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2025 WSBA LEGAL TECHNOLOGY TASK FORCE REPORT

Embracing Change: Strategic Roadmap for Washington's Legal Profession in a Time of Technology Disruption

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Acknowledgments

This compilation of work would not be possible without the dedicated contributions of the members of the WSBA Legal Technology Task Force.

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Executive Summary

The Washington State Bar Association Legal Technology Task Force presents this comprehensive report of findings and recommendations on how the Washington State Bar Association (WSBA) can support legal professionals in Washington in understanding and adopting emerging technologies, particularly generative artificial intelligence (AI) and advanced data analytics.

Additionally, the report addresses the roles, responsibilities and impacts of entities outside of the WSBA in this technological transformation, and these entities are also the subject of some of the recommendations in the report.

THESE RECOMMENDATIONS FALL WITHIN 10 KEY POINTS:

1 **Harnessing Potential: The Role of Practitioners**

Legal professionals must integrate new technology tools into their daily work to serve clients efficiently, ethically, and competently. This includes understanding the implications of AI and other emerging technologies.

2 **Building the WSBA's Capacity and Strategic Partnerships: Innovating Responsibly and Ensuring Equitable Access**

The WSBA should build sustained internal capacity and create strategic partnerships with technology providers to support members in navigating technological change.

3 **Supporting Technology Competence: Meeting Diverse Practice Needs**

The WSBA should offer tailored guidance and support to help members build technology competence over time, addressing the varying needs of different practice settings. This includes affordable access to education focused on the use, limitations, and benefit of emerging technology.

4 **Building Ethical Frameworks for Technology Use: Supporting Professional Values in a Digital Age**

The Task Force emphasizes the importance of ethical adoption of technology and calls for the development and use of practical frameworks for evaluating new technologies and maintaining professional standards.

5 **Bridging the Cybersecurity Confidence Gap: From Confidence to Competence**

The WSBA should establish clear cybersecurity standards and offer affordable security training to help legal professionals protect client information and maintain public trust.

6 **Strengthening Court Capacity: Advancing Justice through Digital Transformation**

The rule of law and access to justice depends on our courts. The report calls for comprehensive AI training for court personnel, upgrading courtroom technology, implementing AI detection tools to enhance the administration of justice, and a standardized, modern, statewide court data infrastructure fully funded by the State and designed to support integration, efficiency, and equitable access to justice.

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7 Supporting Future Professionals: Transforming Legal Education for the Digital Era

Washington's law schools must comprehensively embed technology across curricula and educational experiences, building not just awareness, but deep technological proficiency.

8 Advancing Ethical Innovation and Equitable Access: Leveraging AI to Close the Justice Gap

The WSBA should ensure that AI-driven legal assistance supports meaningful access to justice by promoting the development of standards and supporting the creation of AI applications that are accurate, ethical, and designed with the public interest in mind.

9 Safeguarding Sensitive Legal Data: Strengthening Consumer Protection in a Digital Era

The Task Force highlights the need for clear cybersecurity standards, affordable security assessments, and transparency in cybersecurity practices to protect client information and maintain public trust.

10 Ensuring Regulatory Innovation and Stability: Future Expertise and Oversight

Technology is developing at rapid rates. Courts, lawyers, and the rules governing them cannot remain static or the chance of forced obsolescence is real. The Task Force recommends establishing a Supreme Court-affiliated board to provide expertise, oversight, and guidance on legal technology and regulatory innovation.

1. Board of Governors November 2023 Meeting Update, Washington State Bar Association (2023), https://www.wsba.org/docs/default-source/about-wsba/governance/bog-meeting-recaps/board-of-governors-meeting-recap-nov.-2-3-2023.pdf?sfvrsn=987f1cf1_2.
2. *Legal Technology Task Force Charter,* Washington State Bar Association (March 7, 2024), https://www.wsba.org/docs/default-source/legal-community/committees/legal-technology-task-force/wsba-legal-technology-task-force-charter.pdf?sfvrsn=3e881ff1_1.

WHY WAS THE TECHNOLOGY TASK FORCE CREATED?

In November 2023, the WSBA Board of Governors recognized the transformative impact of technology, particularly artificial intelligence (AI), on the legal profession.[1] As one of its strategic priorities for the 2023-24 fiscal year, the Board adopted the following statement:

> ***"Assess technology-related opportunities and threats and determine WSBA's role vis-à-vis regulation, consumer protection, and support to legal professionals."***

The creation of the Legal Technology Task Force is a step towards acting on this priority. The Task Force worked to assess the legal technology landscape, identify threats and opportunities across various legal sectors, and make recommendations that support and strengthen the understanding and use of technology in members' practice.[2] The Task Force's report emphasizes the effective, efficient, and ethical use of technology to enhance equitable access to justice.

As part of its work, the Task Force distributed a survey in October 2024 to more than 10,000 WSBA members and received 516 responses representing a wide range of practice areas, firm sizes, and geographic regions. This 5% response rate yields a 98% confidence level with a 5% margin of error. Using the Washington State Supreme Court's Access to Justice Tech Principles as a guide, the Task Force makes these recommendations to the Board of Governors on tangible steps WSBA can take to support and strengthen the use of technology within the legal profession in Washington state.

A Defining Moment

Legal services and technology have long been intertwined. The legal profession has largely embraced technologies that make organizing, transmitting, and accessing information easier—from word processing, e-discovery, databases, and filing systems to cloud platforms and communication tools.

But today's emerging technologies, particularly generative AI and advanced data analytics, are fundamentally different. These tools don't merely help legal professionals organize and access information—they generate, synthesize, and extract insights in ways that challenge our traditional understanding of legal work and professional responsibilities. They derive their power from combining and using data sets in unprecedented ways and perform complex analytical tasks at unprecedented scale. As such, they raise urgent questions as to whether they will not just augment but substitute for aspects of human learning, judgment, and analysis.

This is a defining moment for the legal profession. AI is already transforming legal practice, court operations, and client expectations. It will not replace lawyers, but it will change how lawyering is done.[3] That change is already underway, and the pace is accelerating. Legal professionals need to understand these new technologies not only for efficiency and productivity but also to remain competitive and responsive to their clients' evolving needs. Current approaches to profitability, efficiency, competitiveness, and legal ethics all demand adaptation. While these approaches promise new benefits, they also present complex risks that legal professionals must navigate to remain competitive and responsive to their clients' evolving needs.

AI is already transforming legal practice, court operations, and client expectations. It will not replace lawyers, but it will change how lawyering is done.

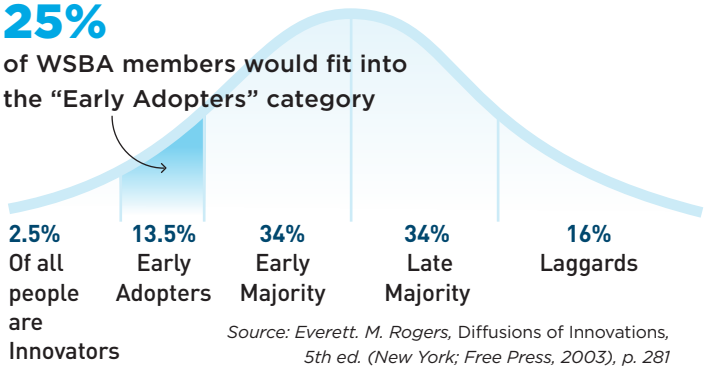
3. Ken Crutchfield, *AI Won't Replace Lawyers — But It Will Change How They Work*, Above the Law (March 26, 2024), https://abovethelaw.com/2024/03/ai-wont-replace-lawyers-but-it-will-change-how-they-work/.

Meeting Members Where They Are

WSBA members are not all in the same place when it comes to legal technology. Some are actively experimenting, while others are just beginning to learn. Many remain uncertain, or face barriers to adoption such as cost, time, or lack of training.

This is normal. As described by Everett Rogers' "Diffusion of Innovation" model,[4] technology adoption occurs along a predictable curve: from innovators and early adopters to the early and late majority, to eventually laggards. The goal is not to rush all legal professionals into using AI or any single tool. The goal is to meet members where they are, with practical, tailored guidance and support that helps them build the necessary technology competence.

"Diffusion of Innovation" model



Source: Everett. M. Rogers, Diffusions of Innovations, *5th ed. (New York; Free Press, 2003), p. 281*

The Task Force's recommendations reflect this approach. They are not one-size-fits-all. Some are directed at the WSBA itself, calling for internal reforms, new resources, and dedicated staff capacity. Others look outward, calling for collaboration with courts, law schools, technology providers, and legal employers. Across all sectors, this report emphasizes ethical adoption, thoughtful experimentation with an eye towards expanding access to justice, and member support.

The goal is to meet members where they are, with practical, tailored guidance and support that helps them build the necessary technology competence.

4. Bill Henderson, *What is the Rogers Diffusion Curve? (004)*, Legal Evolution (May 8, 2017), https://www.legalevolution.org/2017/05/rogers-diffusion-curve-004.

More Than a Trend: A Structural Shift

The legal profession is experiencing a fundamental shift in how technology is transforming legal work—not merely how quickly practitioners adopt it. Generative AI is the most visible example of the shift, but it is not the whole story.

Over the past decade, AI has quietly become embedded in everyday legal tools, e-discovery platforms, legal research engines, contract review software, and even word processors. As with earlier technological leaps, like the introduction of online research in the 1990s or cloud-based practice management tools in the 2010s, initial skepticism is giving way to necessity. In the years ahead, AI likely will become a baseline component of legal competence, even for those who choose not to use it directly.[5]

These changes will reshape how lawyers work, how courts operate, and how clients access legal services. AI is already changing billing models, research strategies, client communication, and even the way courts manage filings and review evidence. These technologies offer opportunities to enhance access to justice, improve language access, and streamline routine legal tasks. But they also pose risks to those fundamental aspects and raise concerns about inaccurate outputs, bias, data security concerns, and a potential erosion of trust in legal professionals. Legal professionals must understand these risks to serve clients competently and ethically and WSBA should support them in these efforts.

AI is already changing billing models, research strategies, client communication, and even the way courts manage filings and review evidence.

5. Tom Martin, *AI in the Legal Profession: Separating Substance from Hype*, The National Law Review (Oct. 9, 2024), https://natlawreview.com/article/ai-legal-profession-separating-substance-hype.

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Meeting the Moment: Washington's Opportunity to Lead

Washington's legal community is uniquely positioned to lead. With respected law schools, innovative legal professionals, and proximity to major technology companies, Washington is situated at the intersection of innovation and public service.

The Task Force believes that Washington can model how to embrace legal technology in a way that protects the public, upholds professional values, and improves the delivery of legal services and access to justice.

Technology is not an end in itself, especially not in the delivery of effective legal services. At the same time, it has become both a critical tool for legal practice and an essential subject matter that practitioners must understand. The WSBA Technology Survey Report: Preliminary Findings[6] (the Survey) shows a notable gap: Only 25% of survey respondents currently use AI in their practice, that rises to 70% among in-house counsel. But the implications of technology extend far beyond direct usage. As these technologies become increasingly ubiquitous in society, they challenge legal professionals to navigate both their application in practice and their role in shaping our world. Lawyers must also understand how the technology affects their clients' opportunities and challenges. The profession cannot opt out of this transformation—as one Task Force member noted, "the toothpaste is not going back in the tube."

Legal professionals need to embrace and leverage technological change rather than resist it. Practitioners have a special role not only as advocates for their clients but also as officers of the court with responsibility for the quality of justice, including safeguarding the rule of law. Understanding technologies like AI is becoming fundamental to fulfilling these obligations—from ensuring the authenticity of evidence to protecting client confidentiality, and from expanding access to justice to maintaining public trust. By pairing these developing tools with highly competent professionals, it is possible to enhance access to legal services and improve the overall quality of legal services.

As AI reshapes legal work, the profession must integrate these tools without compromising human judgment, strategic thinking, and ethical standards that form its essential value. Technology can enhance efficiency, but the profession's core value lies in human expertise and experience, strategic thinking, and the ability to navigate complexity. The legal profession must ensure that AI adoption strengthens—not weakens—the ethical foundations and public trust that define its role in society.

This moment is not just about catching up to change. It is about shaping the future of the profession.

6. *WSBA Technology Survey Report: Preliminary Findings*, Washington State Bar Association (April 2025), https://www.wsba.org/docs/default-source/legal-community/committees/legal-technology-task-force/wsba-technology-survey-report.pdf?sfvrsn=fd1e1bf1_1.

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Ten Key Points

The Task Force developed ten key points to guide these efforts. Within each of the key points, the framework is set for the recommendations that follow.

The recommendations offer a roadmap for shaping the future of the legal profession through education, ethical guidance, regulatory clarity, and cross-sector collaboration. Throughout all the key points the focus remains clear: advance member competence, strengthen public protection, increase access to justice, and ensure that technology enhances, not undermines, our core values as legal professionals.

The key points are grouped to reflect where leadership and action are needed. They begin with the role of the individual practitioner—because above all else, effective and ethical practice in the age of AI depends on member engagement. No matter what steps the WSBA or the courts take, a legal professional's own understanding and judgment are foundational. Subsequent sections address the assessment of the institutional responsibilities of the WSBA, courts, law schools, and policymakers to provide the guidance, infrastructure, and regulation necessary to support members and protect the public.

1 Harnessing Potential: The Role of Practitioners

Legal professionals must proactively build their understanding of emerging technologies, particularly AI, to serve clients competently and uphold their professional obligations. While institutions like the WSBA and the courts have important roles to play in guiding AI adoption in legal settings, each practitioner is ultimately the steward of their own practice and their representation of clients. Individual professionals are best positioned to determine how to integrate new tools into their daily work, ensuring that they serve their clients and other stakeholders efficiently, ethically, and competently. At the same time, making sound determinations will depend greatly on understanding the uses and implication of emerging technology.

Generative AI, in particular, presents a dual learning challenge for the legal profession. It is both a tool for enhancing legal practice and a subject that demands understanding due to its quickly evolving capabilities and pervasive role in society. Legal professionals must grasp its implications as generative AI manifests in the real world. Within the practice, this means understanding how it impacts clients' lives—from issues like automated contracts and disputes over algorithmic bias to new vulnerability for fraud and other harms. In litigation contexts it will touch everything such as evidence authentication and deepfakes. In society, practitioners have a special role not only as advocates for their clients but also as officers of the court with responsibility for the quality of justice, including safeguarding the rule of law.

Generative AI is rapidly becoming a subject matter that legal professionals must understand, even if they opt not to use these tools themselves. For example, as AI-generated content, such as deepfakes and altered documents, becomes more prevalent, legal professionals must develop a foundational understanding of these technologies to effectively challenge or defend evidence in court. Judges and

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juries may also rely on expert testimony built using generative AI outputs, requiring legal professionals to critically engage with and cross-examine such testimony. The growing use of generative AI also introduces new cybersecurity threats, such as sophisticated fraud schemes, malicious deepfake content, physical threats and harassment, and AI-driven attacks designed to bypass traditional security measures.[7] Practitioners must understand these evolving threats to effectively advise clients and protect their own practices from vulnerabilities associated with AI-generated content.

Moreover, as AI becomes pervasive in areas like hiring, lending, and insurance underwriting, legal professionals will increasingly encounter disputes where algorithmic decisions are central to their clients' claims, rights, and opportunities. Understanding how algorithms are designed and trained, where biases can arise, and what remedies may be available will be critical for advising clients effectively. Federal and state agencies are investing in generative AI tools to help streamline and accelerate decisions that may impact access to benefits, with positive outcomes in many cases, but also with room for errors that may go unexplained or uncorrected.[8] All practitioners, whether they adopt AI or not, will need AI competencies such as the ability to evaluate fairness and legality of algorithmic practices in corporate, employment, and civil rights contexts.

This is a moment to be proactive, experiment, and learn. Every legal professional, regardless of practice area or experience, has an opportunity (and obligation) to take a hard look at their own work and ask: Am I leveraging the best tools and learning available to serve my clients fully and well? Am I doing so securely and responsibly?

Generative AI is rapidly becoming a subject matter that legal professionals must understand, even if they opt not to use these tools themselves.

AI and other legal technologies are rapidly expanding what is possible in legal practice, from streamlining research and document drafting to improving client communication and case strategy. Practitioners who actively engage with these technologies—and proactively build their cybersecurity competence—can thrive in this evolving landscape.[9] This means staying informed about emerging digital threats, regularly updating security practices, and ensuring robust protection of client information. It also means engaging with WSBA so it can serve the needs of its members.

RECOMMENDATIONS

A **Build Technology Competence:** Legal professionals must actively seek to understand how emerging technologies, particularly generative AI, impact their practice areas, client needs, and ethical obligations.

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7. Kristopher Turner, *Deepfakes and the Legal Profession*, WisBar (Jan. 2025), https://www.wisbar.org/NewsPublications/WisconsinLawyer/WisconsinLawyerPDFs/98/01/21_23rev.pdf.
8. Sanam Hooshidary, Chelsea Canada, and William Clark, *Artificial Intelligence in Government: The Federal and State Landscape*, NCSL (Nov. 22, 20224), https://www.ncsl.org/technology-and-communication/artificial-intelligence-in-government-the-federal-and-state-landscape.
9. Natalie Pierce and Stephanie Goutos, *Why Lawyers Must Responsibly Embrace Generative AI*, Vol. 21 Berkley Business Law Journal p.1-51, (2023).

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B **Start Small, Learn Fast:** Legal professionals should begin by becoming comfortable identifying common generative AI uses within their existing workflows. Starting small can build familiarity and confidence quickly.

C **Use Simple, Practical Resources**: Legal professionals should take advantage of short articles, checklists, and simple tools designed specifically for ease of use—especially those developed by the WSBA or other professional legal associations—to support issue spotting and evaluation of different technologies.

D **Collaborate to Accelerate Learning:** Legal professionals should engage with colleagues to share real-world examples and experiences involving technology to support legal practice. Peer discussions can clarify concepts and surface practical strategies that are already working in similar practices.

E **Stay Curious and Flexible:** Legal professionals should remain open to exploring how generative AI and other legal technologies may affect their practice. Incremental experimentation can reduce pressure and help practitioners adapt to change more effectively.

2 Building the WSBA's Capacity and Strategic Partnerships: Innovating Responsibly and Ensuring Equitable Access

To support members in navigating technological change, the WSBA must invest in internal capacity, cross-sector partnerships, and accessible technology education. Due to varying levels of preparedness and resources, WSBA members are facing rapid technological changes unevenly and often without the support needed to evaluate, adopt, or implement new tools. Small and mid-sized firms, in particular, often lack access to the training, guidance, and infrastructure they need to navigate this transformation while upholding ethical and professional standards.

The legal profession is experiencing unprecedented technological change, affecting everything from court operations and client service delivery to the tools available to consumers and litigants.[10] The Survey reveals the scope of this transformation—and the growing demand for support. While 70% of in-house counsel responding are already using AI tools, adoption drops to just 22% in small and mid-sized firms—not because these tools are irrelevant, but because practitioners lack the resources, guidance, and support to evaluate and implement them effectively. Early publicity about the potential flaws in AI also enforced doubts and suspicions about its efficacy and ethical framework. This disparity reflects a broader challenge: WSBA members need sustained, practical support to navigate technological change while maintaining their ethical obligations and professional standards. The WSBA made legal research tools available to members because they were indispensable yet inaccessible for many. It will need a similar approach for new tools.

The Survey shows that 69% of respondents believe AI use will require additional training and skills, yet only 26% rate their current knowledge as "good" or better. Members are seeking help with everything

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10. Drew Simshaw, *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, Vol. 24 Yale Journal of Law and Technology p.150-226, (2022).

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from evaluating technology tools to implementing security measures, understanding ethical implications, and adapting their practice models. These needs are not static—they evolve alongside the technologies themselves and as ethical frameworks develop to meet new challenges. As one Task Force member noted, "training and support for members are not a 'one and done' experience."

Ensuring that members can effectively navigate technological transformation is central to WSBA's mission to serve the public, champion justice, and uphold professional competence. To fulfill this mission amid rapid technological change, WSBA must build sustained internal capacity and establish flexible structures for ongoing support and collaboration. This includes assessing staffing capabilities, exploring the creation of a dedicated WSBA technology innovation workgroup to offer practical guidance, and investing in infrastructure for continuous education and resource delivery.

Strategic partnerships with technology providers are essential to bridge the adoption gap, especially among solo, small firm, rural, and underserved practitioners. These partnerships can expand access to AI-powered tools like AI legal assistants, document automation platforms, and practice management systems, prioritizing affordability and ease of use.

According to the WSBA study, 70% of in-house counsel responding are using AI tools, but adoption drops to just 22% in small and mid-sized firms.

Vendor-led training can help members evaluate and adopt tools confidently, without creating added burdens for WSBA staff.

The WSBA should maintain transparency and fairness in vendor partnerships by offering a straightforward process for vendors to submit proposals to be offered to WSBA members. While the WSBA offers a discount network and has one preferred insurance provider, it does not broadly endorse specific legal technology tools. Future partnerships should support member access without favoritism, focusing on helping members evaluate tools independently, securely, and ethically. There must also be a system for ongoing evaluation of tools so members do not get stuck with outdated technology.

RECOMMENDATIONS

A **Expand and Tailor Member-Focused Technology Education:** The WSBA should collaborate with technology vendors, law schools, and other industry experts to develop and implement a core curriculum focused on AI literacy, cybersecurity, ethics, and technology best practices. Training should be practical, accessible in multiple formats (e.g. CLEs, webinars, on-demand videos, and written guides), and especially responsive to the needs of solo and small firm practitioners. The WSBA should also offer advanced CLEs for deeper engagement with specialized tools.

B **Launch Interactive Workshops:** Experimental learning is critical to raising competence in emerging technology. The WSBA should create interactive, hands-on workshops offering practical, low-risk opportunities for members to directly experience emerging legal technologies.

C **Establish Dedicated Technology Expertise:** The WSBA should evaluate staffing capacity to

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ensure adequate expertise and resources are available for monitoring legal tech trends and providing responsive, ongoing member support including one-on-one consultations through the Practice Management Program. The WSBA should also explore technology mentorship or peer learning groups focused on legal tech implementation.

D **Develop a Strategic Technology Plan:** The WSBA should publish a comprehensive, multi-year strategic plan outlining goals, timelines, and priorities for advancing technology competence across the profession. Regular progress reporting and member surveys should track improvements in adoption, training, and ethical integration.

E **Centralize Technology Resources:** The WSBA should create a user-friendly online Technology Resource Hub with resources such as curated checklists, sample policies, toolkits, vendor directories, FAQs, and training materials.

F **Expand and Maintain the Practice Management Discount Network:** The WSBA should strengthen its vendor partnerships by expanding the Practice Management Discount Network. This includes transparent vetting processes, clear evaluation standards, and vendor accountability, while maintaining neutrality and fairness in offerings. The WSBA should partner with vendors to expand access to affordable technology tools and offer demonstrations, CLEs, and interactive trainings.

G **Form a WSBA Technology Implementation Workgroup:** The WSBA should establish a time-limited workgroup to collaborate with WSBA staff and stakeholders on implementing technology-focused recommendations, including development of tools, training resources, and member engagement strategies.

H **Pilot a WSBA Technology Showcase Event:** The WSBA should organize a large-format event featuring legal tech vendors, CLE speakers, and hands-on demonstrations to help members explore emerging tools in an interactive environment.

3 Supporting Technology Competence: Meeting Diverse Practice Needs

The WSBA must meet members where they are by tailoring support and education to different practice settings and needs. Technology competence has become fundamental to legal practice, but the path to achieving it varies dramatically across the legal profession. The Survey reveals both universal needs and stark disparities: while 69% of respondents recognize their need for additional technology training, their ability to access and implement that training varies significantly by practice setting. The contrast is particularly striking between large organizations with dedicated IT support and small or rural practices managing technology alongside daily client demands.[11]

These disparities extend beyond resources to fundamental differences in how technology serves different practices. In-house counsel, with 70% AI adoption rates, need advanced training on emerging tools. Meanwhile, small and rural practitioners seek immediately applicable solutions for routine tasks like document drafting and calendaring. As one

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11. Abigail Peterson, *2024 Solo and Small Firm Tech Report*, American Bar Association (April 21, 2025), https://www.americanbar.org/groups/law_practice/resources/tech-report/2024/2024-solo-and-small-firm-techreport/.

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practitioner noted in the Survey, "We need practical tools that work in the real world, not theoretical knowledge about AI." This diversity of needs demands an approach to education and support that is both comprehensive in scope and flexible in delivery.

The Survey points toward a strategic, targeted approach to training and competency building. While 72% of respondents support a technology-focused MCLE requirement, their needs and preferences vary significantly.

RECOMMENDATIONS

A **Provide Free or Low-Cost Educational Opportunities:** The WSBA should offer programs covering technology basics, ethics (including confidentiality), cybersecurity, privacy, and licensing considerations for existing and emerging technologies.

B **Provide Free or Low-Cost Personalized Consultations:** The WSBA should offer personalized consultations focused on emerging technology, cybersecurity, and ethics, with a particular focus on reaching underserved communities, solos, and small firms.

C **Expand Advanced Programming:** The WSBA should offer content covering specific applications of existing and emerging technologies, offer hands-on training opportunities, and consider expanding certifications to technologies particularly suited to legal practice.

D **Recommend a Technology MCLE Requirement:** The WSBA should consider recommending that the Washington Supreme Court adopt an MCLE requirement focused on cybersecurity and technology competence.

E **Explore Adding Technology and the Law as an Area in the Bar Exam:** Emerging technology has profound implication for every substantive area of law. WSBA should work with area law schools to determine what implications this has for curriculum and how best to include technology competence in the bar exam.

While 72% of respondents support a technology-focused MCLE requirement, their needs and preferences vary significantly.

4 Building Ethical Frameworks for Technology Use: Supporting Professional Values in a Digital Age

Legal professionals need practical tools to evaluate and ethically implement new technologies, not just updated rules. The ethical implications of technology in legal practice extend far beyond any single tool or application. While only 25% of survey respondents believe current ethical rules adequately cover AI use, the Survey reveals a deeper challenge: practitioners need practical guidance on how to fulfill their professional obligations in an increasingly digital practice environment. This need is most acute among those using technology most extensively—notably, in-house counsel who report the highest AI adoption rates (nearly 70%) also express the least confidence in current ethical guidelines.

The WSBA's Committee on Professional Ethics (CPE) is developing specific guidance on AI use, focusing on core professional obligations including competence,

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confidentiality, supervision, and fees. This important work will help set baseline expectations, and the Task Force strongly supports the developing work in the CPE. However, the Survey and working group findings indicate that practitioners need more than revised Rules of Professional Conduct ('RPCs') or formal rule guidance[12]—they need practical frameworks for evaluating new technologies, implementing appropriate safeguards, and maintaining professional standards while embracing beneficial innovation.[13]

These frameworks must address several key challenges identified by the Task Force. Legal professionals need clear guidelines for protecting client confidentiality when using AI and other cloud-based tools. They need practical standards for supervising technology-assisted work, whether performed by legal professionals, staff, or automated systems. Most importantly, they need help understanding how to maintain their professional judgment and ethical obligations while leveraging technology to serve clients more effectively.[14]

RECOMMENDATIONS

A **Define Baseline Ethical Standards for Emerging Technologies:** The Board of Governors, through the CPE, and, where applicable, with approval of the Washington Supreme Court, should define baseline ethical standards for emerging technologies. This includes evaluating the sufficiency of existing RPCs, creating due diligence guidelines, and defining the enforceability of such guidance.

B **Publish Clear, Practical Ethics Guidance For Member Questions about Emerging Technologies:** The WSBA should expeditiously create and publish clear, accessible materials, including FAQs and practical content, to help members to quickly identify ethical risks prior to adoption of emerging technologies, including but not limited to confidentiality breaches, bias, inaccuracies, and lack of transparency. These need to be regularly reviewed and updated as technology advances.

C **Create an Ethical Evaluation Framework and Resources for Technology Use:** The WSBA should develop a practical, generalized Ethical Evaluation Framework to help practitioners in systematically assessing new and emerging technologies for compliance with ethical obligations.

5 Bridging the Cybersecurity Confidence Gap: From Confidence to Competence

A gap exists between legal professionals' confidence in their cybersecurity practices and their actual implementation. The WSBA must close this gap with standards, tools, and support. The Survey reveals a concerning paradox in how legal professionals approach cybersecurity. While 79% of respondents express confidence in their ability to protect client and organizational data, the actual implementation of basic security measures tells a different story. Only 34% conduct regular security audits, 37% use data

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12. Dennis Kennedy, *Handout from "Ethical Implications of Generative AI for the Michigan Lawyer" Presentation*, Dennis Kennedy Blog (Dec. 14, 2023), https://www.denniskennedy.com/blog/2023/12/handout-from-ethical-implications-of-generative-ai-for-the-michigan-lawyer-presentation/.
13. Jonathan H. Choi, Amy B. Monahan, and Daniel Schwarcz, *Lawyering in the Age of Artificial Intelligence*, Minnesota Law Review (Nov. 30, 2024), https://minnesotalawreview.org/article/lawyering-in-the-age-of-artificial-intelligence/.
14. Keith Robert Fisher, *ABA Ethics Opinion on Generative AI Offers Useful Framework*, American Bar Association (Oct. 3, 2024), https://www.americanbar.org/groups/business_law/resources/business-law-today/2024-october/aba-ethics-opinion-generative-ai-offers-useful-framework/.

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encryption, and even multi-factor authentication —considered a fundamental security practice by experts—is used by just 68% of respondents. This gap between confidence and implementation creates significant risk not just for individual practices, but for the entire legal system's ability to maintain client trust and confidentiality.[15] This is at a time when advances in AI allow more sophisticated methods of targeting confidential information. Legal professionals hold valuable client confidences—consumers are rarely in a position to evaluate data security of legal service providers, and there is limited consumer protection oversight in the area.[16]

The challenge is particularly acute for small firms and solo practitioners. While larger organizations, government agencies, and in-house legal departments generally report somewhat more robust security infrastructures, smaller practices often lack both the resources and expertise to implement basic protections.[17] This disparity isn't just about technology —it reflects fundamental differences in access to IT support, security expertise, and implementation resources. Yet these smaller practices often handle equally sensitive client information, making their security gaps a significant concern for the profession as a whole. This parallels the client-facing concerns raised in key point 9 regarding strengthening consumer protection in the digital era.

Making cybersecurity accessible and practical for all practice settings must be a priority. Legal professionals shouldn't need to become cybersecurity experts, but they do need clear standards, practical implementation tools, and accessible support. This includes basic security checklists, incident response playbooks, and emergency support resources. Many of these tools already exist through the WSBA,[18] the ABA,[19] and other sources, but awareness and adoption remain low. Moving from where we currently are to awareness, understanding, and implementation will take both resources and innovation from the WSBA. The profession needs both better awareness of existing resources and new, practice-specific tools that

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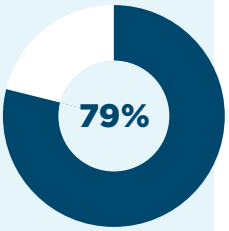
FAST FINDINGS

Cybersecurity by the numbers



79% of respondents express confidence in their ability to protect client and organizational data.

34% conduct regular security audits.

37% use data encryption.

68% of respondents use multi-factor authentication.

15. Sharon D. Nelson, *25% of Law Firms Have Been Breached*, ALPS (Jan. 11, 2022), https://www.alpsinsurance.com/blog/25-of-law-firms-have-been-breached.
16. *Formal Opinion 2024-3: Ethical Obligations Relating to a Cybersecurity Incident*, New York City Bar (July 18, 2024), https://www.nycbar.org/reports/formal-opinion-2024-3-ethical-obligations-relating-to-a-cybersecurity-incident/.
17. Abigail Peterson, *2024 Solo and Small Firm Tech Report,* American Bar Association (Apr. 21, 2025), www.americanbar.org/groups/law_practice/resources/tech-report/2024/2024-solo-and-small-firm-techreport/.
18. *The Law Firm Guide to Cybersecurity*, Washington State Bar Association (Oct. 8, 2021), https://www.wsba.org/for-legal-professionals/member-support/practice-management-assistance/guides/cybersecurity-guide.
19. *Cybersecurity Resources for Small Law Firms*, American Bar Association, https://www.americanbar.org/groups/cybersecurity/small-solo-resources/.

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make security implementation straightforward and manageable.

RECOMMENDATIONS

A **Establish Cybersecurity Expectations:** The WSBA should establish clear, and actionable cybersecurity standards for legal professionals, including minimum expectations such as multi-factor authentication, encryption, secure data storage, and regular audits. These standards should build upon existing WSBA cybersecurity resources and be regularly reviewed and updated to address evolving threats and technologies.

B **Provide Affordable Cybersecurity Assessments:** The WSBA should collaborate with cybersecurity experts, insurers, and malpractice carriers to provide low-cost, or free, cybersecurity assessments tailored to the needs of solo and small-firm legal practices.

C **Expand Cybersecurity Awareness, Training, and Support:** The WSBA should actively promote existing cybersecurity resources, expand those to meet practice specific needs, develop simplified checklists and step-by-step implementation guides tailored for solos and small firms, and deliver targeted, practice-oriented training through webinars, workshops, and on-demand resources.

D **Promote Cybersecurity Transparency With Clients:** The WSBA should formally recommend or require legal professionals to explicitly disclose their cybersecurity practices in client engagement letters, thereby strengthening client trust, transparency, and practitioner accountability.

6 Strengthening Court Capacity: Advancing Justice Through Digital Transformation

6.1 ADAPTING COURTS TO RAPID TECHNOLOGY CHANGE

The rule of law is dependent on ensuing our courts are fully equipped and supported so they can meet the technology changes. Washington's courts must modernize responsibly and equitably, balancing emerging technologies with protections to ensure justice, fairness, and access. The COVID pandemic has demonstrated both the necessity and possibility of remote proceedings, while the emergence of AI tools presents new opportunities and challenges for the administration of justice. The Survey reveals that legal professionals are divided on AI's impact on courts—40% express concerns about efficiency and fairness, while 38% see positive potential. This division underscores the need for a thoughtful, structured approach to court technology evolution.

AI presents both a threat and a major opportunity for closing the justice gap. The Washington Supreme Court's recent Order[20] enabling a Pilot for Entity-Based Regulation is a promising step. The Task Force supports implementation of the Pilot and encourages continued experimentation with technologies and business structures that can improve legal access.

Courts are facing increasingly complex and urgent challenges. As AI-generated evidence and fabricated citations become more common, courts, despite operating with limited resources, must still be equipped to assign accountability and ensure

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20. Order Approving the Adoption of a Pilot Project to Teach Entity Regulation, Order No. 25700-B-721 (Wash. Dec. 2024). www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Order%2025700-B-721.pdf.

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accuracy.[21] They must balance remote access with procedural fairness. They must leverage technology to expand access while maintaining the integrity of judicial processes. The Administrative Office of the Courts (AOC) and local jurisdictions need appropriate staffing and funding to evaluate these tools and support courts in modernizing their technology infrastructure. But beyond resources, courts need adequate education, support. and clear frameworks for managing technology-driven change.[22]

Key priorities identified by the Task Force include providing uniform training and education for court personnel, consistent with education and training recommendations in key point 3 for legal professionals. Updating evidence rules to address AI-generated content, creating authentication standards for digital evidence, and implementing hyperlinked pleadings to help courts verify citations are also key priorities. Equally important is making court forms AI-compatible to support self-represented litigants while reducing the burden on court personnel. The courts must also address language access, with AI translation tools offering potential for routine communications while ensuring constitutional requirements are met for critical proceedings. Finally, the profession would benefit from high level guidance like that recently issued by the Illinois Supreme Court,[23] with a clear, pragmatic approach to AI, permitting its use while holding lawyers and judges accountable for accuracy, ethics, and confidentiality.

As AI-generated evidence and fabricated citations become more common, courts must still be equipped to assign accountability and ensure accuracy.

RECOMMENDATIONS

A **Provide Comprehensive Court Training on AI and Technology:** The Supreme Court and the AOC should establish and fund comprehensive training programs for judges, clerks, and court staff on the responsible use of AI and related courtroom technologies. These programs should include formal certifications and partnerships with trusted technology providers for training support.

B **Upgrade Courtroom Technology:** The WSBA should make it a priority to advocate for statewide funding to equip all Washington trial courts with essential courtroom technology, including reliable broadband access, stationary and movable microphones, audio amplification systems, high-resolution monitors, wall-mounted monitors, and video conferencing software.

C **Update Rules on Electronic Evidence:** The WSBA should work with the Washington Supreme Court to revise court rules governing the introduction of electronic evidence, specifically addressing foundation

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21. *AI-Generated Evidence: A Guide for Judges*, National Center for State Courts, https://www.ncsc.org/resources-courts/ai-generated-evidence-guide-judges.
22. Richard Susskind, *The Future of Courts*, Harvard Law School Center on the Legal Profession (August 2020), clp.law.harvard.edu/knowledge-hub/magazine/issues/remote-courts/the-future-of-courts/.
23. Illinois Supreme Court Policy on Artificial Intelligence (January 1, 2025), https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/e43964ab-8874-4b7a-be4e-63af019cb6f7/Illinois%20Supreme%20Court%20AI%20Policy.pdf.

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requirements, authenticity, objections, and concerns related to transparency in algorithms and regarding AI-generated content, such as deepfake images and synthetic audio.

D **Implement AI Detection Tools:** The WSBA should advocate for courts to adopt processes, assisted by standardized tools, to evaluate the legitimacy of citations and legal arguments within motions, briefs, and legal memoranda.

E **Enhance Language Access through AI:** The WSBA should encourage courts to adopt advanced AI translation and transcription technologies to improve court hearings and routine communications, while ensuring compliance with constitutional language access requirements.

F **Simplify Court Forms and Filings:** The WSBA should advocate for, and potentially partner with the courts, to develop AI-powered tools, such as chatbots, to help self-represented litigants complete and fill standardized court forms. AI should be employed to translate these forms into various languages, with accuracy verified by qualified interpreters.

6.2 MODERNIZING FRAGMENTED, OUTDATED COURT DATA INFRASTRUCTURE TO IMPROVE EFFICIENCY AND ACCESS

Washington's courts operate on outdated and fragmented digital systems, which hinder transparency and public access, delay justice, and prevent cross-jurisdictional innovation. Washington courts currently operate without a unified digital system. Calendaring tools, case management systems, and e-filing platforms differ widely due to funding structures and jurisdiction—specific needs, and current local systems rely heavily on fragmented, decades-old technologies.[24] While the courts' flagship program Odyssey brings some commonality to data infrastructure, it is far from complete.

To realize the benefits of emerging technologies— and to avoid falling further behind—Washington's courts need consistent and compatible e-filing systems statewide. Their back-end systems must be able to share and analyze data across jurisdictions, enabling the use of AI tools to improve transparency. access, equity, and efficiency. This should be done in a way that cost barriers are removed or minimized for access to court records.

Achieving this will require significant state investment in new technology, particularly in rural and underfunded jurisdictions, as well as restructuring of data "ownership" models. It also involves addressing the inherent political tensions among the judiciary, legislative bodies, county governments including court clerks, and the broader public surrounding court records and data ownership. A modern statewide court data infrastructure, and resolution of the political question of data ownership, would reduce administrative burdens, improve transparency, and help jump start modern innovations such as AI-driven legal assistance, user-friendly digital services, and more equitable public access. Building this infrastructure will require long-term state funding and close coordination across stakeholders at all levels of government.

Without a fully unified digital system, courts face persistent inefficiencies, burdensome manual

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24. Moe K. Clark, *'It's an uphill battle': Decades-Long Effort to Unify Washington's Court System Again Falls Short*, InvestigateWest (March 20, 2025), https://www.investigatewest.org/investigatewest-reports/its-an-uphill-battle-decades-long-effort-to-unify-washingtons-court-system-again-falls-short-17840352.

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processes, and critical data gaps. These issues are consistently reported by legal practitioners across the state, including in the Survey, and fall especially hard on self-represented litigants and rural communities.

RECOMMENDATION

A **Advocate for Standardized, Statewide Court Data Infrastructure Fully Funded by the State:** The WSBA should strongly advocate for a standardized, modern statewide court data infrastructure fully funded by the State and designed to support integration, efficiency, and equitable access to justice.

7 Supporting Future Professionals: Transforming Legal Education for the Digital Era

To prepare students for modern legal practice, Washington's law schools must comprehensively integrate technology into curriculum, training, and culture, not as an add-on, but as a core component of legal education. The rapid evolution of technology is reshaping legal practice at every level, demanding fundamental shifts in legal education. To meet these demands, Washington's law schools must move beyond incremental updates to the curriculum and embrace comprehensive, transformative integration of technology and innovation. The next generation of legal professionals will enter a profession already deeply shaped by generative AI, advanced data analytics, cybersecurity demands, and digital innovation.[25] Traditional legal education models, emphasizing theory without adequate practical technological integration, no longer adequately prepare students for practice.

Law schools must comprehensively embed technology across curricula and educational experiences, building not just awareness, but deep technological proficiency.

Law schools must comprehensively embed technology across curricula and educational experiences, building not just awareness, but deep technological proficiency.[26] This includes providing hands-on experiences, real-world practical clinics, and explicit pathways toward technology-driven careers.[27] Crucially, these efforts must also include significant investments in faculty skills and confidence in emerging technologies, ensuring educators can effectively guide and inspire future lawyers. By fostering a culture of innovation, curiosity, and ethical technology use, Washington law schools play a pivotal role in equipping new lawyers not only to navigate technological change, but to become its responsible leaders.

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25. Anthony Davis, *The Future of Law Firms (and Lawyers) in the Age of Artificial Intelligence*, American Bar Association (Oct. 2, 2020), www.americanbar.org/groups/professional_responsibility/publications/professional_lawyer/27/1/the-future-law-firms-and-lawyers-the-age-artificial-intelligence/.

26. Raymond H. Brescia, *Teaching to the Tech: Law Schools and the Duty of Technology Competence*, Vol. 62 62 Washburn Law Journal p.507-540, (2023).

27. *CODEX*, Stanford Law School, https://law.stanford.edu/codex-the-stanford-center-for-legal-informatics/ (last visited July 8, 2025).

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RECOMMENDATIONS

A **Embrace a Technology Conscious Culture:** Washington law schools should foster a culture in which faculty, staff, and students are supported in navigating the challenges and opportunities presented by new technologies in legal education and in the rapidly changing legal services landscape.

B **Maintain a Practice-Ready Curriculum:** Washington law schools should ensure that impactful technologies are addressed in courses focusing on technology skills (e.g. document automation, contract review, and data analysis) and processes (e.g. e-discovery, digital evidence, and cybersecurity), as well as in traditional and core courses (e.g. professional responsibility and civil procedure), through independent study opportunities (e.g. online tutorials, webinars, technology-focused directed research), and in clinics and externships that allow experiential opportunities with technology in different settings.

C **Assess Student Progress:** Washington law schools should establish a requirement that students demonstrate technology competence before graduating, such as by completing certain technology-focused course work, by completing technology-focused projects, or through a reputable technology certification program. Schools should regularly assess student progress and identify areas needing additional training or support.

D **Ensure Post-Graduation Success:** The WSBA and Washington law schools should establish a mentorship program that pairs students with practitioners who are experienced in using technology in their law practice. They should also promote a career path focused on technology and law by providing students with guidance on how to pursue a career in this area.

E **Support Faculty:** Washington law schools should encourage faculty to develop their own technology skills and support them through regular training on software, hardware, and online platforms commonly used in legal services, so they can effectively teach and mentor students.

F **Influence Broader Law and Policy Development:** Washington law schools should support faculty scholarship and research related to technology, hold continuing legal education courses on technology, and maintain an institute or center that focuses on the intersection of law and technology to provide a hub for research, education, and innovation.

8 Advancing Ethical Innovation and Equitable Access: Leveraging AI to Close the Justice Gap

The public is increasingly turning to AI-driven tools for legal help, without attorney involvement, creating an urgent need for ethical standards, public education, and innovative delivery models that expand access to justice without compromising consumer protections A recent LexisNexis survey[28] found that 27% of consumers have used generative AI to answer legal questions on their own, a figure that closely parallels the 25% of legal professionals using generative AI in their practice, according to the Survey. This data underscores a critical shift: the public is turning to AI

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28. *Generative AI & the Legal Profession*, Lexis Nexis (April 2023), https://www.lexisnexis.com/pdf/ln_generative_ai_report.pdf.

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for legal help, often without the benefit of attorney oversight or guidance.

These tools present both an opportunity and risk. On one hand, AI-powered tools offer meaningful opportunities to expand access to justice by reducing costs, improving legal literacy,[29] and simplifying routine legal tasks for self-represented litigants[30] and communities.[31] On the other hand, these tools also pose serious risks if left unchecked. Without thoughtful regulation and professional engagement, they risk spreading misinformation, violating unauthorized practice of law (UPL) rules, and impacting the quality of legal guidance the public receives.

The WSBA, courts, and legal professionals must embrace their role in shaping the future of ethical legal technology by ensuring that AI-driven legal assistance supports, rather than undermines, meaningful access to justice. This means proactive investment in innovation, formation of strategic partnerships, and ensuring equitable technology access. The Washington Supreme Court's recent authorization of a regulatory pilot program for new business structures and entity-based regulation represents an essential step toward responsible innovation and enhanced access to legal services.[32]

Rather than viewing AI as a risk to legal service delivery, the profession should lead efforts to integrate these tools responsibly— developing standards, clarifying UPL boundaries, and creating AI applications that are accurate, ethical, and designed with public interest and trust in mind. Legal professionals are not only protectors of justice; they are also critical stakeholders in building a more inclusive and technologically responsive legal system.

RECOMMENDATIONS

A **Establish Ethical Boundaries for AI Legal Tools:** The WSBA, in collaboration with the Washington Supreme Court, should establish clear guidelines distinguishing appropriate from unauthorized or misleading uses of AI-generated legal advice to protect consumers from misleading or inaccurate information, reduce bias, and protect fundamental rights. Legal technology providers should be required to ensure transparency in how their systems function and to be accountable for their outputs.

B **Expand Court-Based AI Resources:** The WSBA should advocate that Washington courts invest in practical, user-centered AI tools, such as multilingual self-help portals and simplified online forms, to expand meaningful legal access for underserved communities.

C **Support Public-Facing AI Literacy:** The WSBA and Washington Courts should jointly develop public education materials to enhance consumer understanding of AI-based legal tools, empowering the public to use AI responsibly and with confidence.

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29. Drew Simshaw, *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, Vol. 24 Yale Journal of Law and Technology p.150-226, (2022).

30. Christopher L. Griffin, Jr., Cas Laskowski, and Samuel A. Thumma, *How to Harness AI for Justice*, Judicature International (July 23, 2024), https://judicature.duke.edu/articles/how-to-harness-ai-for-justice/.

31. Nicole Black, *Access to Justice 2.0: How AI-Powered Software Can Bridge the Gap*, ABA Journal (Jan. 24, 2025, 10:20am), https://www.abajournal.com/columns/article/access-to-justice-20-how-ai-powered-software-can-bridge-the-gap.

32. Order Approving the Adoption of a Pilot Project to Teach Entity Regulation, Order No. 25700-B-721 (Wash. Dec. 2024). www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Order%2025700-B-721.pdf.

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D **Educate Legal Professionals on Inclusive AI Implementation:** The WSBA should partner with law schools and MCLE providers to offer targeted programs to equip legal practitioners to ethically use AI tools that genuinely benefit and are designed to serve underserved communities.

E **Foster Development of Affordable and Scalable Tools:** The WSBA should explore and promote funding mechanisms that expand the development of affordable, user-friendly technologies for small legal practices, public interest service providers, and individuals with limited resources.

9 Safeguarding Sensitive Legal Data: Strengthening Consumer Protection in a Digital Era

Legal professionals have a responsibility to protect sensitive legal data from misuse in a rapidly evolving digital landscape. They also are on the front lines where their clients suffer or face the rising misuse of technology. As legal information becomes increasingly commodified by AI tools and online platforms, stronger consumer protections, clearer regulations, and lawyer-led advocacy are urgently needed. Integrating AI into governance, constitutional systems, and judicial processes raises urgent questions about protecting consumer data from misuse, manipulation, or unauthorized access. It also requires the WSBA to be an active participant in updating key consumer protection laws.

Consumers are increasingly turning to online platforms for help with deeply legal issues—like health issues, financial challenges, immigration, or domestic violence—without realizing how their data may be tracked, shared, or sold.[33] If not thoughtfully managed, these advancements risk undermining the rule of law and democratic principles by exposing users to risks ranging from surveillance to fraud, to behavioral advertising to the commodification of legal needs. For example, when an individual visits an immigration law website, uses a chatbot that provides landlord tenant guidance, or installs an app that provides legal services for victims of domestic violence, hundreds of businesses may track and monetize that person's personal information, often including their location. The chatbot operator, for example, could sell the unique online identifiers or even the queries of its users to online advertising platforms who can use the personal information to target digital ads or to third party data aggregates. Increased default settings on apps allow sales of the information, including nature of inquiries and geolocation. Others allow cross-app tracking so information from a device is shared more broadly.

This risk also exists even earlier in the process: consumers who search for 'legal advice' in the app store on their phones can choose among hundreds of legal services apps available today—let alone understand what tracking or sharing of information is permitted by default under the app's terms of service? The Task Force believes the WSBA is well positioned to develop materials to help consumers evaluate such offerings, partner with other bars to develop a standard 'seal' to identify legal services websites and apps meeting certain criteria, and provide a mechanism for consumers to ask questions about such apps, and where, if appropriate, to report the

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33. Michelle Egbert, Comment, *Access to Freedom: Can Technology Improve Access to Justice for Survivors of Domestic Abuse?*, Vol. 36 Journal of the American Academy of Matrimonial Lawyers p.187-207, (2023). www.aaml.org/wp-content/uploads/7-MAT105.pdf.

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unauthorized practice of law.

According to the Survey, 68% of legal professionals believe existing consumer protections for AI are inadequate. Nearly 60% support the creation of AI-specific privacy protections, and over 50% favor measures requiring companies to disclose how consumer data is used and giving individuals the right to correct or delete data utilized by AI models. Without robust safeguards and oversight, AI-driven decision-making—whether in the private or public sector—can silently erode personal privacy and civil rights, especially when used to make decisions that have significant legal or similarly significant effects, such as benefits and housing eligibility or criminal justice outcomes.[34] These concerns are not theoretical: they implicate fundamental values like personal safety, due process, dignity, and equal treatment under the law.

To safeguard access to and the administration of justice, Washingtonians need greater privacy rights. In implementing groundbreaking protections for consumer health data in 2023 by enacting the Washington My Health My Data Act, the legislature found:

> ***"The people of Washington regard their privacy as a fundamental right and an essential element of their individual freedom. Washington's Constitution explicitly provides the right to privacy. Fundamental privacy rights have long been and continue to be integral to protecting Washingtonians and to safeguarding our democratic republic."***

Yet current protections focus primarily on health data. Legal data is similarly sensitive, directly linked to an individual's safety, freedom, and dignity. For instance, seeking information on protective orders or criminal defense services reveals deeply sensitive circumstances. Currently, Washingtonians' legal data lacks robust protections against behavioral profiling and targeted advertising. The WSBA should advocate for limitations on the use of consumers' legal data, as well as more comprehensive privacy rights.

AI and predictive analytics, fueled by vast amounts of seemingly routine data, can reveal highly sensitive personal information—including personality traits, health conditions and biometrics, political preferences, or purported intelligence levels derived from social media activity—potentially undermining privacy and dignity.

Washingtonians should have comprehensive privacy rights, including the right to know what information organizations collect, how it is used and a way to correct or challenge such data or information. They should also have the right to opt-out of automated decision making, particularly when their livelihoods are at stake. Additionally, organizations should have greater obligations when it comes to processing personal information, including an obligation to practice data minimization and to provide consumers with meaningful choice related to certain uses of information.

Washington's Rules of Professional Conduct explicitly charge lawyers with ensuring justice, fairness, and transparency amid technological change. Lawyers must therefore advocate for legislative improvements, adopt stronger internal data protections, and ensure their technology partners align with professional

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34. Olga Akselrod, *How Artificial Intelligence Can Deepen Racial and Economic Inequities*, American Civil Liberties Union (July 13, 2021), www.aclu.org/news/privacy-technology/how-artificial-intelligence-can-deepen-racial-and-economic-inequities.

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responsibility standards. By critically assessing AI's application in governance and consumer spaces and advocating for its alignment with ethical and constitutional principles, legal professionals can play a key role as essential guardians of the rule of law in a time of rapid technological and societal change. *Scope of WSBA Advocacy—The Task Force recognizes that WSBA's ability to advocate on public policy issues is limited by the Keller rule, which restricts activities funded by mandatory dues to matters directly related to regulating the legal profession or improving the quality of legal services. The Task Force identifies these issues as significant for Washington consumers and encourages legislative and policy consideration, while recommending WSBA advocacy only within the bounds of these permissible activities.*[35]

RECOMMENDATIONS

A **Advocate for Updated Consumer Protection Laws:** The WSBA should advocate, consistent with Keller limitations, for regular updates to state consumer protection laws and regulations that provide meaningful protections and address abuses enabled by AI and other digital technologies.

B **Advocate for Enhanced Consumer Privacy Protections:** The WSBA should advocate, within Keller limitations, for expanded privacy protections for sensitive information, including restrictions on the collection, use, and sale of personal data by legal technology providers.

C **Provide Title 7 RPC Guidance on Lawyer Advertising and Marketing:** The WSBA should update RPC Title 7 rules on advertising to clearly prohibit the sale or sharing of sensitive personal data collected by legal websites and applications.

D **Develop Consumer-Focused Certification Programs:** The WSBA should develop a consumer-facing certification program or standardized "seal" to help the public identify trustworthy legal-service websites and apps, and to enable consumers to report entities operating without authorization to practice law.

E **Provide Education on AI and Consumer Protection:** The WSBA should provide ongoing education to legal professionals on evolving AI-related consumer protection issues, laws, and regulations, explicitly covering algorithmic bias, data privacy, and remedies available to consumers impacted by automated decision-making.

10 Ensuring Regulatory Innovation and Stability: Future Expertise and Oversight

Rapidly evolving legal technologies—especially AI, automation, and virtual platforms—pose profound challenges and opportunities to traditional regulatory frameworks, underscoring the urgent need for dedicated oversight. Addressing these effectively requires ongoing, expert oversight. The recommendations in this report highlight the need for a stable, empowered body to provide review, expertise, oversight, and guidance into the future. The consensus within the Task Force is that new technologies—whether targeted to consumer legal services (for example an online service the provides legal advice for a divorce or estate planning) or simply horizontal platforms used by consumers to solve legal

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35. Wash. Rules of Pro. Conduct Pmbl. and scope (2021), https://www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_PREAMBLEANDSCOPE.pdf

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issues (using generalized services like ChatGPT)—will strain existing UPL frameworks, ethical frameworks, court capability, and enforcement capacity. The establishment of a Washington Supreme Court Board to address these issues would assure accountability and continuity. Without an institutional successor to the Task Force, the oversight of critical regulatory concerns surrounding the ever-evolving landscape of legal technology would be left to chance.

A Supreme Court-affiliated Board would provide authoritative guidance and continuity, effectively bridging court rulemaking, regulatory reform, and bar governance to ensure responsible innovation. The Washington Supreme Court's Practice of Law Board (POLB) has demonstrated capacity to work through complex regulatory issues and could be a suitable home for this work. However, this would require expanding its charter under GR 25 to explicitly include technology-related oversight and regulatory innovation and ensuring it had the requisite technological expertise and support.

Advocating for the Washington Supreme Court to create this Board—or for expanding scope of the POLB—aligns directly with WSBA's strategic priorities, including championing justice, fostering inclusion, and supporting professional excellence, and reflects broader national trends of proactive judicial and bar association leadership in regulatory innovation.

Establishing such a Board would proactively position Washington as a national leader, balancing technological innovation with robust consumer protection and regulatory clarity.

RECOMMENDATION

A **Petition for a Dedicated Technology Oversight Board or Expanded Practice of Law Board**

Mandate: The WSBA should petition the Washington Supreme Court to establish a Board for Legal Technology and Regulatory Innovation or broaden the scope of the Practice of Law Board with the following mission/goals:

- To collaborate with the WSBA, the Supreme Court, and other relevant stakeholders to develop rules, education, and policies supporting responsible regulatory reform and innovation.
- To ensure the profession and court system is equipped to continue to ensure the just and fair rule of law.
- To ensure that all legal technology innovations align with the legal profession's core values—integrity, public service, and administration of justice.

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Looking Forward

These ten key points focus less on narrow practices and more on capacity building, ethics, and education for a reason. The technology interface with law is rapidly evolving, and it is far too important to be stuffed into a static set of recommendations and left in a drawer.

The WSBA, the courts, and the profession will need to develop new abilities to handle technology changes and harmonize them with one of the most human processes in society—the way we deliver legal services to people across the state. As officers of the Court, we have the obligation not just to individual clients but to the system of justice and rule of law.

Lawyering is not just a learned profession, but a learning profession. We will find ways to learn, adapt, and excel in this changing environment. But doing so demands we are informed, intentional, and forward-looking about how technologies and the profession will dovetail to create improved results for Washingtonians—and that we leave no one behind. As the legal profession navigates technological change, we must recognize our unique role in shaping how these tools impact society. Legal professionals have a special responsibility to safeguard justice and ensure legal systems remain fair, transparent, and accountable. This means staying informed about and engaged with broader societal concerns—from environmental impact to algorithmic bias, from privacy protection to access. While AI will inevitably transform how legal work happens, our fundamental obligation is to ensure it does so in ways that strengthen rather than undermine the rule of law. By being deliberate in understanding how these technologies interact with societal values and institutional structures, we can help ensure they enhance rather than diminish access to justice and the quality of legal services for all.

A NOTE FROM THE TASK FORCE

In developing this report, the Task Force drafters worked iteratively with advancing versions of three main generative AI tools:

- ChatGPT (from OpenAI),
- Claude (from Anthropic), and
- CoPilot (from Microsoft).

In addition, the Task Force drafters benefited from help from Clearbrief (from Clearbrief.ai) in structuring and writing references. The Task Force members used these systems as a collaborative tool to support—rather than replace—the core work of legal analysis, strategic framing, and writing. The drafters provided subject-matter expertise, policy direction, legal analysis, editorial judgment, and extensive human-based research, while the generative AI tools served as responsive assistants—generating initial drafts, offering structural suggestions, surfacing alternative phrasings, and helping identify gaps or ambiguities. At every stage, decisions about content, tone, and framing remained firmly in human hands, and all information generated by the AI tools was reviewed for accuracy by Task Force members. This process reflects the approach the Task Force recommends for legal professionals: thoughtful, professional-led use of AI that enhances human capability without displacing professional responsibility, creativity, or control.

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APRIL 2025

WSBA Technology Survey Report: Preliminary Findings

This memo summarizes key findings from the WSBA Legal Technology Survey, providing an overview of the WSBA Legal Technology Task Force's (Task Force) analysis and next steps.

INTRODUCTION

We have also included in these findings the **Final WSBA Technology Survey Report**, an overview report by National Business Research Institute (NBRI), the vendor that ran the survey (the NBRI Report), together with a slide deck called "WSBA Tech Task Force Member Survey — results overview," containing additional analysis performed by the Task Force. The Survey was prepared by the Task Force with support from WSBA staff and NBRI, and administered by NBRI from September 30-October 23, 2024. The survey received responses from 516 members (5% response rate), yielding a 98% confidence level with a 5% margin of error. For additional methodology and demographic information from the survey, please see the NBRI Report.

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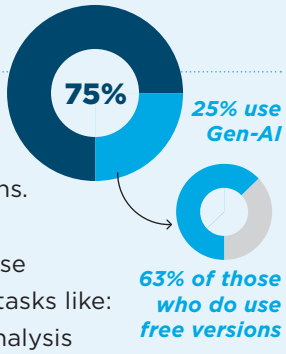
FAST FINDINGS

Current AI Usage



75% of WSBA members do not currently use Generative AI applications.

Of those who do, **63%** use free public versions for tasks like:

- Legal research and analysis
- Drafting and summarizing documents

The members surveyed prioritize legal research for technology improvements.

Ethics, Knowledge & Training Needs

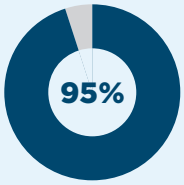
Members' self-assessed Gen-AI knowledge: **36%** rate as "Fair," **28%** as "Poor." Only **9%** rate themselves as "Good" or Better."

Members prefer CLEs and hands-on workshops to learn new technologies. **72%** support adding an MCLE requirement for technology.

A majority (**69%**) believe Generative AI will require additional training and skills.

Only **23%** of members believe ethical rules adequately cover the use of Gen-AI.

Courts, Court Rules & Procedures



95% of WSBA members have not encountered AI-related issues in their cases and 97% are not practicing in courts with specific AI rules. Members expressed interest in clearer guidelines for AI use in legal contexts.

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PURPOSE

The WSBA Board of Governors established the Task Force under one of WSBA's FY2023-2024 strategic priorities to "Assess technology-related opportunities and threats and determine WSBA's role vis-a-vis regulation, consumer protection, and support to legal professionals."

The Task Force is specifically tasked to:

- **assess the legal technology landscape, identifying threats and opportunities across various legal sectors, and**
- **make recommendations that support and strengthen the understanding and use of technology in members' practice, emphasizing effective, efficient, and ethical use of technology that enhances equitable access to justice.**

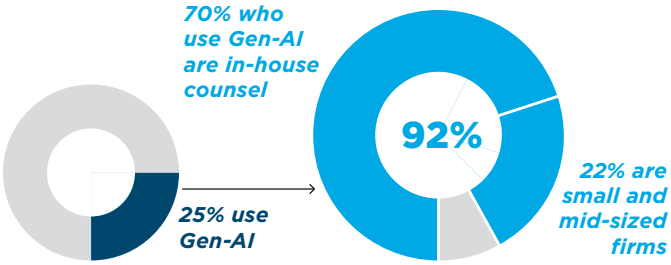
The Charter calls for identifying practical ways to integrate technology into legal services while supporting professionals across all practice settings. The initiative is not a review of technology for its own sake: at this critical point in technology development and growing legal needs, WSBA's strategic objectives aim to advance capabilities, quality, and availability for both legal professionals and those they serve.

As part of this mission, the Task Force developed a survey to evaluate how WSBA members are currently engaging with technology. Recognizing that technology adoption is becoming widespread in society, the survey aimed to assess WSBA members' use and awareness of technology, and how best to support them in the use of technology that benefits both them and the public they serve.

KEY SURVEY FINDINGS

The WSBA Technology Survey offers valuable data on how legal professionals in Washington State are engaging with technology, and the challenges and opportunities they face.

Highlights from the findings include:



Use of Artificial Intelligence (AI) within legal practice

AI usage remains limited, with only 25% of respondents reporting use on a regular basis. However, there are substantial differences between practice settings: for example usage is far higher among in-house counsel (70%) compared to small and mid-sized firms (22%).

- Early adopters cited improved efficiency, particularly in legal research and document drafting and summarization.
- Non-users expressed concerns about fundamental trust issues: accuracy, ethical implications, and data security. Some non-users also noted that they did not see a relevant use case for AI or believe it would add value to their work. In addition, some noted concerns about AI diminishing the value of legal expertise. Sentiment analysis of verbatim comments also indicates that some have a reluctance or skepticism regarding new technologies, possibly related to concerns about trust, security, and efficacy of these tools in a legal setting. Several indicated they had made

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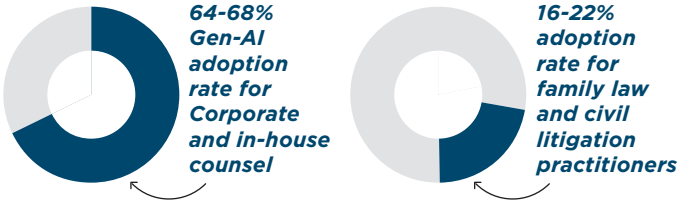
unsuccessful early attempts to use generative AI, informing their views on its utility.

- Of those who are using Generative AI applications, **63%** are using free public versions for tasks such as (a) legal research and analysis and (b) drafting and summarizing documents. Some respondents also found high utility in other uses such as training, risk assessment, and strategy development, in addition to more mundane tasks.
- Looking forward, members interested in using AI prioritized legal research as an area for technology improvement in their practice.
- Most respondents **(69%)** believe use of AI in the legal practice will require additional training and skills. Only about **26%** of respondents indicated their current knowledge of how to use AI was at least "good" — over **60%** indicated their knowledge was "fair" or "poor".
- Members prefer CLEs and hands-on workshops to learn new technologies. A substantial majority **(72%)** support adding an MCLE requirement for technology. A significant portion of members **(45%)** also favored WSBA support in the form of technology due diligence guidelines, checklists, and repositories of legal technology tools and resources.
- Only **25%** of members believe ethical rules adequately cover the use of Generative AI. Notably, the groups that use AI most in practice (in house) are least confident, by a modest margin, in current ethical rules and guidelines for legal professionals.



Practice Area Disparities in Technology Adoption

AI adoption and confidence varies substantially across practice areas. Corporate and in-house counsel show higher adoption rates (64-68%) compared to family law and civil litigation practitioners (16-22%).

- Self-reported knowledge gaps follow similar patterns: corporate and contracts practitioners rate their AI knowledge higher compared to civil litigation practitioners.
- These disparities extend to cybersecurity implementation, with smaller practices and specific practice areas showing lower adoption rates of essential security measures.

Cybersecurity Practices

Responses gave a mixed signal on cybersecurity. A substantial majority of members (79%) express confidence in their organization's ability to protect the organization and client data from cybersecurity threats.

- Despite high confidence levels among respondents, significant gaps remain in critical cybersecurity

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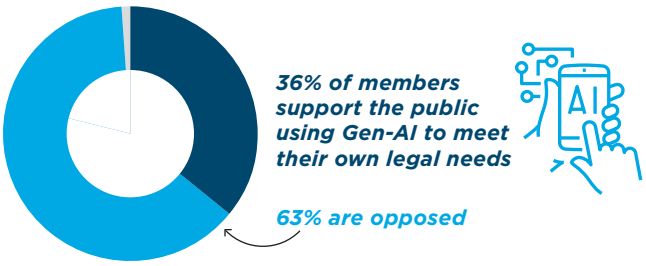
best practices (identified by NIST, CISA, ABA, and WSBA), indicated by lower rates of their use, including regular audits **(34%)** and data encryption **(37%)**. While multi-factor authentication (MFA) scored higher at **68%**, given the critical importance of this practice the response is concerning – see materials through the U.S. Cybersecurity & Infrastructure Security Agency (CISA), Federal Trade Commission (FTC), National Institute of Standards and Technology (NIST), American Bar Association, and WSBA's Law Firm Guide to Cybersecurity.

- Survey data reveals practice-specific variations in security measure implementation, with civil litigation and family law practices showing notably lower adoption rates of basic security tools compared to corporate and larger firms. Larger firms, government, and in-house practitioners had higher levels of cybersecurity infrastructure in place, compared to solo and small firms.
- The confidence-implementation gap is particularly pronounced in smaller practices and specific practice areas like family law, where actual implementation of common security measures is significantly lower than reported confidence levels.
- It is possible that some of these gaps are in reality smaller than indicated because respondents are unaware of cybersecurity technologies already included in their IT environment. Nonetheless the existence of the gaps and the relatively low reported usage rates of basic, recommended cybersecurity practices signals an area for focus, particularly in light of the important data practitioners receive from clients, and the trust placed in legal professionals to safeguard that data.

Non-AI Legal Technologies

Tools such as practice management systems, forms automation, and e-discovery platforms are underutilized, particularly in smaller and rural practices. Barriers include cost, lack of training, limited awareness, and a perception of low rate of return on investment.



Access to Justice

Members were slightly more positive (36%) in their support of the public using generative AI to meet their own legal needs (e.g., self-representative litigants) than the rate at which members themselves have adopted generative AI in their practices (25%), but those opposed (63%) held very strong views.

- Those supporting public use to meet their own legal needs said AI can help bridge the gap for individuals who cannot afford legal services, and that AI can serve as a cost-effective and highly available option, especially in rural or otherwise underserved areas, delivering legal services to those who would otherwise have no help.
- Those opposed echoed the same concerns cited by those concerned about use of generative AI directly in the legal profession: accuracy, reliability, and lack of ethical guidance or standards. In addition, they noted that the general public lacks the foundational legal knowledge to understand AI-generated information properly, what questions to ask, how to fact-check

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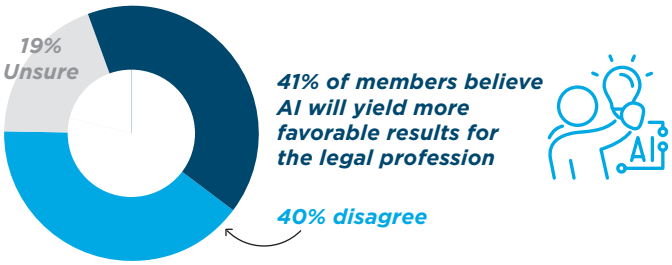
AI responses, or how to apply the information.

- Slightly more members supported the view that AI will yield more favorable results in narrowing the access to justice gap **(41%)** than those who disagreed **(38%)**. Responses of "unsure" were **18%**.



Impact on Legal Profession

Respondents generally have a favorable view of technology-driven changes in the legal profession, but opinions are divided on the impact of generative AI on the court system and the legal profession.

- Respondents had a generally favorable view about technology-driven change, with **55%** supporting the view that those changes will improve the experience of being a lawyer in Washington compared to the last two decades, **25%** not supporting the view, and **18%** unsure.
- At the same time, views were more divided about specific impacts of generative AI. A significant plurality **(about 40%)** disagreed with the statement "Generative AI will have a positive impact on the court system, both in terms of efficiency and fairness," with **38%** supporting the statement and **20%** unsure. Similarly, **41%** of respondents supported the statement that "Overall, I believe AI will yield more favorable results for the legal profession." About **40%** disagreed with the statement and **19%** were unsure.

The Final WSBA Technology Survey Report provides a full breakdown of the data, including visuals, demographic trends, and quantitative insights.

ANALYSIS AND KEY TAKEAWAYS

Building on the survey findings, the WSBA Technology Task Force has conducted an initial analysis, identifying areas where deeper consideration is needed:

1. **Technology understanding is a necessity — technology is not an end in itself.** Restating a key theme for the Task Force — the Task Force is not evaluating technology for its own sake, nor does the Task Force believe that any specific level, type, or application of technology adoption is necessary for all practice members. At the same time, as these technologies become increasingly ubiquitous in society, they are also critically important to understand, both as a part of what happens in our world as the subject of legal issues, disputes, contracts, and harms, and as a part of the toolkit that may be necessary to serve clients effectively. Generative AI is rapidly becoming both a tool for enhancing legal practice and an essential competence for legal professionals in this rapidly changing world. Understanding and usage of such technology could soon become a requirement for legal professionals to discharge a variety of ethical obligations to clients.

2. **WSBA members represent significant diversity in practice types, needs, and technology usage.** Survey responses reflect the varied nature of legal practices across Washington, from large in-house counsel teams to solo practitioners and rural firms. This diversity leads to widely differing technology requirements. For instance, while some members benefit from robust AI and data analytics tools, others prioritize basic practice management systems.

   The survey breakout data reveals that these differences are particularly pronounced between practice areas. While corporate and in-house counsel show higher technology adoption rates and confidence

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levels, civil litigation and family law practitioners consistently report lower adoption rates, knowledge levels, and implementation of security measures.

The survey supports the need for tailored approaches to technology resources and training. WSBA's technology support strategy needs to take into account differences in capabilities, supporting a spectrum of experiences, practice area, firm size, and geographic location.

3 **Diverse Needs Require Diverse Solutions.** The diversity of practices also means there is no universal "right" technology. Survey comments suggest that smaller firms and rural practitioners require simpler, cost-effective solutions, while larger organizations may demand sophisticated, scalable, or even bespoke platforms. This diversity underscores the importance of offering scalable and adaptable technology resources, consumable in different ways. It also means that driving awareness across the entire membership, not just part of it, will be an important part of next steps.

4 **Resources should include ready access and availability to small firms, rural practices, and solo practitioners.** Smaller and rural practices face significant barriers, including financial constraints, limited access to training, and resource gaps. These disparities were consistently highlighted in the survey as critical obstacles to technology adoption. Supporting these members will require targeted, affordable solutions that address their unique challenges.

5 **Members called out an interest in awareness and capabilities.** Survey responses centered on training and resources suggest that the biggest investment for WSBA should not be in technology itself but in the skills, awareness, and capabilities of its members. Practical training programs, clear guidelines, and accessible resources will support members as they navigate technological changes. Respondents emphasized the importance of practical, hands-on training opportunities, including CLEs, peer-led workshops, and tools tailored to their specific needs. A significant majority of respondents said they support a technology-related MCLE requirement.

6 **Bridging gaps will help with awareness and competence at key technology skills for legal professionals.** Understanding of AI remains limited among many segments of members, limiting use of potentially helpful tools. Many respondents, particularly those in small firms, indicated they are overwhelmed by day-to-day practice demands and lack the time and in-house support to explore and implement new tools. This highlights the need for targeted education and support to make AI and other technology adoption feasible and relevant.

7 **Trust is fundamental, especially in the legal profession.** Many respondents articulated fears about generative AI replacing lawyers entirely, overshadowing its potential as a tool to support and augment legal work. Respondents expressed a lack of understanding about effective use cases for generative AI, both within their practices and for potential use by the public to meet their own legal needs. Addressing fears of both members and the public and demonstrating valuable uses will be critical to help legal professionals gain improvements and efficiencies from these tools.

8 **Generative AI has a dual role for legal professionals — both as a tool in the practice and as an essential area in the subject matter of daily lives, and hence, the practice of law.** Generative AI is increasingly becoming part of daily life in business, in government, and in society. Its implications for the legal profession extend far

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beyond direct legal applications of technology. Even for those not using generative AI in their practice, understanding its operations and its role is critical for issues like evidence authentication, procedural rules, and overall professional competence. Note for example proposed new federal rules of evidence addressing AI, deepfakes, and machine generated evidence and a recent Florida state case allowing a virtual reality simulation of a crime scene reconstruction into evidence — with the judge viewing the scene through VR goggles. As technology evolves, basic fluency in AI will be a fundamental skill for legal representation.

9 **Many members are not confident the current Rules of Professional Conduct effectively address AI technologies, and are unsure they know how to spot and resolve ethical considerations in the use of generative AI.** Respondents frequently voiced concerns about ethical challenges, particularly around data privacy and client confidentiality. Many emphasized the need for clear, WSBA-led guidelines, checklists, and potentially even approved technologies to ensure AI tools are used responsibly and in compliance with ethical obligations under the Rules of Professional Conduct.

10 **Improved Cybersecurity readiness is both urgent and important.** A significant gap exists between members' confidence in their cybersecurity practices and the reality of their implementation. Many respondents lack foundational measures like multi-factor authentication and regular security audits. Solo practitioners and smaller firms are especially vulnerable due to resource limitations. The survey underscores the need for practical cybersecurity tools and education tailored to these groups. They also point to limited awareness of tools already available from WSBA, the ABA, and other resources.

11 **Using technology tools to improve access to justice requires developing public trust in the technology.** For technology to improve access to justice, it must earn the trust of the public, WSBA members, and the Courts. This is true whether the technology user is a legal professional or someone in the general public accessing legal information. Survey responses emphasized the importance of transparency, reliability, and ethical use of technology to avoid misuse or over-reliance. Public-facing legal tools must be rigorously tested and clearly communicated to build confidence among users, and to ensure consumer protection.

12 **WSBA members will need more assistance and support as additional tools and capabilities come on line — WSBA will need to develop robust, sustained capabilities to support members with these changes.** The technology environment continues to change. The needs expressed in the survey indicate training and support for members are not a "one and done" experience. WSBA will need to adapt to these needs, which are likely beyond current resourcing levels.

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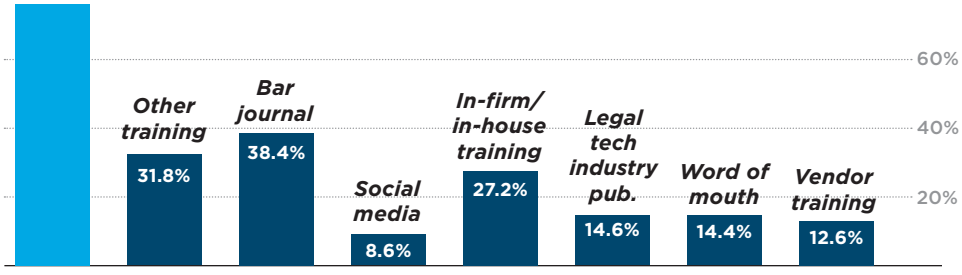
76.2%
CLEs

Survey question

How would you prefer to keep up with technology developments to learn about the benefits and risks ...?



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COMPARISON TO OTHER SURVEYS

The results from the WSBA Legal Technology Task Force Survey are generally in line with other recent technology surveys, both in the US and internationally, highlighting similar patterns in technology adoption (and costs/benefits), barriers, and opportunities across jurisdictions. Several industry players have also done surveys — those tend to focus on more specific segments of the legal technology market and have not been considered here.

- **AI Usage:** Nationally, the 2023 ABA Legal Technology Survey Report found generative AI usage among lawyers at approximately 10%, indicating a lower baseline nationally. However, recognizing the speed of uptake of generative AI since 2022, it is likely that adoption has grown since the report's publication, reflecting broader technological trends. That growth is mirrored in an ALPS study in 2024, finding that 20% of its lawyer respondents were using AI in their day to day business. In the UK, a 2023 survey found 13% of lawyers using AI, growing to 26% by 2024. Subsequent polling suggests that a significant portion of UK lawyers plan to adopt AI tools in the near future, pointing to rapid acceptance and integration.

  One recent consumer survey that included questions on use of AI for legal purposes from LexisNexis offered an interesting comparison point. While the WSBA Tech Task Force survey found 25% of legal professionals are using generative AI in their practice, the LexisNexis survey found that 27% of consumers have used generative AI to answer legal questions for themselves.

- **Barriers to adoption:** Similar barriers are reported in several surveys. In particular, the above referenced surveys from the ABA and the UK highlight cost, lack of expertise, and concerns about ethical implications as common challenges to the adoption of useful technology tools.

- **Cybersecurity Practices:** Similar to the WSBA Legal Technology Task Force Survey, the ABA's 2021 Legal Technology Survey Report underscores that many firms fail to implement fundamental security measures despite rising threats. Cybersecurity remains a universal challenge, particularly for smaller firms without dedicated IT resources.

- **Access to Justice:** Across jurisdictions, there is growing interest in using technology to enhance access to legal services. The UK surveys highlighted pilot projects aimed at leveraging AI for pro bono services and self-help resources, generally supported by bar members.

NEXT STEPS FOR THE TASK FORCE

The Task Force is using these findings and the underlying survey responses to help guide its priorities. The work is part of the Task Force's overall research and analysis to inform final recommendations for the WSBA Board of Governors. The Task Force has reviewed these results within its Working Groups and at the full Task Force level.

For additional survey results and quantitative analysis, please refer to the Final WSBA Technology Survey Report from NBRI and the slide deck called "WSBA Tech Task Force Member Survey – results overview."