

WASHINGTON STATE BAR ASSOCIATION

Legal Technology Task Force CHARTER

Approved by the Board of Governors: March 7, 2024

Background

In November 2023, the Board of Governors recognized the transformative impact of technology, particularly artificial intelligence (“AI”), on the legal profession, and adopted the following statement as one of four strategic priorities for the 2023-24 fiscal year: “Assess technology-related opportunities and threats and determine WSBA’s role vis-a-vis regulation, consumer protection, and support to legal professionals.” Creating the Legal Technology Task Force is one step in acting on that priority.

The Task Force aims to (1) assess the legal technology landscape, identifying threats and opportunities across various legal sectors, and (2) make recommendations that support and strengthen the use of technology in members’ practice, emphasizing effective, efficient, and ethical use of technology that enhances equitable access to justice.

Using the Washington State Supreme Court’s Access to Justice Tech Principles as a guide in its works and recommendations, the Task Force will make 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.

Task Force Objectives

Assess the Legal Technology Landscape Across the Various Sectors of the Legal Profession in Washington and the U.S.

As an initial step, the Task Force will develop a comprehensive plan to evaluate the legal technology environment, identifying threats and opportunities throughout the legal profession via specialized workgroups. The Chair of the Task Force, with the consent of a majority of Task Force members, will establish the workgroups. Workgroups will be comprised of Task Force members and additional non-voting members where appropriate to provide additional expertise or experience.

Workgroups shall examine diverse sectors of the legal profession, aiming to deliver recommendations on how to prioritize and integrate technology solutions within those sectors. Examples of sectors include private practice, the courts and judiciary, public/government practice, civil legal aid organizations, law schools/APR6 law clerk program participants, WSBA Practice Management Program, WSBA Ethics Program, legal technology vendors and service providers, legal research providers, bar associations (including local, specialty, and minority bar associations), professional liability insurance carriers, and professional regulatory systems.¹ Workgroup focus areas may include cybersecurity, AI, business

¹ In adopting this Charter, the Board of Governors recognizes that Washington State’s professional regulatory systems for legal practitioners are created by and answerable to the Washington Supreme Court exclusively. To the extent the Taskforce has ideas or recommendations that would implicate regulatory processes, procedures,

management, legal research, education and training, access to justice, ethics, emerging technologies, client communication, and diversity and inclusion. These examples of sectors and focus areas are not exhaustive, and “sectors” and “focus areas” should be defined broadly. Workgroups will take steps including the following:

- Recruit relevant contributors, both inside and outside of the profession, to ensure diverse perspectives in each workgroup’s research.
- Conduct outreach and receive feedback from sectors of the profession relevant to the workgroup.
- Review existing resources, data, and information and gather additional information as needed while ensuring technology design aligns with principles of fairness and access to justice.
- Evaluate technology recommendations nationwide, identifying those most relevant to legal practice in Washington, with a focus on equitable access, participation, opportunities, and transparency.
- Understand the state of research regarding technology impacting the legal field.
- Develop collaborative relationships with other WSBA and outside entities, including but not limited to the ATJ Board’s Technology Committee and the Practice of Law Board, as well as similarly situated non-WSBA entities (e.g., the JISC, technology committees/workgroups for other bar associations), with the intent of sharing information and working collectively towards common goals in addressing technology issues/projects within the legal profession.
- Provide a final report to the full Task Force, containing its findings and recommendations.
- After delivering a final report, work collaboratively with the full Task Force to provide recommendations to the BOG that emphasize fairness, equity, and advancement of technology to enhance access to justice for all.

Seek to Understand WSBA Members’ Use and Awareness of Technology

The Task Force will survey the membership to help guide its priorities. Areas of inquiry in the survey may include technology adoption, challenges faced, proficiency levels, as well as suggestions for the Task Force. The survey should be deployed within three months of the first meeting of the task force or as soon as practical thereafter. The development of the survey may require the formation of its own workgroup. Upon completion, the Task Force will share the results of its member survey and its analysis to the Board of Governors and Executive Director, whom will be responsible for sharing the results with the membership and the Washington legal community. The Task Force may also solicit feedback through other channels, such as focus groups, listening sessions, and other forms of interactions with members. The results from the survey and other feedback will inform the final recommendations of the Task Force.

Issuance of Final Report and Recommendations

Each Task Force workgroup will provide a final report to the full Task Force. The Task Force will then produce a final, comprehensive report regarding the Task Force’s observations and recommendations,

policies, or rules, the Taskforce should work collaboratively with the pertinent stakeholder(s) and direct any recommendations to the appropriate regulatory staff or Board, the Disciplinary Advisory Round Table, and/or the Supreme Court.

including proposed rule changes, best practice information, resources, and educational material for the legal profession.

Timeline

The Task Force will have a duration of 15 months from the date of its first meeting and will meet monthly or at other intervals as determined to be appropriate by the Chair. The Task Force will provide quarterly reports to the Member Engagement Council, an interim written report to the Board after its eighth month of operation, and a final report at the conclusion of its 15-month duration. The Task Force may also report to the Member Engagement Council or the Board on an interlocutory basis if urgent issues arise.

Composition

The Task Force shall consist of nine voting members and two non-voting judicial members, as follows:

- Chair, (voting)
- 1 Current or Former BOG Member (voting)
- 4 WSBA Members (voting)
- 2 Adjudicative Officers in Washington State (non-voting)
- 1 Law School Representative (student or employee; voting)
- 2 Public Members (voting)

Further membership criteria is detailed in the appendix below.

Nominations and Appointment

The WSBA President will appoint Task Force members in accordance with WSBA Bylaws Art. IX(B)(2), taking into account the recommendation of the Co-Chairs of the Member Engagement Council. The President shall appoint the Chair, taking into account the recommendation of the Co-Chairs of the Member Engagement Council. The WSBA Executive Director will designate a WSBA staff liaison(s).

Terms

Technology Task Force members will serve for the entire duration of the Task Force. The President will appoint any replacement members (if necessary), taking into account the recommendation of the Co-Chairs of the Member Engagement Council.

Final Report

At the end of its duration, the Technology Task Force will issue a final report to the Board of Governors. The report will (1) evaluate the scope and efficacy of the Task Force's achievements, and (2) provide feasible recommendations to support and strengthen the use of technology within the legal profession in Washington State.

APPENDIX

The following non-exclusive criteria shall be prioritized for membership on the Task Force:

Practice Types and Venues

The Task Force seeks participation from attorneys from various practice types and venues. Solo attorneys face unique challenges, including limited resources for technology implementation and pressure to balance cost-effectiveness. Attorneys in mid-size or large firm settings face different challenges in engaging with legal technology and sometimes have less control over the types of technology they employ. Civil legal aid lawyers and public defenders face challenges bridging the technology gap to ensure equitable access to legal services for vulnerable communities. Government attorneys face challenges with integrating and updating technology within bureaucratic structures to enhance efficiency and service delivery.

Years of Bar Licensure

The Task Force seeks participation from attorneys at all stages of their careers. Early career attorneys offer perspectives on technology trends. Mid-career attorneys provide insights into balancing established practices with new technologies. Late career attorneys bring historical context and advocate for responsible integration.

Experience or Interest in Legal Technology

The Task Force seeks participation from legal professionals with an interest in enhancing their practices and access to justice through technology. Those who have demonstrated experience in leveraging legal technology within their practice and a comfort level in adopting technological solutions will be prioritized.

IT Legal Industry Professionals

The Task Force seeks participation from experienced information technology (IT) professionals who are not lawyers but have familiarity with implementing and supporting technological solutions within the legal profession. Their expertise will inform the Task Force's recommendations and decision-making.

Diversity, Equity, and Inclusion

The Task Force seeks participation from people from marginalized communities (e.g., people of color, people from the LGBTQ2S+ community, people with disabilities). Having a diverse group of members is vital to promote diversity, equity and inclusion goals, ensure that all perspectives are considered and contribute to the development of inclusive technological strategies.

Geography

The Task Force seeks participation from legal professionals and others throughout Washington to ensure consideration of technology issues in all parts of the state, with particular attention to the different issues in rural and urban areas. To obtain geographic diversity, at least two Task Force members must reside east of the Cascades and at least one other member must reside outside of King, Pierce, and Snohomish Counties.