

# WASHINGTON STATE PILOT PROJECT FOR ENTITY REGULATION PARTICIPANT MANUAL

## Table of Contents

PILOT PROJECT FOR ENTITY REGULATION - OVERVIEW .....	3
Eligibility for Participation .....	3
An Experiment to Test Regulatory Reform: YOU Decide .....	4
Multi-Jurisdictional Practice .....	4
Client Confidentiality, Data Security, and Cybersecurity .....	4
Definition of the Practice of Law .....	4
PREPARING FOR YOUR APPLICATION .....	4
Compliance Officer .....	4
Entity Information .....	5
Controlling Person .....	5
Financing Person or Entity .....	5
Individual Character and Fitness Applications .....	5
Public Record .....	5
PROPOSED BUSINESS MODEL AND REGULATORY REFORM .....	6
Accessibility of Legal Services/Access to Justice .....	6
Risk Assessment .....	6
APPLICATION PROCESS .....	7
Apply Online .....	7
Communication .....	7
Submit Your Application .....	7
Application Fees .....	7
Application Review Process .....	8
Character and Fitness .....	8
FINAL STEPS PRIOR TO RECOMMENDATION TO COURT .....	8
Annual Fee .....	9
Trust Account Declaration .....	9

Professional Liability Insurance and Financial Responsibility.....	9
Verification of Contact Information .....	9
AUTHORIZING ORDER AND PARTICIPATION IN THE PILOT PROJECT.....	10
Comply with All Existing Laws and Rules .....	10
Public Protection & Disclosures .....	10
Prohibited Conduct .....	11
OPERATIONAL REPORTING REQUIREMENTS.....	11
CHANGES TO YOUR SERVICE MODEL.....	12
EARLY REMOVAL AND DISQUALIFICATION.....	12
COMPLAINTS, INVESTIGATION, AND ENFORCEMENT .....	12
APPENDICES .....	13
Appendix A: Washington Supreme Court Order No. 25700-B-721 dated December 5, 2024 (establishing Pilot Project for Entity Regulation).....	13
Appendix B: Cherry, Michael (2024) "A Framework for Data-Driven Legal Regulatory Reform," Seattle Journal of Technology, Environmental & Innovation Law: Vol. 14: Iss. 2, Article 2. ....	13
Appendix C: Entity Reporting – Standard Data and Questions.....	13
Appendix D: Client Survey .....	13
Appendix E: WSBA Enforcement Procedures .....	13

# PILOT PROJECT FOR ENTITY REGULATION - OVERVIEW

The Washington Supreme Court adopted the Washington State Pilot Project for Entity Regulation to test and evaluate innovative legal service models and alternative business structures for delivering legal and law-related services. See Appendix A (court order establishing Pilot Project) and Appendix B (A Framework for Data-Driven Legal Regulatory Reform). The Pilot Project is authorized to run for ten years. The Pilot Project serves as a mechanism to encourage legal professionals, entrepreneurs, law firms, corporations, nonprofits, technology experts, and others to experiment with innovative business models for delivering legal and law-related services. The Pilot Project authorizes entities to provide legal and law-related services in Washington through a monitored, data-driven, and regulated experimental environment.

The goal of the Pilot Project is to evaluate if entity regulation combined with regulatory reform and innovative service models will increase the accessibility of quality legal assistance to Washington consumers without exposure to undue risk or harm.

**Washington State Bar Association (WSBA):** The WSBA administers all aspects of the Pilot Project including, reviewing applications, conducting background investigations, collecting fees, and referring qualified applications to the Practice of Law Board. All communications about the Pilot Project must go through the WSBA.

**Practice of Law Board:** The Board reviews the WSBA's recommendations and makes recommendations for participation in the Pilot Project to the Washington Supreme Court. The Board also collaborates with the WSBA in monitoring participating entities and evaluating the performance and outcome of the Pilot Project overall.

**Washington Supreme Court:** The Court has inherent and plenary authority to regulate the practice of law, including determining which entities are authorized to participate in the Pilot Project and determining whether to continue entity regulation and implement regulatory reform at the close of the Pilot Project.

## Eligibility for Participation

Eligible applicants include, but are not limited to:

- ✓ Licensed legal professionals and law firms exploring alternative business structures
- ✓ Legal tech businesses and startups with innovative legal services delivery models
- ✓ Law firms exploring new legal services delivery models
- ✓ Businesses seeking to enter the legal services market
- ✓ Nonprofits and social services organizations wanting to provide limited legal assistance

Ineligible applicants:

- X Entities employing, or owned in part by, disbarred or suspended licensed legal professionals
- X Entities that cannot ensure licensed legal professionals comply with their rules of professional conduct
- X Entities without sufficient risk mitigation and public protection strategies
- X Entities violating consumer protection laws

## An Experiment to Test Regulatory Reform: YOU Decide

The Pilot Project is an experiment to test regulatory reform. It is an opportunity for YOU to rethink how legal and law-related services can be delivered, create a business model to test it and shape it, and build the evidence for what a more accessible legal system could look like in Washington state. Other than having sufficient consumer protection measures in place to mitigate the identified risk of harm to consumers, the Washington Supreme Court has not imposed categorical prohibitions on applicants based on organization type, delivery model, or area of practice. This means:

- YOU propose a legal services delivery model or new business model for providing legal services
- YOU propose the fee structure, fee-sharing model, or investment model
- YOU identify which laws, rules, and regulations governing the practice of law you need to be exempted from or which need to be modified so your delivery model can operate as designed
- YOU identify possible risks to consumers and the public
- YOU implement appropriate measures and safeguards to mitigate those risks
- YOU describe the impact your “test” will have on the accessibility of legal services in Washington

The WSBA, Practice of Law Board, and Washington Supreme Court will evaluate applications and will consider approving applications with proposals that appear to adequately safeguard against any potential risks to consumers or clients and have the potential of increasing accessibility of quality legal services to all persons, including low- and moderate-income Washingtonians, and others who experience barriers in accessing legal services.

## Multi-Jurisdictional Practice

The Washington Supreme Court has the authority to regulate the practice of law in Washington state only. Entities authorized to provide legal services as part of the Pilot Project are authorized to practice law in Washington only. Whether an entity can provide the same legal services in another jurisdiction will depend on the laws and rules of the other jurisdiction.

## Client Confidentiality, Data Security, and Cybersecurity

It is the responsibility of each entity to have in place systems and safeguards for ensuring the confidentiality and integrity of its client information and data consistent with the Washington Rules of Professional Conduct. Otherwise, the Court does not have any specific technical requirements that need to be met. Each entity should demonstrate in its application that cybersecurity systems and other safeguards are sufficient for its proposed delivery model.

## Definition of the Practice of Law

[Rule 24 of the General Rules](#) defines and identifies what is considered the practice of law in Washington.

# PREPARING FOR YOUR APPLICATION

## Compliance Officer

An entity must designate a person to act as a compliance officer who will be the primary contact person for the entity. The compliance officer will be responsible for completing and submitting the

application, ensuring the entity's compliance with the authorizing order and ethical rules, and reporting data to the WSBA during the Pilot Project.

The compliance officer can be any qualified person within the entity. The Court's order provides that the compliance officer must be "a person authorized to practice law or other suitable person within the entity..." See Appendix A at p. 4. The compliance officer does not need to be a lawyer but should be someone within the entity who understands the rules, laws, and regulations regarding the practice of law and who can use that knowledge to identify which rules, laws, and regulations need to be modified or waived for a successful business model in the Pilot Project.

## Entity Information

The application will gather information about your entity including where it is operating, business structure, and any criminal or enforcement actions. You must also disclose information about persons who can make decisions on behalf of the entity, have a financial interest in the entity, and will be participating in the provision of legal services. Please review the sample application online so you can gather all necessary information prior to completing the application.

<https://admissions.wsba.org>

## Controlling Person

A "controlling person" means a person possessing the legal right to exercise decision-making authority on behalf of the entity. Examples may include: a sole proprietor of a sole proprietorship, a manager of a limited liability company, an officer of a corporation, a general partner of a general or limited partnership, individuals listed as "governors" with the Secretary of State, or a person possessing comparable rights by operation of law or by agreement.

## Financing Person or Entity

A "financing person" or "financing entity" is a person or entity possessing an economic interest in the entity equal to or more than 10 percent of all economic interests in the entity.

## Individual Character and Fitness Applications

Each individual identified as a compliance officer, controlling person, financing person, and/or key decision-maker for the entity will be required to complete and submit a separate character and fitness application after the compliance officer submits the entity application.

## Public Record

Your application, any supporting materials, any communications, and any information submitted as part of your periodic reporting as a participant in the Pilot Project are subject to a public records request. Should there be a public records request, the WSBA will notify you and give you the opportunity to request redaction of specific information in the application or records requested. See rule 12.4 of the General Rules (GR) for additional information about WSBA public records.

# PROPOSED BUSINESS MODEL AND REGULATORY REFORM

You will be asked to include a detailed description of your proposed service model. The application will ask for details as separate questions in order to make sure your application captures all required information.

The application will ask you to identify the regulatory rules your entity wants to modify or be exempt from as part of the Pilot Project that will allow the entity to operate under the proposed service model. You will be asked to explain why the exemptions or modifications to the regulatory rules during the Pilot Project are needed to provide the legal services.

## Accessibility of Legal Services/Access to Justice

The Court will be looking at whether your proposed reform and service model “will increase access to justice by enhancing access to affordable and reliable legal and law-related services.” Be sure this is addressed in full, particularly how it will improve accessibility to legal services for low- and moderate-income Washingtonians and others who experience barriers in accessing legal services.

The application will also ask you about the types of information you will be able to provide to the WSBA as part of your reporting requirements to assist the WSBA, Board, and Court with measuring the impact of regulatory reform on access to justice in Washington.

## Risk Assessment

Another goal of the Pilot Project is to determine if there are any barriers to regulatory reform, and if so, how those barriers could be mitigated to nevertheless allow for continued regulatory reform at the conclusion of the Pilot Project. The WSBA and Board will be using the matrix below to determine a value for the estimation of risk for each type of risk for harm you have identified – both current and future risks.

For each risk you identify, the application will ask you to identify and describe the likelihood of harm and the impact or level of potential harm. The risk score will be used to ensure sufficient consumer and public protection measures are in place to mitigate against the risk for harm.

		Level of Potential Harm		
		Negligible (1)	Manageable (2)	Catastrophic (3)
Likelihood of Harm	Almost Certain (3)	3	6	9
	Possible (2)	2	4	6
	Very Unlikely (1)	1	2	3

- Risk Score = Likelihood of Harm x Level of Potential harm

- A high risk score (6 or higher) does not mean the risk is too high, but rather, it means more and stronger risk mitigation may be needed.
- Your mitigation measures in place for public protection should offset the identified level of risk.

## APPLICATION PROCESS

### Apply Online

A designated compliance officer will complete the application and submit it online using the WSBA online admissions site at <https://admissions.wsba.org>.

### Communication

The WSBA's primary communication method will be the Online Admissions Site and email to the designated compliance officer. It is your responsibility to ensure emails from the WSBA with the domain names of @admissions.wsba.org and @wsba.org are not blocked by a firewall or filtered as spam or junk. You are expected to regularly check for and read all emails from the WSBA and to visit your home page on the Online Admissions Site to review correspondence, messages, and announcements.

Communication to the WSBA about the entity regulation Pilot Project should be directed to [entityregulationpilot@wsba.org](mailto:entityregulationpilot@wsba.org). You can also call the WSBA at 206-733-5941.

### Submit Your Application

- Use the WSBA online admissions site at <https://admissions.wsba.org>
- Complete the Application
  - If there are any fields that do not apply to the entity, enter N/A
- Upload all required documents including:
  - Authorization and Release
  - Entity Formation Documents
  - Secretary of State Registration
  - Good standing certificate or letter from other jurisdictions where entity authorized to practice law

### Application Fees

When you submit your application online, you will be required to pay a nonrefundable application fee of \$2,000. The application fee is reduced to \$1,000 for ATJ Mission-Focused Entities that meet the following definition:

- An "ATJ Mission-Focused Entity" is an entity with a stated primary mission of providing legal and law-related services to low income or low- and moderate-income individuals or households.

## Application Review Process

- The WSBA will review, analyze, and verify the information provided in the application. The WSBA will contact you with any questions or if any additional information is required.
- The WSBA, or its agent, will conduct background investigations into the entity and the individuals required to submit a character and fitness application. See Character and Fitness below.
- All applications will be referred to the Practice of Law Board.
- The Practice of Law Board will make a recommendation on the application to the Washington Supreme Court.
- The Washington Supreme Court will issue an authorizing order if approved.
- At any point in the review process the WSBA, Board, or Court may recommend or require changes to the proposed regulatory reform and/or additional measures to protect the public.
- If your application is not approved at any of the levels above, you may revise and submit a new application with an application fee.
- The full review and approval process will take three to six months.

## Character and Fitness

The factors identified in Rule 21 of the Admission and Practice Rules (APR) will be considered when determining character and fitness.

Any entity or individual with an application that raises a substantial question whether the applicant possess the requisite good moral character and fitness to practice law will be referred to the Practice of Law Board. If the Board finds an applicant does not possess the requisite standard, then the entity, depending on the situation, will be provided an opportunity to supplement the information or application, substitute an alternative person, and/or design a process to isolate an individual from the Pilot Project. The Board may deny an application if a character and fitness issue cannot be resolved.

## FINAL STEPS PRIOR TO RECOMMENDATION TO COURT

After the Practice of Law Board approves the recommendation for your entity's participation in the Pilot Project, and prior to submitting the recommendation to the Court, you will be required to complete the final "Required Authorization Steps." You will receive notification through the online admissions site and will complete the following steps online:

- Annual Fee
- Trust Account Declaration
- Professional Liability Insurance Disclosure
- Verification of Contact Information

After these steps are complete, the recommendation with the application and all supporting materials will be delivered to the Court for consideration.

## Annual Fee

Prior to submitting your application to the Court, the WSBA will ask your entity to pay the initial annual fee of \$5,000. The annual fee will be due February 1 each year thereafter. This fee is not prorated and is nonrefundable (unless the Court rejects the application). The annual fee is \$2,500 for ATJ Mission-Focused Entities who meet the following definition:

An “ATJ Mission-Focused Entity” is an entity with a stated primary mission of providing legal and law-related services to low income or low- and moderate-income individuals or households.

Note: Annual fees are for a calendar year and are not prorated. For example, if you pay the annual fee in November and are approved by the Court prior to the end of the year then your next annual fee will be due the following February 1. Entities may defer submitting the recommendation to the Court by waiting to pay the annual fee until December 20 in which case the annual fee will be applied to the upcoming calendar year.

## Trust Account Declaration

An entity participating in the Pilot Project must comply with the trust account rules for the handling of client funds and property. All entities, regardless of how the legal services are provided, or by whom the legal services are provided, must comply with Rules 1.15A and 1.15B of the Washington Rules of Professional Conduct (RPC) (relating to lawyers). All Washington licensed legal professionals individually will continue to be responsible for their own annual trust account declarations.

The compliance officer will need to complete the trust account declaration.

## Professional Liability Insurance and Financial Responsibility

All entities, regardless of how the legal services are provided, or by whom the legal services are provided, must disclose whether the entity maintains professional liability insurance. All Washington licensed legal professionals individually will continue to be responsible for insurance disclosures or financial responsibility as required under APR 26 (lawyers), APR 28.1(2) (LLLTs), and APR 12(f)(2) (LPOs).

In addition, if an entity does not maintain professional liability insurance or maintains it below the minimum levels of \$100,00 per occurrence and \$300,000 for all claims, then the entity must inform the client under the same conditions and in the same manner as a lawyer would under RPC 1.4(c).

The compliance officer will need to complete the professional liability insurance disclosure.

## Verification of Contact Information

The compliance officer will verify and edit as necessary the contact information for the entity. This contact information will be displayed on the WSBA online legal directory.

# AUTHORIZING ORDER AND PARTICIPATION IN THE PILOT PROJECT

If the Court approves your proposal, you will receive an order authorizing your entity to practice law according to the terms in the order. An authorizing order template is attached as Appendix C.

The Supreme Court order will outline:

- Regulatory Reforms Allowed. The order will specify all regulatory rules that were waived and/or modified to allow your entity to practice law.
- Restrictions on Legal Services. The order will identify any restrictions on the authorization to practice law and any prohibited legal services.
- Consumer Protection Requirements. The order will specify required mitigation measures to have in place in order to protect the public from harm.

## Comply with All Existing Laws and Rules

Your entity will be required to comply with all existing laws and regulations governing the operation of a business in Washington state and all existing laws and rules governing the practice of law in Washington including but not limited to:

- Consumer protection laws (RCW 19.86);
- All rules of professional conduct (RPC, LLLT RPC, LPORPC) not explicitly waived or modified in the authorizing order;
- Admission and Practice Rules (APR);
- All licensed legal professional disciplinary rules (ELC, ELLLTC, ELPOC).

## Public Protection & Disclosures

- You must make the following separate and conspicuous disclose to all clients and in all advertising for legal services you provide as part of the Pilot Project:

The legal services we offer are provided under the authorization of the Washington Supreme Court as a participant in the Washington Pilot Project for Entity Regulation, and may include legal services that are either (1) not provided by a lawyer, (2) not able to be provided by a lawyer without participation in the Pilot Project, or (3) provided by a law firm that is owned in whole or in part by persons not licensed to practice law. For additional information about the Pilot Project for Entity Regulation or to file a complaint, please visit [www.wsba.org/entityreg](http://www.wsba.org/entityreg).
- After services have been provided, you will be required to provide each client with a link to a survey. Survey responses will be directed to and collected by the WSBA. The data from the client surveys will be used to assess whether the Pilot Project is meeting the goals outlined in the Court's order establishing the Pilot Project. The content of the survey is attached as Appendix D.
- You must monitor for harm or risk of harm and adjust your public protection measures and/or services accordingly.

- You must have a consumer complaint process and you must respond promptly to any and all complaints.

## Prohibited Conduct

- Offering to provide legal services outside the scope of the authorizing order when not otherwise licensed or authorized to do so
- Promoting legal services with misleading advertising or omissions

## OPERATIONAL REPORTING REQUIREMENTS

- The WSBA will inform you how often you will be required to submit a periodic operational report to the WSBA. The purpose of this report is to evaluate performance and progress in the Pilot Project and to gather data to assist with measuring the impact of the Pilot Project overall on the accessibility of legal services to Washingtonians. Inquiries and data gathering may vary for each entity; however, all entities will be required to provide the information found in Appendix E. Specific reporting requirements will be communicated to you and may include but are not limited to any or all of the following:
  - ❖ Number of consumers served
  - ❖ Service success/failure rates
  - ❖ Impact on access to justice
  - ❖ Consumer complaints and resolutions
  - ❖ Response time, legal outcomes, and cost metrics
  - ❖ Any significant changes to the information provided on your application
- The compliance officer will be able to submit the periodic report and all required data through an online application.
- All entities will be required to provide the following information for each client/consumer served during the reporting period (a template spreadsheet will be available for download to easily upload the required data):
  - ❖ Client ID No. – a unique de-identified alphanumeric number you assign to each client
  - ❖ Legal Issue – we will provide you with a list of codes to categorize the practice area or subject area
  - ❖ Services Received – general type of services received; we will provide you with a list of categories such as legal advice, legal document completion, negotiation, etc.
  - ❖ Amount Paid – the amount paid by the consumer for the services received
  - ❖ Complaints – whether this consumer or client made any complaints
- At any point during the Pilot Project the Court can modify the parameters of the test including aspects of the rules that were modified or waived, public protection measures, and service model.
- At the conclusion of the reporting period, not to exceed seven years, the Court will decide whether your entity can continue to provide legal services until rules implementing entity regulation are in place or a decision is made not to implement entity regulation.

## CHANGES TO YOUR SERVICE MODEL

- You must submit a modification request to the WSBA for any changes to your service model including:
  - ❖ Additional new services
  - ❖ Changes to the delivery model
  - ❖ Altering the business ownership or structure
- The WSBA will contact you regarding the procedure and timeline for any modifications.

## EARLY REMOVAL AND DISQUALIFICATION

- Your entity may be removed from the Pilot Project for:
  - ❖ Noncompliance with requirements of the Washington Supreme Court's Pilot Project Order No. 25700-B-721 or with the requirements of the entity's authorizing order.
  - ❖ Violation of limitations on authorized practice (including but not limited to providing services outside of authorization, misrepresentation of services, or assisting in the unauthorized practice of law by an unapproved entity or individual).
  - ❖ Misrepresentation in application or failure to timely update information in application (including but not limited to undisclosed ownership, disciplinary sanctions against involved licensed legal service providers, or regulatory enforcement actions against the entity).
  - ❖ Failure to comply with reporting requirements (including but not limited to reports that are untimely, incomplete, or inaccurate).
  - ❖ Failure to pay an annual fee.
  - ❖ Misrepresentation in reporting (including but not limited to misreporting consumer complaints or other data).
  - ❖ Failure to cooperate with an investigation or requests for information under these Enforcement Procedures.
  - ❖ Failure to self-report an actionable violation.
  - ❖ Violation of applicable Rules of Professional Conduct (RPC) (i.e., any RPC from which the entity has not been specifically excepted by the entity's authorizing order).
  - ❖ Consumer harms (including but not limited to wrongful disclosure of confidential consumer information, misuse of consumer data, inappropriate services sold to consumer, error in services provided, or inappropriate billing and refunding practices).
  - ❖ Any other conduct demonstrating unfitness to continue participating in the pilot project.

## COMPLAINTS, INVESTIGATION, AND ENFORCEMENT

Your entity and its staff are subject to the WSBA's enforcement procedures for the Pilot Project. See Appendix F.

You must comply with reporting requirements and cooperate with the WSBA's review and investigation of complaints and any compliance reviews conducted by the WSBA. You may not use the status of information as confidential client information or trade secret as a basis for not providing it to the WSBA or otherwise complying with requests for information and documents under the WSBA's enforcement procedures for the Pilot Project.

The WSBA will report to the Board any findings of failure to comply, noncooperation, or violation of an authorizing order or applicable rule of ethics by a participating entity or its staff and may make recommendations to the Board regarding any additional public protection measures that may be necessary, up to and including removal from the Pilot Project. The Board may request further inquiry by the WSBA or may make a recommendation to the Court as appropriate.

The entity may be responsible for the costs of such an investigation as ordered by the Court upon recommendation of the Board.

## APPENDICES

Appendix A: Washington Supreme Court Order No. 25700-B-721 dated December 5, 2024 (establishing Pilot Project for Entity Regulation)

Appendix B: Cherry, Michael (2024) "A Framework for Data-Driven Legal Regulatory Reform," Seattle Journal of Technology, Environmental & Innovation Law: Vol. 14: Iss. 2, Article 2.

Appendix C: Template for Authorizing Order

Appendix D: Entity Reporting – Standard Data and Questions

Appendix E: Client Survey

Appendix F: WSBA Enforcement Procedures

## ENTITY REGULATION PILOT PROJECT ENFORCEMENT PROCEDURES

### I. GENERAL PROVISIONS

**(a) Authority.** These Enforcement Procedures were developed and adopted under authority delegated to the Washington State Bar Association (WSBA) by the Washington Supreme Court in its Entity Regulation Pilot Project Order No. 25700-B-721 (Pilot Project Order). The Pilot Project Order further authorizes the WSBA and the Practice of Law Board to engage in the enforcement measures provided for in these Enforcement Procedures.<sup>1</sup> Authorized entities consent to being bound by these Enforcement Procedures by participating in the pilot project.

#### **(b) Definitions**

**(1) Authorized entity.** An authorized entity is one authorized by the Washington Supreme Court to participate in the Entity Regulation Pilot Project under the Court's Pilot Project Order No. 25700-B-721 by providing legal services in Washington in accordance with the entity's authorizing order.

**(2) Authorizing order.** An entity's authorizing order is the order entered by the Washington Supreme Court, specific to that entity, authorizing that entity to participate in the Entity Regulation Pilot Project under terms established by the Court.

**(3) Practice of Law Board.** The Practice of Law Board (Board) is a Washington Supreme Court-created board tasked with educating the public about how to receive competent legal assistance and considering and recommending to the Court new and innovative ways to provide legal and law-related services. In furtherance of these objectives, the Court authorized the Board to conduct, in collaboration with the WSBA, a pilot project of entity regulation under Pilot Project Order No. 25700-B-721.

**(4) Complaint.** Complaint as used in these Enforcement Procedures refers to:

**(A)** a complaint submitted directly to the WSBA by a consumer or other third party alleging consumer harm or other noncompliance by an authorized entity; and

**(B)** a file opened by the WSBA to conduct a preliminary inquiry and/or investigation based on referrals from WSBA staff primarily responsible for overseeing the pilot project, self-reports from authorized entities, referrals from other stakeholder or partner entities, anonymous tips, publicly available information (e.g., news

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<sup>1</sup> See Pilot Project Order No. 25700-B-721 ("The WSBA shall develop complaint procedures for the public to report an alleged violation by an entity or its staff of an authorizing order or an applicable rule of ethics. The WSBA shall review and may investigate the complaint. The WSBA shall report the results of its review and, if applicable, its investigation to the Board, and may make recommendations to the Board regarding any additional public protection measures that may be necessary, up to and including removal from the pilot project. The Board may request further inquiry by the WSBA or may make a recommendation to the Court as appropriate. The applicant may be responsible for the costs of such an investigation as ordered by the Court upon recommendation of the Board.").

reports), or referrals from the Board, including any referrals of information obtained by the Board during a consumer protection review.

- (5) Consumer harm.** These Enforcement Procedures are intended to address both harms to actual consumers (i.e., customers or clients served by authorized entities) and harms to the public and/or legal system. They are referred to collectively as “consumer harm” for ease of reference. Consumer harm is harm to a consumer, the public, or the legal system that results from an authorized entity’s violation of the Supreme Court’s Pilot Project Order No. 25700-B-721 or the requirements of the entity’s authorizing order, applicable Rules of Professional Conduct, or other law applicable to the entity’s provision of legal services. Consumer harm includes but is not limited to wrongful disclosure of confidential consumer information, misuse of consumer data, sale of inappropriate solutions to consumers, errors in services provided, and inappropriate billing and refunding practices.
- (6) Periodic operational report.** Periodic operational report refers to the periodic reports authorized entities are required to submit to the WSBA under the Supreme Court’s Pilot Project Order No. 25700-B-721 or the entity’s authorizing order.
- (7) Initial review.** All complaints will undergo an initial review by designated WSBA staff. Upon review, staff will exercise discretion about whether further inquiry is appropriate (i.e., whether the allegations constitute a potentially actionable violation) or whether the complaint should be closed without further inquiry.
- (8) Preliminary inquiry.** Complaints not closed during the initial review will undergo a preliminary inquiry by designated WSBA staff to determine whether the complaint should be closed, referred for investigation, or reported directly to the Board without the need for investigation.
- (9) Investigation.** Complaints not closed during the initial review or preliminary inquiry will be referred for investigation by designated WSBA staff. Upon reviewing the recommended resolution of a complaint, the Board may also refer the complaint to the WSBA for investigation or additional investigation.
- (10) Public protection measure.** Public protection measures are remedial actions ordered by the Board (in the case of a warning) or the Washington Supreme Court (in the case of suspension, removal, or other specified remedial action) upon a finding of an actionable violation or noncompliance by an authorized entity.

**(c) Public and Confidential Information**

- (1)** Other than confidential client information and trade secrets, which the WSBA is required to securely maintain and safeguard against unauthorized disclosure,<sup>2</sup> information about matters handled under these Enforcement Procedures is public information.

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<sup>2</sup> See Pilot Project Order No. 25700-B-721 (“The WSBA shall securely maintain and safeguard against the unauthorized disclosure of confidential client information or trade secrets collected through reports of by other means.”).

- (2) Authorized entities providing information to the WSBA are required to identify confidential client information or trade secrets at the time the information is provided in order for it to be considered confidential. Any disputes about the confidentiality of information shall be decided by the Board.
- (3) An authorized entity may not use the status of information as confidential client information or trade secret as a basis for not providing it to the WSBA or otherwise complying with requests for information and documents under these Enforcement Procedures.
- (4) The WSBA will keep the complainant (if there is one) reasonably informed about the outcome of the complaint, but the complainant is not entitled to receive confidential information to which they are not already privy as a client.
- (5) An authorized entity's status in the pilot project and any public protection measures are public information and will be listed on the WSBA's website.
- (6) The WSBA will publish on its website all orders entered by the Court pursuant to these Enforcement Procedures.

**(d) Non-Exclusivity.** These Enforcement Procedures are not exclusive and do not preclude disciplinary action against participating licensed legal professionals if their conduct appears to violate otherwise applicable rules of professional conduct.

## II. ACTIONABLE VIOLATIONS AND NONCOMPLIANCE

The following violations and noncompliance with requirements may give rise to enforcement action under these Enforcement Procedures:

- (a) Noncompliance with requirements of the Washington Supreme Court's Pilot Project Order No. 25700-B-721 or with the requirements of the entity's authorizing order.
- (b) Violation of limitations on authorized practice (including but not limited to providing services outside of authorization, misrepresentation of services, or assisting in the unauthorized practice of law by an unapproved entity or individual).
- (c) Misrepresentation in application or failure to timely update information in application (including but not limited to undisclosed ownership, disciplinary sanctions against involved licensed legal service providers, or regulatory enforcement actions against the entity).
- (d) Failure to comply with reporting requirements (including but not limited to reports that are untimely, incomplete, or inaccurate).
- (e) Misrepresentation in reporting (including but not limited to misreporting consumer complaints or other data).
- (f) Failure to cooperate with an investigation or requests for information under these Enforcement Procedures.
- (g) Failure to self-report an actionable violation.
- (h) Violation of applicable Rules of Professional Conduct (RPC) (i.e., any RPC from which the entity has not been specifically excepted by the entity's authorizing order).

- (i) Consumer harms (including but not limited to wrongful disclosure of confidential consumer information, misuse of consumer data, inappropriate services sold to consumer, error in services provided, or inappropriate billing and refunding practices).
- (j) Any other conduct demonstrating unfitness to continue participating in the pilot project.

### III. INITIAL REVIEW AND PRELIMINARY INQUIRY

#### (a) Administrative Requirements

- (1) If an authorized entity fails to submit a periodic operational report or annual fee according to the established schedule or fails to submit all required information, WSBA staff primarily responsible for overseeing the pilot project will contact the entity and require that the report or annual fee be submitted or supplemented no later than 30 days after the notice.
- (2) If the WSBA's review confirms a violation or noncompliance, or if the entity fails to respond or to cooperate after receiving this notice, the WSBA promptly notifies the Board of its findings and public protection measures recommendation.
- (3) Administrative violations and noncompliance that may be reported directly to the Board by WSBA staff primarily responsible for overseeing the pilot project include, but are not limited to:
  - (A) A pattern of late or incomplete periodic operational reports;
  - (B) Failure to submit a periodic operational report;
  - (C) Inaccurate or misleading information in an application or periodic operational report; and
  - (D) Failure to pay an annual fee.
- (4) If a periodic operational report contains information on consumer complaints received by the entity or other information indicative of apparent violations or consumer harms, WSBA staff primarily responsible for overseeing the pilot project refers the matter to WSBA staff designated to review and investigate complaints.

#### (b) Complaints

- (1) **Complaint form.** The WSBA will make available on its website a complaint form that can be submitted electronically. A printable and downloadable version of the form will be available upon request. Authorized entities will be required to make the complaint form, with instructions for submitting it to the WSBA, available on their websites along with their published information regarding the entity's participation in the pilot project.
- (2) **Initial review.** The WSBA will designate staff to review all complaints (to include submitted complaint forms, referrals from WSBA staff primarily responsible for overseeing the pilot project, self-reports from participating entities, referrals from other stakeholder or partner entities, anonymous tips, publicly available information (e.g., news reports), and referrals from the Board). Upon review, staff will exercise discretion about whether further inquiry is appropriate (i.e., whether

the allegations constitute a potentially actionable violation). If not, the complaint is closed.

**(3) Preliminary inquiry.**

**(A)** During the preliminary inquiry, staff may:

- i. Request a response, documents, and other information from the authorized entity.
- ii. Request additional information from the complainant or referral source.
- iii. Conduct preliminary independent research.

**(B)** If the preliminary inquiry confirms a violation or noncompliance, or if the entity fails to respond or cooperate, the WSBA promptly notifies the Board of its findings and public protection measures recommendation.

**(C)** If the preliminary inquiry is inconclusive, the complaint is referred for investigation.

**(D)** If the preliminary inquiry establishes no probable violation, the complaint is closed.

**(4) Reporting to the Board.** The WSBA will periodically report to the Board regarding complaints closed during initial review or preliminary inquiry and those referred for investigation.

IV. INVESTIGATION

**(a) When Investigation is Conducted.** For complaints not resolved during the initial review or preliminary inquiry, and complaints reviewed by the Board and referred back to the WSBA for investigation or additional investigation, designated staff will conduct an investigation.

**(b) Scope of Investigation.** During the investigation, staff may:

- (1) obtain additional records and information;
- (2) interview witnesses; and
- (3) conduct legal and factual research.

**(c) Cooperation Required.** Authorized entities must promptly cooperate with requests for documents or information, make available for questioning witnesses within their control, and make reasonable efforts to obtain records and information from third parties as requested by the WSBA.

**(d) Consequences of Noncooperation.** If the authorized entity fails to cooperate with requests for documents or information, fails to make available for questioning witnesses within its control, and/or fails to make reasonable efforts to obtain records and information from third parties as requested by the WSBA, WSBA staff notifies the entity that it is not in compliance with the investigation. If the entity fails to cure its noncooperation within 10 days, the WSBA notifies the Board of the confirmed noncooperation and public protection measures recommendation.

**(e) Reporting to the Board.** When the investigation is completed, the WSBA notifies the Board of its findings and public protection measures recommendation. If the investigation establishes no probable violation, the WSBA recommends to the Board that the complaint be closed.

## V. BOARD REVIEW

- (a) What the Board Reviews.** The Board reviews all matters in which the WSBA makes a finding of a confirmed violation or noncompliance, and all matters in which the WSBA recommends closure following an investigation.
- (b) Entity Response.** The authorized entity may respond to the WSBA's findings and recommendation by written submission to the Board under the timeline and subject to such reasonable limitations as set by the Board.
- (c) Record Before the Board.** The Board may request additional information from the authorized entity or the WSBA during the review.
- (d) Board Decision.** The Board may close a complaint or recommend public protection measures up to and including removal from the pilot project. Public protection measures include:
  - (1)** Warning;
  - (2)** Specified remedial action (which could include a recommendation for new limitations on the scope of authorization or additional measures for the authorized entity to implement to mitigate the risk of harm);
  - (3)** Suspension; and
  - (4)** Removal.
- (e) Notice of Board Recommendation.** The Board will notify the entity, the complainant (if there is one), and the WSBA of its decision.
- (f) Supreme Court Review.** The Board's recommendation will be presented to the Washington Supreme Court for consideration and entry of an appropriate order. The Court's review is limited to the record before the Board unless the Court requests additional briefing or information.
- (g) Costs.** In any matter in which the Board recommends public protection measures, the authorized entity may be required to pay costs of the investigation and review.

## VI. SUSPENSION AND REMOVAL

- (a) Consequences of a Suspension or Removal**
  - (1)** Authorized entities that are suspended or removed from the Pilot Project will be required to:
    - (A)** Immediately stop taking on new clients for the services that are authorized by its authorizing order;
    - (B)** Immediately remove any reference to authorization or participation in the pilot project from its website and other materials;
    - (C)** Immediately notify all licensed legal professionals involved with the entity of the suspension or removal;
    - (D)** Within 10 days, cease all provision of services that are authorized by its authorizing order;

- (E) Within 10 days, notify all existing clients of the suspension or removal and refer clients to other legal providers; and
  - (F) Within 25 days, send an affidavit, signed by the entity's compliance officer, to the WSBA certifying that it has complied with these requirements.
- (2) A suspension or removal from the pilot project may disqualify the managers, owners, compliance officer, and others associated with the entity from submitting future pilot project applications and/or from being authorized to provide legal services under any entity regulation scheme that may follow the pilot project.

**(b) Reinstatement**

- (1) If an authorized entity is suspended, it may apply for reinstatement after the designated term of suspension has passed by filing an affidavit, signed by the entity's compliance officer, explaining how it has fully complied with the requirements of the suspension and establishing that the basis for suspension has been overcome, and paying any applicable fee.
- (2) The WSBA may request additional information and documentation prior to making a recommendation to the Board.
- (3) The authorized entity may respond to the WSBA's recommendation by written submission to the Board under the timeline and subject to such reasonable limitations as set by the Board.
- (4) The Board may request additional information from the authorized entity during the review.
- (5) The Board makes a recommendation to the Court. If the Board's recommendation is in favor of reinstatement, the authorized entity must complete the trust account declaration, professional liability disclosure, and contact information verification, and pay the annual fee. The Board coordinates with WSBA staff primarily responsible for overseeing the pilot project to ensure this is done prior to delivering the Board's recommendation for reinstatement to the Court.
- (6) The Court's review is limited to the record before the Board unless the Court requests additional briefing or information.
- (7) If an authorized entity is removed, it may not apply for reinstatement.

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE RECOMMENDATION OF  
THE PRACTICE OF LAW BOARD OF [ENTITY] FOR  
PARTICIPATION IN THE PILOT PROJECT FOR  
ENTITY REGULATION

ORDER FOR AUTHORIZATION TO  
PRACTICE LAW

No.

WHEREAS, Pursuant to this Court's Order No. 25700-B-721, the Washington State Bar Association (WSBA) and the Practice of Law Board (Board) have filed a recommendation for [ENTITY] to participate in the Pilot Project for Entity Regulation and be authorized to practice law subject to certain restrictions;

WHEREAS, [ENTITY] [INSERT BRIEF BACKGROUND INFORMATION ABOUT ENTITY'S SERVICE MODEL]

WHEREAS, [ENTITY] proposes modifications or exemptions to the following regulatory rules governing the practice of law: [INSERT RULES AND REGULATORY REFORM MODEL].

WHEREAS, The WSBA and the Board have assessed the risk of harm [ENTITY] presented by [ENTITY]'s services and have determined that the public protection measures [ENTITY] will have in place are sufficient to mitigate the risk of harm.

NOW, THEREFORE, pursuant to this Court's inherent power to regulate the practice of law and consistent with Order 25700-B-721, it is hereby ORDERED:

[ENTITY] is authorized to temporarily practice law within the pilot project for entity regulation (hereinafter "pilot project") subject to the restrictions outlined below:

- 1. Authority to Offer Legal Services:** [ENTITY] is authorized to provide legal services through the following models:

[Insert business models, *i.e.*, nonlawyer ownership of entity, profit sharing with nonlawyers, software platform, etc.]

- 2. Limited Regulatory Reform:** The following rules and laws governing the practice of law are modified for [ENTITY]'s test of regulatory reform and such modifications apply only to the legal services provided under the authority of this order:

[list rule modifications and exemptions]

- 3. Consumer Protection Measures:** [ENTITY] shall have the following measures in place for protection of the public:

[list measures]

- 4. Permitted Legal Service Areas:** [ENTITY] may provide legal services under this authorization order only in the following areas:

[List all service areas, *i.e.*, expungement, employment, immigration, public benefits, etc.]

- 5. Handling of Client Funds and Property:** [ENTITY] shall safeguard and handle funds and property of clients or third persons, and maintain trust account records, in the same manner and under the same conditions as a lawyer would under Rules 1.15A & B of the Washington Rules of Professional Conduct for lawyers regardless of how or by whom the legal services are provided. Individual licensed legal professionals employed by the [ENTITY] shall continue to comply with client trust account requirements under existing rules of professional conduct and disciplinary rules applicable to the licensed legal professional. .

- 6. Compliance Officer:** [NAME] shall be [ENTITY]'s compliance officer and primary contact. [NAME] shall ensure [ENTITY]'s compliance with this Order, Order No. 25700-B-721, the WSBA Pilot Project for Entity Regulation Participant Manual, the WSBA's Enforcement Procedures and all ethical rules that apply to the entity and report data to the WSBA during the pilot project.

**7. Reporting Requirements:** [ENTITY] shall comply with the periodic reporting and monitoring requirements established by the WSBA.

**8. Consumer Disclosures:** [ENTITY] shall prominently display the following disclosure in all public-facing materials and platforms:

The legal services we offer are provided under the authorization of the Washington Supreme Court as a participant in the Washington Pilot Project for Entity Regulation, and may include legal services that are either (1) not provided by a lawyer, (2) not able to be provided by a lawyer without participation in the Pilot Project, or (3) provided by a law firm that is owned in whole or in part by persons not licensed to practice law. For additional information about the Pilot Project for Entity Regulation or to file a complaint, please visit [www.wsba.org/entityreg](http://www.wsba.org/entityreg).

**9. Applicability of Existing Rules and Laws:** [ENTITY] shall comply with all existing laws and rules governing the practice of law in Washington except as provided in number 2 above. Washington lawyers, limited practice officers, or limited license legal technicians [ENTITY] remain individually subject to and shall comply with the applicable Washington rules of professional conduct and disciplinary rules except as provided in number 2 above.

**10. Enforcement Procedures:** [ENTITY] and its staff are subject to the WSBA's enforcement procedures for the pilot project and the WSBA Pilot Project for Entity Regulation Participant Manual. The entity must comply with reporting requirements and cooperate with the WSBA's review and investigation of complaints and any compliance reviews conducted by the WSBA. An authorized entity may not use the status of information as confidential client information or trade secret as a basis for not providing it to the WSBA or otherwise complying with requests for information and documents under the WSBA's enforcement procedures for the pilot project. The WSBA will report to the Board any findings of failure to comply, noncooperation, or

violation of an authorizing order or applicable rule of ethics by a participating entity or its staff, and may make recommendations to the Board regarding any additional public protection measures that may be necessary, up to and including removal from the Pilot Project. The Board may request further inquiry by the WSBA or may make a recommendation to the Court as appropriate. The entity may be responsible for the costs of such an investigation as ordered by the Court upon recommendation of the Board.

**11. Duration of Authorization:** This authorization is granted for an initial term of [X] months from the date of this Order. This authority is subject to [ENTITY]'s compliance with the conditions and requirements set forth in this Order, Order No. 25700-B-721, the WSBA Pilot Project for Entity Regulation Participant Manual, and the WSBA's Enforcement Procedures.

**12. Removal of Authorization:** This Court may remove [ENTITY]'s authorization upon a finding of non-compliance with conditions, consumer harm as defined in the WSBA's Enforcement Procedures, or for any other reasonable cause the Court deems appropriate in its discretion.

DATED at Olympia, Washington this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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CHIEF JUSTICE

UPL #	Date of Complaint	Complainant Occupation	Respondent Occupation	UPL Complaint	Brief Summary	Referred
25-01	1/30/2025	Individual	Individual	Legal services	Grievant and Respondent are inmates. Grievant alleges that Respondent is providing legal assistance and misrepresenting himself as a lawyer by using his membership in the National Lawyers Guild (which is a public interest organization that does not require admission as a lawyer to be a member--like the ABA).	Yes
25-02	1/30/2025	Individual	Individual	Legal services	Respondent is an inmate who admits he assists other inmates with legal procedure and filling out documents.	Yes
25-03	2/4/2025	Attorney	Individual	Legal documents	Grievant is an attorney and is alleging that Respondent is not an attorney but is acting as one for someone appearing in criminal court. Respondent's response indicate he was acting as an investigative journalist, not as an attorney. He claims that the person appearing in court hired brief writers to assist with the case. The metadata lists Respondent as the author of some of the briefs.	No
25-04	2/21/2025	Attorney	Voluntarily Resigned Attorney	Legal documents	Grievant is alleging that voluntarily resigned lawyer Respondent is practicing law by filing motions with the court. The case was still open and the filings were regarding fees still owed to Respondent.	Yes
25-05	2/24/2025	Attorney	Individual	Legal advice	Respondent has a personal relationship with a former board member of Chelan Pride. Board member accused the Board of misappropriating funds and is trying to get those funds moved. Respondent is speaking on behalf of Board member and referring to him as a client.	No
25-06	3/7/2025	Attorney	Individual	Legal documents	Respondent was retained by the opposing party and is giving legal advice as well as filling out forms. Respondent accepted payment for services	Yes
25-07	3/12/2025	Individual	Paralegal	Legal advice, legal documents	Grievant hired Respondent's Law firm that employs Respondent. Respondent assisted Grievant in preparing legal documents and gave legal advice.	No
25-08	3/20/2025	Individual	individual	Legal documents	Respondent sent subpoenas to Grievant and his employer.	No
25-09	4/21/2025	Individual	Attorney Resigned in Lieu	Legal Documents, appeared in court, negotiated legal rights, offered to provide legal services	Respondent drafted and submitted interrogatories and appeared in court with a friend.	Yes
25-10	4/24/2025	Attorney	Paralegal	Legal advice, legal documents, appeared in court, negotiated legal rights, offered to provide legal services	Respondent filed a lawsuit and dismissed it the next day so he could use the case number to forge court documents. He claims to be an attorney with a fake ABA card	Yes
25-11	5/8/2025	Individual	Out of State Attorney	gave legal advice, legal documents	Family law. Grievant's wife is Respondent's sister. After a domestic violence situation, Respondent came to Washington from Idaho to bring her sister to Idaho. After that, Respondent's sister filed for divorce. Grievant is claiming Respondent helped with the legal documents. Respondent stated that she did not help her sister with legal documents.	No
25-12	5/31/2025	Individual	Individual	Gave legal advice, legal documents, negotiated legal rights, offered to provide legal services	Respondent was drafting documents related to real property like promissory notes	Yes

25-13	6/6/2025	Individual	Individual	gave legal advice, legal documents, negotiated legal rights	Respondent is assisting with a court proceeding and drafting documents. The proceeding is in Idaho.	Yes
25-14	6/12/2025	Attorney	Paralegal	gave legal advice, legal documents, legal services	Practicing family law without a license. Claims to be an attorney on social media. Received money for legal services.	Yes
25-15	6/9/2025	Individual	law office?	Gave legal advice, legal documents, negotiated legal rights, offered to provide legal services	Respondent accepted money to provide legal services but Complainant alleges no one at the office is an attorney.	Yes
25-16	6/22/2025	Attorney	Law office?	Other	Complainant's client received a collections notice from a fake company demanding money.	Yes
25-17	6/25/2025	Individual	Individual	gave legal advice, legal documents, offered to provide legal services	Complainant alleges that Respondent offers to complete Declaration amendments for condo and homeowner associations	Yes
25-18	7/16/2025	Individual	Individual	gave legal advice, appeared in court	Respondent is a law student and Complainant feels Respondent is using legalese to bully people and drafts legal documents	Yes
25-19	7/17/2025	Individual	Individual	Negotiated legal rights for another person	Complainant alleges Respondent is posing as an attorney for the Northwest Justice Project. Respondent may be using an alias.	Yes
25-20	7/21/2025	Individual	Individual	legal documents, negotiated legal rights	Complainant is receiving threatening communications from Respondent who is pretending to be a lawyer for Complainant's previous client.	Yes
25-21	8/14/2025	Individual	Individual	legal advice, legal documents, negotiated legal rights	Respondent is a legal assistant working in the capacity of a legal assistant as opposition to Complainant. Complainant is alleging Respondent is acting as an attorney.	No
25-22	8/18/2025	Attorney	Individual	legal advice, legal documents, negotiated legal rights, provide legal services	Complainant is an attorney filing the complaint on behalf of their client. Respondent filed a fraudulent lien against Complainant's client's property. The work that was done could only be performed by an attorney.	Yes
25-23	9/2/2025	Individual	Police Department	violated civil rights	Complainant alleges that his ex wife accused him of crimes and contacted the police. The police investigated and dropped the charges. Complainant wants the police held accountable.	No
25-24	9/2/2025	Attorney	Individual	legal advice	Complainant is defense counsel on a civil matter. Alleges opposing counsel is licensed to practice law Hawaii but not in Washington.	Yes
25-25	9/5/2025	Attorney	Out-of-state attorney	legal advice, legal documents, negotiated legal rights, offered legal services	Complainant alleges that Respondent is working as general counsel for a bank but is not licensed to practice law in the state of Washington.	Yes

WASHINGTON STATE  
BAR ASSOCIATION



2025 WSBA LEGAL TECHNOLOGY TASK FORCE REPORT

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



WASHINGTON STATE BAR ASSOCIATION

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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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# Contents

<b>Executive Summary</b>	<b>1</b>
<b>A Defining Moment</b>	<b>3</b>
<b>Meeting Members Where They Are</b>	<b>4</b>
<b>More Than a Trend: A Structural Shift</b>	<b>5</b>
<b>Meeting the Moment: Washington’s Opportunity to Lead</b>	<b>6</b>
<b>Ten Key Points</b>	<b>7</b>
<b>1 Harnessing Potential:</b> The Role of Practitioners .....	<b>7</b>
<b>2 Building the WSBA’s Capacity and Strategic Partnerships:</b> Innovating Responsibly and Ensuring Equitable Access .....	<b>9</b>
<b>3 Supporting Technology Competence:</b> Meeting Diverse Practice Needs.....	<b>11</b>
<b>4 Building Ethical Frameworks for Technology Use:</b> Supporting Professional Values in a Digital Age .....	<b>12</b>
<b>5 Bridging the Cybersecurity Confidence Gap:</b> From Confidence to Competence .....	<b>13</b>
<b>6 Strengthening Court Capacity:</b> Advancing Justice through Digital Transformation.....	<b>15</b>
<b>7 Legal Education:</b> Transforming Legal Education for the Digital Era.....	<b>18</b>
<b>8 Ethical Innovation and Equitable Access:</b> Leveraging AI to Close the Justice Gap .....	<b>19</b>
<b>9 Safeguarding Sensitive Legal Data:</b> Strengthening Consumer Protection in a Digital Era.....	<b>21</b>
<b>10 Ensuring Regulatory Innovation and Stability:</b> Future Expertise and Oversight .....	<b>23</b>
<b>Looking Forward</b>	<b>25</b>

# 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](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](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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.**

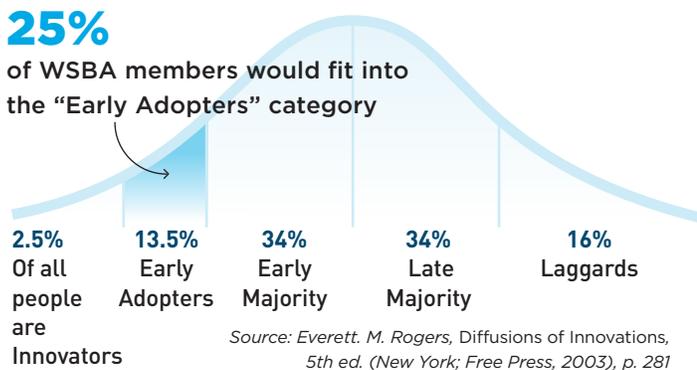
3. Ken Crutchfield, *AI Won't Replace Lawyers — But It Will Change How They Work*, Above the Law (March 26, 2024), <https://abovethelaw.com/2024/03/ai-wont-replace-lawyers-but-it-will-change-how-they-work/>.

# 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,<sup>4</sup> 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



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.<sup>5</sup>

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.**

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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>.

# 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<sup>6</sup> (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](https://www.wsba.org/docs/default-source/legal-community/committees/legal-technology-task-force/wsba-technology-survey-report.pdf?sfvrsn=fd1e1bf1_1).

# 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.<sup>7</sup> 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.<sup>8</sup> 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

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

available to serve my clients fully and well? Am I doing so securely and responsibly?

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.<sup>9</sup> 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](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.<sup>10</sup> 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.

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**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.<sup>11</sup>

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/](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

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

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.

**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<sup>12</sup>—they need practical frameworks for evaluating new technologies, implementing appropriate safeguards, and maintaining professional standards while embracing beneficial innovation.<sup>13</sup>

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.<sup>14</sup>

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.

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**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.

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**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.

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**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/](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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> 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



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.

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,<sup>18</sup> the ABA,<sup>19</sup> 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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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/](https://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 ensuring 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<sup>20</sup> 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](http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Order%2025700-B-721.pdf).

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accuracy.<sup>21</sup> 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.<sup>22</sup>

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

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

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,<sup>23</sup> with a clear, pragmatic approach to AI, permitting its use while holding lawyers and judges accountable for accuracy, ethics, and confidentiality.

### 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/](http://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.<sup>24</sup> 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.investigatwest.org/investigatwest-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

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

analytics, cybersecurity demands, and digital innovation.<sup>25</sup> 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.<sup>26</sup> This includes providing hands-on experiences, real-world practical clinics, and explicit pathways toward technology-driven careers.<sup>27</sup> 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/](https://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<sup>28</sup> 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](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,<sup>29</sup> and simplifying routine legal tasks for self-represented litigants<sup>30</sup> and communities.<sup>31</sup> 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.<sup>32</sup>

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](http://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.<sup>33</sup> 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](http://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.<sup>34</sup> 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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<sup>34</sup> 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](https://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.*<sup>35</sup>

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 that 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 Pmb1. and scope (2021), [https://www.courts.wa.gov/court\\_rules/pdf/RPC/GA\\_RPC\\_PREAMBLEANDSCOPE.pdf](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.

# 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



## 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.

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.

**WASHINGTON STATE**  
BAR ASSOCIATION

**Practice Of Law Board Meeting Schedule FY 2026**

Date	Event	Zoom Meeting Information
October 15, 2025	<b>In-Person</b> /Hybrid Board Meeting 1:00 p.m. – 3:30 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
November 19, 2025	Remote Board Meeting 1:00 p.m.-3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
December 17, 2025	Remote Board Meeting 1:00 p.m. – 3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
January 21, 2026	Remote Board Meeting 1:00 p.m.-3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
February 18, 2026	Remote Board Meeting 1:00 p.m. – 3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
March 18, 2026	Remote Board Meeting 1:00 p.m.-3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:

April 22, 2026	<b>In-Person</b> /Hybrid Board Meeting 1:00 p.m. – 3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
May 20, 2026	Remote Board Meeting 1:00 p.m.-3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
June 17, 2026	Remote Board Meeting 1:00 p.m. – 3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
July 15, 2026	Remote Board Meeting 1:00 p.m.-3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
August 19, 2026	Remote Board Meeting 1:00 p.m.-3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:
September 16, 2026	Remote Board Meeting 1:00 p.m. – 3:00 p.m.	Join Zoom Meeting [add link] Zoom Conference Call Lines: LOCAL OPTION: (253) 215-8782 TOLL-FREE OPTION: (888) 788-0099 Meeting ID: Passcode:



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**PRESS, OUTREACH, & UPDATES:**

**September 17, 2025**

## PRESS (PDF in BOX)

- ❖ 2025-09-11 How Andy Kvesic and Aprio Legal are redefining client services
- ❖ 2025-09-11 Acquisition and US ABS first for Lawhive after footballers invest
- ❖ 2025-09-09 Lawmakers Send Governor Bill to Block Alternative Legal Business Structure Expansion – Law.com (cannot access, this is about CA)
- ❖ 2025-09-09 Burford drills down on law firm strategy with UK advisory deal
- ❖ 2025-09-05 Legal AI Trailblazer Eudia Launches "AI-Augmented" Law Firm in Arizona -- Transforming Corporate Legal Delivery
- ❖ 2025-09-04 Legal AI Startup Eudia Launches Law Firm In Arizona - Law360 Pulse
- ❖ 2025-09-03 Meet the \$100M AI startup that want to kill the billable hour
- ❖ 2025-09-03 Eudia Opens 'AI-Augmented Law Firm' For M&A
- ❖ 2025-09-03 Eudia Launches First AI-Augmented Law Firm and Expands Access to Justice Initiative
- ❖ 2025-08-29 A Fortress Investment in Arizona Law Firm\_ Litigation Finance
- ❖ 2025-08-25 Fortress Law Firm Deal is First for Major US Asset Manager
- ❖ 2025-08-22 Burford Goes Shopping for US Law Firms\_ Litigation Finance
- ❖ 2025-08-21 Can investors buy in to Big Law? Burford Capital bets on it
- ❖ 2025-08-20 LegalZoom Launches Patent Filing Service - Law360 (cannot access)
- ❖ 2025-08-20 AGRD Partners to Launch Sweden's First Private Equity-Backed, Self-Regulated Law Firm Group - Law.com (cannot access)
- ❖ 2025-08-18 Burford Aims to Buy Stakes in US Law Firms, Rival Private Equity

## ENTITY REGULATION PILOT PROJECT

- ❖ *will be used for stats and info about entity regulation after implementation, e.g., number of applications received, entities authorized, etc.*
- ❖ **October 21, 2025, Open Applications (target date)**

## UPCOMING MEETINGS & EVENTS

- ❖ September 18-19, 2025 Access to Justice Conference, Yakima
- ❖ September 26-27, 2025, WSBA Board of Governors Meeting, Seattle/Zoom
- ❖ September 26 or 30, 2025, WSBA New Volunteer Training, Zoom
- ❖ October 9, 2025, WSBA Regulatory School Luncheon, Seattle
- ❖ October 15, 2025, Practice of Law Board Meeting, IN-PERSON/Zoom