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The views expressed in the *Roanoke Bar Review* do not represent the policy or carry the endorsement of the Association unless specifically noted.

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## WHEN EFFICIENCY MEETS ETHICS: GENERATIVE AI & REASONABLE FEES UNDER LEO 1901

BY EMILY BROOKS, ESQ.



What once started as a speculative concept, generative artificial intelligence (AI) has moved with remarkable speed, establishing itself as a defining force within the modern professional landscape. With the capability of producing written analysis, synthesizing vast amounts of information, and assisting with various administrative tasks at a scale previously unimaginable, many professions are facing the challenge of knowing when and how to properly integrate generative AI into the workplace. Across industries—organizations and individuals alike—are confronting a shared reality: the way work is performed is fundamentally changing, and efficiency is no longer a competitive advantage but an expectation. Nowhere is this transformation more profound than in the legal profession.

The practice of law is increasingly intersecting with tools designed to accelerate output without sacrificing precision. With promises of streamlining routine tasks, enhancing research capabilities, and allowing attorneys to re-direct their time to other tasks, it's no surprise that generative AI has taken the legal profession by storm. The rapid adoption of generative AI into the practice of law has intensified conversation around professional responsibility, ethical use, billing practices, and the evolving definition of productivity in a results-driven market.

With no other choice left but to accept the changing landscape of the legal profession, courts and bar associations are stepping up and establishing guidelines to protect ethical integrity within the profession. On November 24, 2025, the Supreme Court of Virginia formally approved Legal Ethics Opinion 1901, titled "REASONABLE FEES AND THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE." LEO 1901 acknowledges and addresses the ethical implications of generative AI in the legal practice, particularly as it relates to increased efficiency and lawyer billing. The opinion makes clear that the use of generative AI does not justify billing practices that are unreasonable or disconnected from the actual value of services provided to the client. With generative AI's introduction, lawyers must ensure that fees remain consistent with the Rules of Professional Conduct.

LEO 1901 is specifically concerned with the tension that generative AI places on Rule 1.5 of the Rules of Professional Conduct and reasonable billing requirements. Rule 1.5 reads:

- a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:
  - 1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service property;
  - 2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

## PRESIDENT'S CORNER

BY JON PUVAK, ESQ., PRESIDENT



A few weeks ago, I attended the 2026 Bar Leaders Institute in Richmond. This annual meeting is planned and hosted by the Local and Specialty Bar Section of the Virginia State Bar. This meeting serves as an opportunity for current and prospective local and specialty bar leaders throughout Virginia to network and learn about the full resources of the Virginia State Bar. A significant point of emphasis for this year's meeting was on the efforts to improve pro bono participation in Virginia. We learned more about the Virginia State Bar's recent launch of Pro Bono Virginia and a statewide portal to centralize all pro bono opportunities. The portal was developed in conjunction with a national pro bono management provider, Paladin. The new portal will not replace other pro bono resources like Virginia Free Legal Answers or work through Blue Ridge Legal Services. Instead, the portal will allow attorneys to cultivate personalized options to provide pro bono legal services. The goal is to make pro bono opportunities even more accessible to all attorneys. At the Bar Leaders Institute, we heard about several examples of attorneys that are providing meaningful pro bono without ever leaving their offices or homes. By removing the geographical limitations, there is the potential to fill the greater needs in rural and underserved communities. The Virginia State Bar has developed a widget that will allow you to filter through opportunities based on your interests, expertise and locations. We have included the widget in this issue and I encourage you to scan the QR code to develop a list of ways that you can get more involved in pro bono work!

The Local and Specialty Bar Section also honors bar associations with annual awards of merit. As we announced previously, the RBA was awarded with a 2025 Award of Merit for our Centennial Community Project which supported the relocation of the Legal Aid Society of the Roanoke Valley. A number of attendees remarked about the longevity of the RBA and the breadth of what we were able to accomplish. So additional thanks to all of the RBA members who served as volunteers to make these award winning events possible.

Spring is almost here and the Bar year is moving along! The Board is planning several important events over the next few months. We will be offering a three-hour elder law CLE on April 28<sup>th</sup> and we anticipate a strong showing from our local legislators for Law Day on Friday, May 1<sup>st</sup>. We continue to have interesting speaker presentations and strong attendance at our monthly lunch meetings. As always, we encourage you to attend these lunches and use them as a tool to connect with other members.

Please do not hesitate to contact me or other Board members if there are new initiatives that you feel the RBA should consider. Thank you for your continued participation in the RBA!

*Jon Puvak is a partner at Gentry Locke.*

### **Elder Law – Legally Aging**

**3 hour CLE Program**

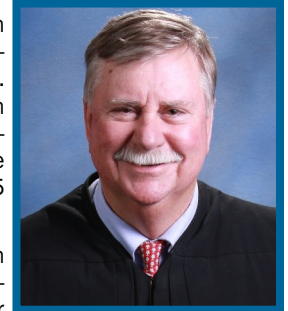
**April 28, 2026 2:00–5:00 pm**

<https://roanokebar.com/event/cle-seminar-elder-law-legally-aging-april-28-2026/>

## VIEWS FROM THE BENCH: EGAD!

BY THE HONORABLE FRANK W. ROGERS, III.

Dictionaries define “egad” as an exclamation, expressing surprise, anger, affirmation or even mild obscenity. Whether intended or not, the Report on Entry, Growth, and Distribution of Virginia Attorneys (EGAD) released by the Virginia State Bar in December, 2025 is bound to elicit this kind of response.



The 137 page report analyzes in painstaking detail the downward trajectory of a number of key indicators for the legal field in Virginia. For example:

- New admissions to the VSB declined 46% from 2012-2024 (7.5 times the national average).
- The total Virginia Bar Examinees, from 2012-2024, declined 57% (the decrease nationally was 15%).
- Only 28% of Virginia law school graduates took the Virginia Bar Exam in 2024.
- 60 out of 133 cities or counties in Virginia are considered “legal deserts” (having fewer than 1 attorney per 1,000 residents).

The report has 30 recommendations to reverse these troubling trends. All are worthy of implementation, but realistically it will take years for meaningful benefit to be realized. This is time we simply don't have to address an urgent need of our Juvenile and Domestic Relations District Courts.

Between 2020 and 2025, the number of guardians *ad litem* statewide has decreased 32%. The 23<sup>rd</sup> Judicial District has seen a 20% decrease in the same period. The Supreme Court's Office of Executive Secretary lists 60 GALs for the 23<sup>rd</sup> District, but when you strike from the list those who have retired, died, are no longer accepting appointments or have offices an hour or more away from Roanoke, the real list is just 22 attorneys. And those attorneys are stressed! Roanoke City DSS alternates with Norfolk City DSS as having the most children in foster care in the state. At last check, Roanoke City DSS had 254 kids in care.

Most of the GALs on our list also serve as court appointed counsel for juveniles and for adults and parents and guardians with children in foster care. So the demand remains very high for GALs and CACs, but the supply is dwindling. Attorneys serving on our lists do an excellent job for their clients, and they do all they can to accommodate the needs of the court, but there is obviously a limit to what we can ask of them and we are fast approaching that point. Here is how too few GALs and CACs affect our system:

- Given the demands on their time, due to beyond capacity caseloads, attorneys cannot always do everything they would like in all their cases.
- Attorneys often have to schedule themselves in multiple courtrooms at the same time, resulting in inevitable delays for lawyers and litigants.
- A deputy clerk recently told me that she had to call 17 GALs to find one available to take an appointment for a case.
- Judges may be reluctant to appoint GALs in custody/visitation cases in order to preserve GAL availability in child welfare cases.

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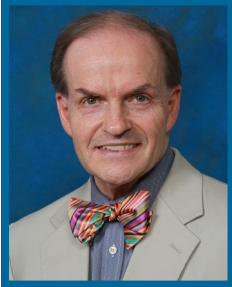
## MY SUPERLATIVE CASE

BY JOHN E. LICHTENSTEIN AND GREGORY L. LYONS, ESQ.



### Privilege, Precision, and Perseverance

There are moments that remind us—quietly, unmistakably—why we chose this work. Not moments from a particular verdict alone, or, in a medical malpractice case, those involved in navigating the complexities of the medicine or the law; rather, moments with the people who entrust us with the most difficult chapters of their lives. As described below, representing Mr. Mason in a neurosurgical medical malpractice case in Fairfax County Circuit Court was filled with those moments.



We have spent much of our practice representing individuals and families navigating catastrophic injury from a variety of causes, commercial trucking and auto cases, medical malpractice, product liability and premises cases. These cases demand vigorous investigation, research, and technical rigor. But the most reward-

ing and important aspect of our work is when we stand close with our client through their loss and the terrible uncertainty of their future. In the case we describe, and all cases, we feel an active gratitude for that privilege.

### Medical and Legal Setting

Mr. Mason, 81 years old at the time of trial, underwent surgery to implant a spinal cord stimulator, intended to address persistent neuropathic pain following a prior two-level spinal fusion. He was, and remains, a remarkable individual— independent, determined, and realistic about the challenges imposed by age and prior spinal disease. After conservative measures failed to provide lasting relief, and following a successful stimulator trial, he consented to permanent implantation.

What followed was a preventable injury. The evidence demonstrated that the neurosurgeon failed to perform a basic, readily available pre-surgical measurement of Mr. Mason's epidural space—an easy, cost-free step using tools embedded in standard MRI software. That omission mattered. The paddle electrode selected for implantation was too large for the available epidural space. When resistance was encountered during placement, the standard of care required the surgeon to stop and identify the source of that resistance. That stop did not occur.

The improperly sized and malpositioned electrode compressed Mr. Mason's spinal cord. At the conclusion of the implantation procedure, he had complete paralysis of his left leg. Although an emergency procedure was performed approximately nine hours later to remove the stimulator, the damage had been done. Mr. Mason was left with permanent functional loss, requiring a leg brace and forearm crutches to walk.

### Issues Tried and Evidence

The defense contended that Mr. Mason's outcome was the inevitable progression of severe pre-existing degenerative spinal disease, compounded by a post-surgical spinal hematoma that

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## LAW LIBRARY UPDATE

BY JOSEPH KLEIN, LAW LIBRARIAN

You have to love late winter/early spring in Southwest Virginia. When I started this article yesterday, it was 85 degrees. Less than 24 hours later, as I complete the article it is in the 30s and snowing. Bewilderment aside, I truly love living here in these beautiful mountains. I left for over a decade in my twenties and thirties, but I am so glad I returned over 20 years ago and can't imagine a better place to live.



These last 20 years have seen lots of change, both in Southwest Virginia and here at the Roanoke Law Library. For me, the biggest change in those 20 years has been the relocation of the law library from the Courthouse to the Main Library, but even though our location has changed our mission has not. We are still focused on providing our customers with high quality legal information and even higher quality service. While the location might not be in the courthouse and might not be as large, we actually have access to more legal information than ever. As an added bonus the new location allows us to provide evening and weekend hours so we can provide access to that information for far more hours a week than were possible in the Courthouse.

### Researching Virginia Statutes

As strange as it seems, the current version of the Virginia statutes is the 1950 Code of Virginia. There are a few exceptions but generally speaking the Code of Virginia is updated every July 1st. The official version of the annotated Code of Virginia is published by Lexis and the Roanoke Law Library has an up to date annotated version of that. The Roanoke Law Library also has all prior superseded volumes of the 1950 Code of Virginia. We also have many past volumes of the Code dating as far back as 1819. For the current 1950 Code of Virginia we have all annual supplements back to 1974.

West also publishes an up to date version of the Code of Virginia, the Virginia Statutes Annotated and while we do not have a print copy, our Westlaw subscription allows access to this. There is also an online version of the Code of Virginia, without annotations, that can be found on the Virginia Law Portal and is available for free without subscription at <https://law.lis.virginia.gov/>.

Something that a lot of you may not know is that both Lexis and Westlaw provide historical versions of the Code of Virginia so it is possible to see how the statutes read in the past. Both Lexis and Westlaw provide historical versions of the Code of Virginia back to 1991. Additionally, Westlaw provides a feature where you can enter a specific date back to December 31, 2006 and see the exact text of a particular statute on a specific date.

If you want to dig a little deeper into historical versions of statutes and look at the legislation that affects them, the Virginia Legislative Information System (<https://lis.virginia.gov/>) provides a detailed history of all Virginia legislation back to the 1994 legislative session. Additionally, the Roanoke Law Library has the volumes of the Virginia Acts of the Assembly back into the 1800s that shows all legislation that is enacted and signed into law. The Law Library also provides access to most of the volumes of published Virginia Senate and House Journals, Reports and Docu-

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## OUT OF OFFICE WITH ELIZABETH BARBOUR



In my family law practice at the Legal Aid Society of the Roanoke Valley, I work exclusively with indigent clients whose encounters with domestic abuse lead them to seek legal counsel and remedy. At a certain age I began law school at Washington and Lee followed by an initial court appearance with a Legal Aid client when I was sixty years old. I can attest that Domestic Relations court actions can remarkably improve

lives. Before aligning my stars with the legal institution, I was the owner, designer, and contractor of real estate projects in Telluride, Colorado, a hand model with the Ford Agency in New York, and an author published intermittently in a variety of formats.

I collect paper. When this began there was no plan in mind. Over time I saw there is a world of paper artists. I am not one of these. Rather, I produce portfolios with paper I have found. These are reliquaries for any number of things. That is, flat things. Photographs, fabric samples, wallpaper samples, letters received, letters never sent, contracts, cards of congratulation, cards of condolence, postcards, poems, passports, seed packets, lists, pages torn from magazines, your grandmother's recipes, a child's artwork, the novel you have not finished.



My methods, my tools: Measure twice, cut once. Steel rulers. Sharp enough to draw blood-draw knives. Spray glue, glue stick, decoupage medium, glue gun. Hot iron. Hair pins. Gorilla clips. Clothes pins. Folding is a construction plan. I build small, medium or large portfolio bodies using two-equal-sized, corrugated plastic-boards joined at the bottom with an expandable gusset that is often made of linen. I want to experiment with a side gusset. There are no raw edges, corners are turned, seams meet closed edges. Some portfolios are formed with one continuous piece of paper that wraps the entire affair. Others boast differing papers from inside to outside to gusset. The portfolios and their contents are limited only by imagination. They are kept closed with a ribbon tied into a bow.

Kathmandu is where I purchased my first bundle of paper.



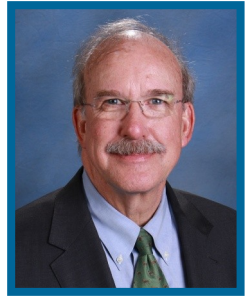
Elizabeth Barbour in Nepal.

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## VIRGINIA STATE BAR UPDATE

BY DANIEL P. FRANKL, ESQ. AND KEVIN W. HOLT, ESQ.

We are pleased to be your representatives from the 23<sup>rd</sup> Judicial Circuit on Council, the governing body of the Virginia State Bar.



At its meeting on February 28, 2026, in Richmond, the Virginia State Bar Council heard the following significant reports and took the following actions.

### Amendments to Rule of Professional Conduct 1.9(c)

Council approved with 46 yes votes, 17 no votes, and 1 abstention, amendments to RPC 1.9 (c), Conflict of Interest-Former Client. The proposed changes will be presented to the Supreme Court of Virginia for approval.



### Amendments to Unauthorized Practice Rules

Council approved with 46 yes votes, 13 no votes, and 1 abstention, amendments to Part 6, § 1, Paragraph 3(O) of the Rules of Court, Unauthorized Practice Rules. The proposed changes will be presented to the Supreme Court of Virginia for approval.

### Election of Members to Fill Volunteer Entity Vacancies

Council approved, with 64 yes votes, 0 no votes, and 1 abstention, candidates to fill 2026-27 vacancies on the VSB Council Members At Large;

Council approved, with 60 yes votes, 0 no votes, and 2 abstentions, candidates to fill 2026-27 vacancies on the VSB Clients' Protection Fund Board (including Lori J. Bentley);

Council approved, with 63 yes votes, 1 no vote, and 0 abstentions, candidates to fill 2026-27 vacancies on the VSB Disciplinary Board and chairs (including Mary Beth Nash, Jennifer D. Royer and Vicki L. Francois);

Council unanimously approved candidates to fill 2026-27 vacancies on the VSB Mandatory Continuing Legal Education Board (including Scott A. Stephenson); and

Council approved, with 63 yes votes, 0 no votes, and 1 abstention, candidates to fill 2026-27 vacancies on the American Bar Association House of Delegates.

The candidates for Council Member At Large, Disciplinary Board, and MCLE Board will be presented to the Supreme Court of Virginia for appointment.

### Election of Disciplinary District Committee

Council unanimously approved the volunteer attorney candidate to fill a vacancy for an unexpired term expiring in 2027 on the VSB Disciplinary Committee for the Fifth District, Section III.

### Budget

Council approved with 64 yes votes, 1 no vote, and 0 abstentions, a proposed budget for Fiscal Year 2027. Total FY 2027 revenue is projected to be approximately \$14.1 million. Total projected expenses for the same period are projected to

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# The McCammon Group

is pleased to announce our newest Neutral



## James F. Neale, Esq.

*Mediator & Arbitrator*

After more than 25 years, Jim Neale has retired from the active practice of law and joined The McCammon Group to serve as a Neutral. He spent his entire career at McGuireWoods LLP, where he served as a first-chair trial lawyer in a wide range of civil disputes, including mass tort and class action litigation involving personal injury, product liability, transportation, insurance coverage, land valuation, indemnity, and contract matters. He has represented both plaintiffs and defendants in courts throughout the country. Jim is a Fellow of the American Bar Association and the Virginia Law Foundation, and he regularly collaborates with the University of Virginia's Innocence Project. He was named to the Virginia Access to Justice Commission's Pro Bono Service Honor Roll in 2022. Jim now brings this broad experience and civic commitment to The McCammon Group to serve the alternative dispute resolution needs of lawyers and litigants throughout the Commonwealth and beyond.



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## PRO BONO CORNER

The following is a copy of the VSB press release regarding *Paladin*.

The Virginia State Bar (VSB) announces the launch of a new [Statewide Pro Bono Portal](#) in partnership with pro bono management platform, [Paladin](#). The online platform will enhance pro bono engagement across the state by facilitating connections between volunteer lawyers and [Qualified Legal Service Providers](#) (QLSPs) to provide legal assistance.

The launch of the new portal grew out of the Virginia State Bar's participation in the [Virginia Access to Justice Commission's](#) statewide pro bono campaign to increase pro bono participation across the Commonwealth. Initially envisioned as a pro bono marketing effort, the campaign has grown into Pro Bono Virginia (PBV), a groundbreaking effort to create a permanent statewide infrastructure that turns interested attorneys into capable volunteers—providing the visibility, training, support, and community they need to take their first case and then stay engaged over time.

"PBV isn't an awareness campaign, it is a systemic overhaul of how pro bono volunteers are engaged and how services are delivered in Virginia," said Bryan Slaughter, Chair of the Virginia Access to Justice Commission's Pro Bono Committee. "The statewide portal is a critical piece of the puzzle, particularly for those curious about opportunities but not yet connected to a pro bono cause or community."

Slaughter adds that the portal is low-friction, easy to use, and integrates with several QLSP case management systems. "PBV is thoughtfully leveraging the portal to streamline and scale our pro bono training and recruitment initiatives, ensuring the new system adds value for volunteers and the pro bono programs they serve."

The pro bono portal centralizes pro bono service and training opportunities in a statewide database that the legal community can access for free without creating an account or password. Volunteers can search for matters that align with their interests, skill sets, and availability, and connect directly with QLSPs to get started. The portal offers :

- A publicly available, centralized platform anyone can access to learn about pro bono offerings throughout Virginia.
- An accessible layout and seamless navigation.
- A statewide list of opportunities that users can filter based on interest and capacity.
- Feature local, regional, and statewide training events to bolster competence and confidence.
- Access opportunities that offer support and mentorship.
- Ongoing support available to pro bono programs to maximize benefit and enhance existing volunteer recruitment and outreach efforts.
- Harmonization with Pro Bono Virginia initiatives to thoughtfully leverage the new platform to support scalable pro

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## VIEWS FROM THE BENCH: EGADS!

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In 2024, the General Assembly raised the cap in court appointed cases to \$330 for misdemeanors, \$834.00 for felonies and \$680.00 for juvenile delinquency cases. In 2025, the GA approved a cap of \$330 for representation of parents and guardians in child welfare cases (\$680 in parental rights termination cases.) An item included in both the Senate and House versions of the budget currently pending in the GA will raise GAL pay to \$90/hr. in-court time and \$65/hr. out-of-court time. I'd like to thank Brett Marston and the Virginia State Bar for supporting this budget item. These are all long overdue adjustments in compensation for attorneys willing to do this work, but in my view not enough to reverse our sobering trends.

### We Need Your Help!

What we need is a grass roots effort by Roanoke lawyers and firms to support this work. When I came to work out of law school, it was just expected that I would do some court appointed work. Not for the money, of course, but to serve the community and in the process to gain invaluable courtroom experience, to meet other lawyers, and to get to know Clerks' Office and Sheriff's Department personnel. For whatever reason, this no longer seems to be an expectation. Our lists have considerably more lawyers approaching retirement age than younger lawyers. This must change!

Please consider joining our lists so that we can continue to provide the quality representation of juveniles and adults for which Roanoke City is well known. If interested please reach out to Judge Ferguson ([hferguson@vacourts.gov](mailto:hferguson@vacourts.gov)), Judge Moseley ([amoseley@vacourts.gov](mailto:amoseley@vacourts.gov)) or me ([fwrogers@vacourts.gov](mailto:fwrogers@vacourts.gov)), and we will send you the needed requirements for service.

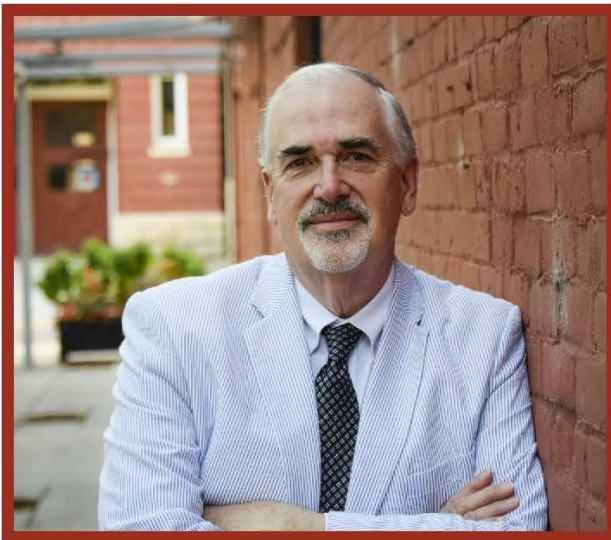
## HABITAT FOR HUMANITY WORK DAY 2026

BY JAY O'KEEFFE, ESQ.

On February 21, the RBA continued its annual tradition of partnering with Habitat for Humanity in the Roanoke Valley for a workday. A dedicated crew of RBA members (and a few significant others) put in a productive four-hour shift at 629 Church Ave SE, lending their labor to a project that is helping to revitalize a whole block. The RBA was represented by Devon Munro, Amy and Scott Geddes, Carrol Ching and her husband Mark, Kyle Lang and his partner Zoey Nichols, and Jay O'Keeffe. Under the guidance of Habitat Site Supervisor Matt Blevins and Assistant Site Supervisor Brian Gezymalla, the group focused on finishing the front porch, installing interior windows, and helping to organize the worksite. The consensus among the crew was that this year's site had a distinct advantage over last year's — for starters, it had a roof. Even so, after four hours of sawing, measuring, and drilling, Habitat's verdict remained unchanged: as carpenters, RBA members make pretty good lawyers.

The property is one of three homes Habitat is currently renovating on the block, designated for Thomas and Olivia Kimbrough and their five children. The Kimbroughs' journey to homeownership has been marked by resilience. They have

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**MEDIATION****ARBITRATION****JONATHAN M. APGAR**

Having previously served twenty-one years as both a full time and a retired, recalled circuit court judge, Jonathan M. Apgar has successfully mediated scores of cases. He is also certified in civil mediation by the National Judicial College. He offers skilled mediation and arbitration at a modest cost.

**SOUTHWEST VIRGINIA MEDIATIONS****P.O. Box 576, Salem, Virginia 24153****[www.swvmediations.com](http://www.swvmediations.com) 540 556 4296 [jmitcalfe99@aol.com](mailto:jmitcalfe99@aol.com)**

## WHEN EFFICIENCY MEETS ETHICS: GENERATIVE AI & REASONABLE FEES UNDER LEO 1901

(Continued from page 1)

- 3) The fee customarily charged in the locality for similar legal services;
  - 4) The amount involved and the results obtained;
  - 5) The time limitations imposed by the client or by the circumstances;
  - 6) The nature and length of the professional relationship with the client;
  - 7) The experience, reputation, and ability of the lawyer or lawyers performing the services; and
  - 8) Whether the fee is fixed or contingent.
- b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represent the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

At the forefront of LEO 1901 is recognition of the tension between Rule 1.5's reasonableness factors when introducing efficiency-enhancing technologies that impact the value and time spent on different legal matters. Most significantly, the opinion notes a tension between "the time and labor required" and "the skill requisite to perform the legal service properly." Generative AI has already shown to increase productivity in various areas, but this change cannot come without serious oversight and value-based judgments being made by the lawyers implementing these technologies into their practices.

One line in LEO 1901 is particularly striking: "*It is not per se unreasonable for a lawyer to charge the same non-hourly fee for work done with the assistance of AI as work done without the use of AI.*" At first glance, this language appears to suggest that lawyers need not adjust their fees to account for efficiency gains produced by generative AI. In practice, however, the reality is more nuanced. As generative AI increases lawyer productivity and overall work capacity over time, attorneys must engage in thoughtful, value-based judgment when determining fees. Lawyers integrating these technologies into practice bear the responsibility of ensuring enhanced efficiency does not sacrifice value of service.

It is clear that the push toward greater productivity and efficiency is no longer an option; it is embedded in client expectations, firm economics, and the broader trajectory of the legal profession. Understanding the role of generative AI—and its impact on how legal work is performed and billed—has become essential to navigating the future of legal practice. LEO 1901 recognizes this and makes it clear that increased efficiency due to generative AI does not diminish the ethical obligations and responsibilities lawyers have to their clients. While these ethical obligations may change shape or form over time, the same rules of professional responsibility that have guided the professional and personal lives of lawyers must be thoughtfully reassessed to adequately reflect the modern legal practice environment.

In the wake of LEO 1901, there are a few practical guidelines that firms and individual lawyers can adopt to maintain ethical obligations and professional responsibility:

- 1) Bill for value and judgment, not merely time saved.
- 2) Maintain meaningful attorney oversight.
- 3) Treat generative AI as a tool, not a billable associate.

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## VIRGINIA STATE BAR UPDATE

(Continued from page 4)

be approximately \$16.4 million. An effort to remove the thirty year old statutory cap of \$250 on the Virginia Supreme Court's authority to raise annual VSB dues is currently before the General Assembly. The VSB budget for FY 2027 will be presented to the Supreme Court of Virginia for approval.

### Approval of Amendments to Section Bylaws

Council approved with 60 yes votes, 1 no vote, and 1 abstention, the repeal of the current bylaws and the adoption of revised bylaws of the Administrative Law Section, Antitrust, Franchise and Trade Regulation Section (now named Antitrust and Consumer Protection Section), Business Law Section, Construction Law & Public Contracts Section, Corporate Counsel Section, Criminal Law Section, International Practice, Real Property Section, Taxation Section (now named Taxation Law Section), Trusts & Estates Section, and Young Lawyers Section. The changes are effective immediately.

### Reports and Information Items

#### Mandatory Continuing Legal Education Regulations and Opinions Revisions

Council heard a report from the MCLE Board about regulations and opinions revised by the board. Having no objection by Council the revisions will be effective May 1, 2026.

The Council also heard reports from VSB President, K. Brett Marston, the VSB executive director, finance director, and bar counsel; an update from the Technology and Future Practice of Law Committee; an update to the 2025 report on Entry Growth, and Distribution of Virginia Attorneys; and reports on programs of the Diversity Section, Local and Specialty Bar Section, Senior Lawyers Section, and Young Lawyers Section.

As ever, please contact either of us with any questions, issues, or concerns. It is our privilege to represent you on Council.

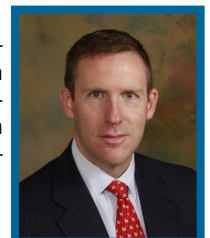
*Dan Frankl is Senior of Counsel at Harman Claytor Corrigan & Wellman. PC. and Kevin Holt is a partner at Gentry Locke.*

## HABITAT FOR HUMANITY WORK DAY 2026

(Continued from page 6)

spent 14 years in substandard housing while navigating significant financial and health challenges, including raising a child with special needs. Since being accepted into the Habitat Homebuyer Program, the family has become an inspiration within the organization. Olivia and Thomas have mentored other prospective homeowners, advocated publicly for affordable housing, and volunteered extensively at the Habitat ReStore and on other build sites. The Habitat crew noted that Thomas in particular was "out here every weekend." Olivia shared that the most surprising aspect of this journey has been the "joy of giving back," expressing profound gratitude for the donors and volunteers who are helping turn their 14-year wait into a reality.

The RBA is honored to carry on this annual tradition in support of the Kimbrough family and Habitat for Humanity. It's a reminder that building a stronger community often begins with a single block, a few hours of labor, and a commitment to our neighbors.



Jay O'Keeffe is a partner at MichieHamlett

## WHEN EFFICIENCY MEETS ETHICS: GENERATIVE AI & REASONABLE FEES UNDER LEO 1901

*(Continued from page 8)*

Underlying LEO 1901 is the principle that generative AI is a technological aid, not a lawyer. While its use may enhance efficiency and increase productivity, it cannot substitute for the value-based judgement, independent reasoning, and professional responsibility that define billable legal work. The lawyer's role in critical thinking, strategic analysis, and complex problem-solving remains central, regardless of the tools and technologies employed to assist.

*Emily Brooks is an associate at Gentry Locke.*

## PRO BONO CORNER

*(Continued from page 6)*

bono growth.

"With their new initiative, the Virginia State Bar is doubling down on their commitment to increasing access to justice for low-income Virginians," said Paladin Co-Founder and CEO Kristen Sunday. "We're thrilled to partner with them to scale their impact and help even more individuals in need across the state."

Pro bono programs across Virginia can use their free Paladin accounts to post pro bono opportunities on the public portal and directly to law firms, legal departments, law schools, and other organizations in the Paladin network. Several of their referral dashboards will allow pro bono coordinators to track and manage volunteer activity as attorneys sign up.

QLSPs posting on Paladin can flag opportunities to indicate causes and communities that are served, estimated time commitment, and whether volunteer training and support are provided. "I appreciate that our volunteers can easily filter their view of service opportunities based on the criteria we assign, allowing them to quickly find opportunities that fit their availability, for example, brief service opportunities like our wills clinics," said Greater Richmond Bar Foundation Executive Director Ami Kim of her programs and experience using the platform.

"For too long, the justice gap in Virginia has been widened by the simple difficulty of matching a willing volunteer with a person in need," said VSB Access Committee Chair Scott Reid. "Paladin streamlines the search and recruitment process, making it easier for volunteer attorneys to find the right pro bono opportunity, connect with a legal service organization, and make a life-changing difference for someone."

Check out the [portal](#) today.



## OUT OF OFFICE WITH ELIZABETH BARBOUR

*(Continued from page 4)*

Fierce monsoon rain shooed me down an unpromising side street and inside a rudimentary breezeblock building and paper factory. For thousands of years Nepal's lockta workshops have used the pulp of trees gathered by women high in Himalayan forests. The pulp is smeared on screen covered frames to air dry and is later gently pried loose in sheets of silky-fiber reams of paper that range from as sheer as air to something akin to cardboard. Nepali paper goods are everywhere if you look. The paper I brought home is precious to me.

Shortly after that Asian tour that included Nepal, I left New York City for good to live in Telluride. There, I discovered that bespoke wrapping papers were mine for the taking when I cruised the alleys on Christmas afternoons. This proves one man's trash is treasure to another. At *Vertecchi* in Rome I was introduced to a world of vellum-weight Italian paper stock. Virginia's estate sales have yielded rolls of wallpaper and gift-wrap. Working in better retail I made the odd haul of intricately decorated Chinese packing papers, too fine to be thrown away. In my drawers lie paper fruit sacs saved from backwater markets hither and yon. Barney's black bag. Bergdorf's periwinkle box. Hermes orange and Tiffany egg-blue lucky finds. Venetian trinket bags.



The portfolios I make are creative endeavors, an exploration of color, texture, material, construction, and patience. They hold remainders and reminders of what interests me. I come by my love of paper honestly. Childhood was layered with wallpaper books, sheet music, blueprints, onion skin, blue airmail envelopes, maps, embossed business cards, the Sears catalog, and more.

*Elizabeth Barbour is a Senior Domestic Violence Attorney with the Legal Aid Society of Roanoke Valley*

## LAW LIBRARY UPDATE

*(Continued from page 3)*

ments that provide details on Virginia legislation.

All of this information, including access to Lexis and Westlaw, is available for research whenever the Roanoke Law Library is open. If you would like more information, please do not hesitate to reach out to me by phone (540-853-2268) or email ([joseph.klein@roanokeva.gov](mailto:joseph.klein@roanokeva.gov)).

## MY SUPERLATIVE CASE

(Continued from page 3)

allegedly developed after the initial procedure. Regarding the pre-surgical measurement, the defense argued that careful visual review of pre-operative imaging was sufficient, that more formal measurement was not required, and that scoliosis and a later hematoma explained the asymmetric position of the stimulator and the neurologic decline.

Plaintiff's evidence allowed the jury to actually see what we alleged the defendant would have seen if the standard of care had been followed. Through expert neurosurgical testimony — which included superimposing precise measurements and placement of scaled images of spinal stimulator paddles onto pre-operative MRI — the jury could see that the selected paddle was too large, it simply could not fit within Mr. Mason's epidural space. As well, we were able to demonstrate there was no contemporaneous surgical documentation of any hematoma during the implantation, during the emergency removal, or during subsequent procedures. Importantly, the defendant's own records initially documented malposition of the paddle and spinal cord compression at the time of removal, with references to hematoma appearing only in later records.

Plaintiff's experts explained that Mr. Mason's pre-surgical condition was different in kind from the spinal cord injury he sustained during the procedure. His prior degeneration was the substrate; the surgical injury was the superimposed proximate cause of his permanent deficit. The jury could see and understand that this breach of the standard of care was foreseeable, preventable, and causative.

### The Human Center

For all of the imaging, testimony, and technical detail, the heart of this case was always Mr. Mason himself and his commitment to persevere. He never asked for sympathy. As he told the jury, plainly and without drama, "I don't quit much." His quiet resolve was present every day of the trial.

Following a weeklong trial, the jury returned a \$2.5 million verdict, as suggested in plaintiff's closing, which exceeded the cap applicable to the case.

### Privilege and Responsibility

It was our genuine privilege to represent Mr. Mason, and to help reveal to the jurors in his case their unique power and active role in our system of justice. Standing close with Mr. Mason, and with others who face life-altering loss, and earning the trust to tell their story, is real work, and a joyful responsibility.

We are happy to share the insights of this and other cases as helpful.

*John Lichtenstein and Greg Lyons are members of Lichtenstein Law Group., PLC.*

### Thank you to our Luncheon Speakers

Dr. Frank Shushok Jr. , President, Roanoke College  
K. Brett Marston, President, Virginia State Bar  
Staff from *The Grove on Patterson*

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Do Your Part.**

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# BENCH BAR 2026

BY JAMIE WOOD, ESQ.

We held the Bench Bar Conference on February 27 this year. For the second year, we put on the Judicial Squares CLE program, inspired by the Hollywood Squares Gameshow. Judge William D. Broadhurst, Judge David B. Carson, Judge Leisa K. Ciaffone, Judge Heather P. Ferguson, Judge Frank K. Friedman, Judge Scott R. Geddes, Judge C. Kailani Memmer, Judge Adam H. Moseley, and Judge Thomas W. Roe, Jr. served as our Celebrity Judges for the program. Volunteer contestants selected a Celebrity Judge to answer questions covering a wide variety of topics from the Virginia Bar Exam and Legal Ethics. Then the contestants had to decide if the Judge's answer was true or false. Judge J. Christopher Clemens served as our gameshow host and donned not one, but two Christmas themed blazers! According to Judge Clemens, "It is always Christmas. Even at the Bench Bar."

There may have been one too many will-related questions for most and a general consensus to ditch the UCC questions in the future, but overall we enjoyed a gamified CLE to brush up on long-forgotten topics from the bar exam. Thank you to our Celebrity Judges and to our contestants (some of whom volunteered ahead of time and some of whom were "voluntold" to play on the spot) for participating in the program!

*Jamie Wood is an associate at Woods Rogers Vandevanter Black*



# ANNOUNCEMENTS

NEW MEMBERS
<p>The Roanoke Bar Association welcomes the following new members:</p> <p><b>Active Members</b></p> <p>Elena Coole, Woods Rogers Vandeventer Black</p> <p>Brenna E. Harman, Woods Rogers Vandeventer Black</p> <p>Madison R. Kent, Woods Rogers Vandeventer Black</p> <p>Gordon "Riley" Worrell, Woods Rogers Vandeventer Black</p>

UPCOMING EVENTS
<p>Roanoke Bar Association Meetings 2025 - 2026</p> <p>September 9, 2025</p> <p>October 14, 2025</p> <p>November 11, 2025</p> <p>December 9, 2025</p> <p>January 13, 2026</p> <p>February 10, 2026</p> <p>March 10, 2026</p> <p>April 14, 2026</p> <p>May 1, 2026 (Law Day)</p> <p>June 9, 2026</p> <p>Go to <a href="http://www.roanokebar.com">www.roanokebar.com</a> for more information on all upcoming events.</p>

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**Complete and Forward to:** Roanoke Bar Association, P.O. Box 18183, Roanoke, VA 24014  
Email: [rba@roanokebar.com](mailto:rba@roanokebar.com)