good legal advice ... is to ever ‘quote unquote’ misrepresent anything to the court. But in actuality, I know that that would be enough, or I wouldn’t suggest it, to get us what we’re looking for, for the time being.”*

13. When Ms. Jones expressed hesitation about failing to appear for court, Respondent insisted that if Ms. Jones failed to appear for court, he was “99%” sure that she would not suffer

any consequences. He further advised Ms. Jones that the Court would not investigate whether she was actually sick.

14. During the same phone call, Respondent stated *“what we’re doing is we’re stepping over on the other side of the fence... you know that, I know that.”* Respondent further stated *“... certainly you don’t lie to the court ... but it happens every damn day. ... Saying this out loud makes me very uncomfortable myself. It’s not ethical, it’s not legal.”*

15. During the same phone call, Respondent stated to Ms. Jones that he did not believe opposing counsel would agree to a continuance, and that he thought it would be risky for Ms. Jones to appear in court and seek a continuance because the court could deny it. Respondent advised that his plan would be “98-99%” certain to get the case continued. Respondent stated *“especially given what we’re planning, if you’re just not comfortable with it, if it rubs you the wrong way, I can deal with it....”*

16. During the same phone call, Respondent advised Ms. Jones that she could go to a doctor and fabricate illness so that the doctor would write her a note that could be provided to the Court to corroborate her illness. Ms. Jones asked Respondent, “if I did go through with that and, you know, not feel well for Monday, can I get a doctor’s note? Would they even honor something like that?” Respondent replied, *“even if it was requested, and that is also a very low probability – low low low low – you can go check in, say ‘I’ve been pooping my butt off and I’ve been throwing up,’ and they’ll give you some nausea medicine and they’ll write you a note, and that’s all we need.”*

17. Respondent stated to Ms. Jones, *“what I need to know from you is, are we going forward with the plan as we discussed today, or do I need to revamp that plan and come up with something different?”* Ms. Jones replied “I don’t feel great. I don’t want to go in unprepared either

... I don't want to get in trouble obviously ... so if you need more time, then I'll just have to do what I can do. I don't want to look like a liar though."

18. Respondent ended the phone call by telling Ms. Jones to trust him and asking her to discuss the next steps with her husband and let him know whether she wanted to proceed with the plan.

19. On April 27, 2024, at 8:09 a.m. and again at 10:33 a.m., Ms. Jones advised Respondent by text message that she was uncomfortable pretending to be sick for the hearing date. She stated, "I am struggling with this plan. I don't feel comfortable at all...." Respondent did not reply.

20. During a phone call during the weekend of April 27-28, 2024, Ms. Jones stated that she wanted to find new representation. Respondent told her that he would plan to be present and prepared for the hearing in case she changed her mind.

21. On April 28, 2024, Respondent, Ms. Jones, and Ms. Jones's husband met in person at Respondent's office. During that meeting, Ms. Jones informed Respondent that she no longer wanted to proceed with the representation and that she intended to hire new counsel. Respondent issued a refund check to Ms. Jones for the full amount of her advanced fee.

22. On April 29, 2024, Respondent and Ms. Jones both appeared in court for the hearing. Respondent requested to withdraw as Ms. Jones's counsel. The Court granted Respondent's request to withdraw as counsel and the hearing went forward with Ms. Jones acting *pro se*.

23. On March 4, 2025, Ms. Jones submitted a bar complaint citing, *inter alia*, Respondent's advice to her that she fabricate an illness to obtain a continuance of a court date because Respondent was unprepared to represent her in the hearing.

24. On March 30, 2025, Respondent submitted a written answer to the bar complaint. Respondent stated that, in the time leading up to the hearing, Ms. Jones asked him what would happen in the event someone was sick and couldn't make it to court, and that he responded that typically the court would try to accommodate the party who was ill by continuing the case or allowing a telephonic appearance. Respondent further wrote that he *"stated to Ms. Jones verbatim, 'to be abundantly clear, in no way am I explaining this to suggest, insinuate or otherwise that you 'pretend' to be sick to avoid court.'"* Respondent stated that he *"adamantly"* told Ms. Jones that he could not make a misrepresentation to the court that his client was ill if in fact they were not.

25. In his answer, Respondent stated that during a phone call during the weekend prior to the hearing date, Ms. Jones again brought up being sick to get out of going to court, and that he *"was overly clear [that he would] never, under any circumstances intentionally suggest or even insinuate"* that Ms. Jones should pretend to be sick to obtain a continuance of the court hearing.

26. In her rebuttal to Respondent's answer to the bar complaint, Ms. Jones provided a copy of her recording of the April 26, 2024, phone call to the VSB.

27. On May 19, 2025, during his interview with the VSB, Respondent stated that he met with Ms. Jones on April 26, 2024. Respondent initially stated that Ms. Jones told him that she might fake an illness to get out of going to court, and that he explained to her *"over [and] over [and] over again"* why she could not do that. Respondent stated that he told her *"to be at court no matter what, even if she's sick."* Respondent initially stated unequivocally that there was no plan for Ms. Jones to call out sick; Respondent further stated that he advised Ms. Jones to come to court even if she was sick and that *"we're not going to get a continuance because we've run all those out."*

28. Respondent stated specifically, regarding a plan for Ms. Jones to call out sick, “[i]here was no plan for that to take place at all, no. No, there was no plan.”

29. The VSB investigator then played the recorded phone call for Respondent. Respondent then said that Ms. Jones formulated a plan to call out sick and he explained to her that the likelihood that she would get in trouble for actually being sick was low, and that he had not suggested she call in sick.

30. In an affidavit dated July 10, 2025, and submitted to the VSB on July 11, 2025, Respondent stated that he “*did make affirmations suggesting Ms. Jones should go ahead and call in sick, that would likely be fine.*”

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct¹:

RULE 1.2 Scope of Representation

(c) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.

- 1) discuss the legal consequences of any proposed course of conduct with a client;
- 2) counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law; and

¹ Italicized language is explanatory and is not intended to limit the findings of the tribunal.

3) counsel or assist a client regarding conduct expressly permitted by state or other applicable law that conflicts with federal law, provided that the lawyer counsels the client about the potential legal consequence of the client's proposed course of conduct under applicable federal law

By counseling Complainant to fabricate an illness and attempting to convince his client to allow him to make a material misrepresentation to the Court, which he knew was fraudulent, Respondent violated Rule 1.2(c).

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

* * *

(b) Advise or cause a person to secrete himself or herself or to leave the jurisdiction of a tribunal for the purpose of making that person unavailable as a witness therein.

* * *

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

* * *

By counseling his client to fail to attend a hearing for which she had received a show cause summons and which she was required to attend, Respondent violated Rules 3.4(b) and (d).

RULE 8.1 Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact[.]

By stating in his responses to the bar complaint and in his interview with the VSB that he had not suggested that he counseled Complainant to allow him to make a misrepresentation to the Court when he had, in fact, done so, Respondent violated Rule 8.1(a).

RULE 8.4 Misconduct.

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

By knowingly counseling his client to fabricate an illness in order to obtain a continuance of her hearing date and to request and retrieve documentation from a doctor based on false pretenses to provide evidentiary support for the fabricated illness; and by knowingly attempting to convince his client to allow him to make a material misrepresentation to the Court on her behalf, with the intent of violating Rule 3.3(a)(1), 3.3(a)(2), 3.3(a)(4), 4.1(a), and 4.1(b), Respondent violated Rule 8.4(a).

- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

By knowingly counseling his client to fabricate an illness and to request and retrieve documentation from a doctor based on false pretenses, attempting to convince his client to allow

him to make a material misrepresentation to the Court on her behalf, demonstrating that he did intend to make a material misrepresentation to the Court himself, and making material misrepresentations to the VSB, Respondent violated Rule 8.4(c).

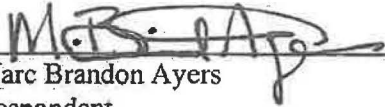
III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to the Disciplinary Board hearing this matter for its approval the Agreed Disposition of suspension of Respondent's license to practice law in the Commonwealth of Virginia for a period of TEN MONTHS as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. Assistant Bar Counsel and Respondent agree that the effective date for the sanction shall be the date of entry of the Disciplinary Board Order approving this Agreed Disposition.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By: 
Jessica C. Beatty
Assistant Bar Counsel


Marc Brandon Ayers
Respondent


Jeffrey Hamilton Geiger
Respondent's Counsel