

LIFE BEGINS

Senior Lawyers Section Newsletter

RELEVANT
INFORMATIVE
ENTERTAINING

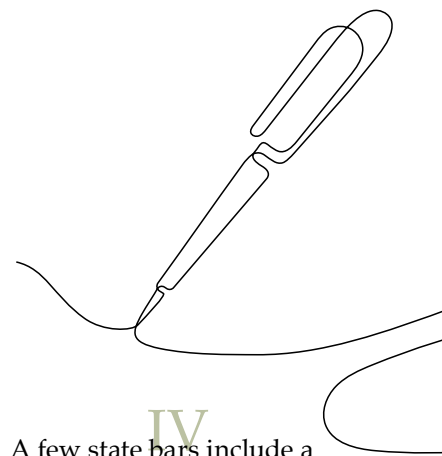
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LETTER FROM THE CHAIR

By Carole Grayson, Interim Chair (July – Sep. 2024)

IT'S BEEN ANOTHER HOT SUMMER for senior lawyers, and I don't mean Fahrenheit. Here's what's been cookin':



I Finalized plans for a hybrid CLE on Oct. 4. Please join the Senior Lawyers Section and other members of the legal community.

II Executive Committee elections results. Two openings remain.

III WSBA Member Status Work Group report recommendations highlight practice transitions and types of licensing status.

IV A few state bars include a dedicated seat for a member of their Senior Lawyers cohort.

I. Section CLE Slated for October 4

On Friday, Oct. 4, here before you know it, the Senior Lawyers Section is presenting a hybrid half-day CLE focusing on scams and fraud, and strategies and solutions for dealing with them. [Registration can be found here.](#)

The CLE is approved for 4.0 CLE credits (Law and Procedure). You can attend in person at WSBA office in downtown Seattle (lunch is included!), or you can view the CLE remotely on your laptop, phone, or device of your choice. Many thanks to my colleagues on the CLE Planning Committee – Jenny Rydberg, David Sprinkle, William Cameron, John Rapp – for assembling a deeply

experienced faculty from federal, state, and county agencies and from the world of real estate.

II. Election results for Executive Committee on page 2

If you are 55 or older, or have been in practice for at least 25 years, you are eligible to serve on the Executive Committee (EC) – we still have two openings. The responsiveness and dynamism of WSBA staff in addressing our questions about resources, tech, and all things WSBA, makes it, dare I say, downright easy to serve on the EC. Please email me at cag8@hotmail.com or any EC

Continued on page 2...



2024-2025

SENIOR LAWYERS SECTION EXECUTIVE COMMITTEE

OFFICERS

Chair

Carole Grayson (Oct.-Dec. 2023)
cag8@hotmail.com

Jeanine Lutzenhiser (Jan.-Mar. 2024)
jblutzenhiser@gmail.com

David Sprinkle (Apr.-June 2024)
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Carole Grayson (July-Sept. 2024)

Immediate Past Chair

David Sprinkle

Secretary

Albert Armstrong III
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Treasurer

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Carole A. Grayson

Judge James Riehl (Ret.)

Jenny Rydberg
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David Sprinkle

Young Lawyer Liaison

Vacant

WSBA SUPPORT

Carolyn MacGregor
carolynm@wsba.org

Letter from the Chair

...continued from page 1

members at their contact info on this page if you want more information on serving on the EC.

Our EC's business model is simple: We are a user-friendly, highly collaborative bunch. Creativity and consensus, plus ample humor, are our stock in trade in addressing the needs of senior lawyers. We meet via Zoom the third Wednesday of each month from 10:30 a.m. - 12:00 p.m. Need to be absent occasionally from EC meetings because of health, family, travel, work, jury duty, or any other reason? No problem! We've all been there, too.

Our Executive Committee has been rotating chairs every three months for the past few years. After stints the last quarters of 2022 and 2023, I'm serving this year from July through September. (You'll probably receive *Life Begins* in September.) An EC member TBD will step up to chair from October through December. Rotating interim chairs allows flexibility in balancing our work

—
Rotating interim
chairs allows flexibility
in balancing our
work lives...

lives (if we are not fully retired) and personal lives (especially travel and family, which sometimes includes caring for our elders and the younger generations).

And finally: Many thanks to Jeanine Lutzenhiser of Kitsap County for her dedicated service to our Executive Committee. Jeanine is stepping down

after five years and plans to continue in our Section as a regular (non-EC) member. Her grace and wordcraft have elevated prior issues of *Life Begins*. Two years ago, she was featured on page 3, in the [Member Spotlight](#). She most recently served as interim chair January to March 2024. Her letter to the membership can be found [here](#).

III. WSBA Member Status Workgroup

The Senior Lawyers Section's advocacy over the decades has been recognized by the WSBA leadership, particularly regarding practice transitions. Input from Section members and other lawyers at the July 2023 Board of Governors Listening Tour in Seattle was among the factors that contributed to the WSBA Board of Governors creating the Member Status Work Group. Steve Crossland of Cashmere, with many decades of serving the legal community on sections, boards, the WSBA Board of Governors, and as president of the Board, was tapped to advocate for senior lawyers. Steve's responsiveness in keeping our EC up to date on the Member Status Workgroup is much appreciated. I posted the Workgroup's report and recommendations on our section list serve on August 20. Lots of context and food for thought! The Board at its Sept. 6 - 7, 2024, meeting will consider the Member Status Work Group's report and recommendations.

IV. Should the Board Include an At-Large Seat for a Senior Lawyer?

I received an interesting email in August from a retired lawyer and judge who serves in another state bar's equivalent of the Senior Lawyers Section. The sender is chairing a work group as it seeks to get a vote for a senior lawyer entity member on their state bar's Board of Governors. The work group is surveying all 50 state bar associations to see which have senior lawyers entities (sections, committees, divisions) and, if they do, whether that division or committee is represented on the state bar's governing board.

Of the 15 states the sender personally surveyed, five had senior lawyers entities. The sender reported that two of those (South Carolina and Wisconsin) had seats on their governing boards. I will be interested to learn the results of the overall survey when it is complete.

The email got me thinking: Should the WSBA Bylaws be modified to create a new, at-large seat for a senior lawyer? I do not know if the Senior Lawyers Section has ever considered seeking representation on the Board to further our interests. Our Section in the past decade has researched, with assistance from WSBA staff, senior lawyers entities in other states regarding membership (is it automatic at a certain age?) and dues (are dues waived or reduced for senior lawyers?).

Today's WSBA Board of Governors is a much younger, way more diverse group than the Board I knew from 1985 - 1988. Those were the years I served as editor of the *Bar News* and thus attended and reported on Board meetings.¹ My recollection is that nearly all Board members of that era had already reached 55 years of age OR had been practicing law for at least 25 years.

Today's WSBA Board consists of the president, members elected from each of the state's congressional districts, and three at-large members.

The at-large seat for "new and younger lawyers" is held by Jordan Couch of Tacoma (2021 - 2024). Jordan also serves as the Board's liaison to the Senior Lawyers Section. I am pleased to report that Jordan "gets" us. He is very responsive to our Section, attends many of our EC meetings, and often writes a column in *Life Begins* on Board updates. See page 8 of this issue.

Two at-large seats are intended to be filled by individuals with lived experience and knowledge of the needs of members whose membership is or may be historically underrepresented in governance. Tom Ahearne of Seattle holds one of these at-large seats (2023 - 2026). By virtue of his age and years of practice, Tom would be eligible to serve on our section's Executive Committee if he weren't on the Board. Brent Williams-Ruth of Federal Way

holds another at-large seat (2022 - 2025). Brent will reach 25 years of practice in three years and would be eligible to serve on our EC then.

Would the particular needs of senior lawyers be better (differently) represented if an at-large Board seat were created? What are your thoughts?

Should the WSBA Bylaws be modified to create a new, at-large seat for a senior lawyer?

¹ For four or five decades, the *Bar News* editor had to be a practicing lawyer. I was the first woman to serve in that position, the first criminal defense lawyer, and the first or second with a solo practice.

If you're not already a voting member of the Senior Lawyers Section, JOIN NOW!

Name _____

Address _____

Phone _____

Email _____

WSBA # _____

Please check one:

Voting Membership:

I am an active or inactive WSBA member who is over the age of 55 or my length of practice in all jurisdictions is at least 25 years. Please enroll me as a voting member of the Senior Lawyers Section.

Non-voting membership:

I am an active or inactive WSBA member who is under the age of 55 and my length of practice in all jurisdictions is less than 25 years. Please enroll me as a subscriber member so I can participate and receive your informational newsletter.

I am a law student or law clerk. Please enroll me as a subscriber member so I can participate and receive your informational newsletter.

- Enclosed is my check for \$25 for my annual section dues made payable to **Washington State Bar Association**. Section membership dues cover Jan. 1, 2023, to Dec. 31, 2023. (Your canceled check is acknowledgment of membership.)

Mail to:
Senior Lawyers Section
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Office Use Only:

Date _____

Check # _____ Total \$ _____

MEMBER SPOTLIGHT

By Jim Riehl

WASHINGTON STATE BAR ASSOCIATION 2024 APEX AWARDS



The **APEX (Acknowledging Professional Excellence) Awards** honor exemplary members of the legal community, including legal professionals, judges, and members of the public.

The *Lifetime Service Award*

is a special award given for a lifetime of service to the legal community and the public. This year's recipient is **James E. Ryan**, senior partner of the Law Firm of Ryan, Montgomery and Armstrong, Inc. P.S., located in Silverdale, Washington. He joins past distinguished recipients including William H. Gates II, Judge Robert Bryan, Karl Tegland, James Vander Stoep, Donald Madsen, and Justice Tom Chambers.¹

James E. Ryan is a Kitsap native, born in Bremerton and raised in Poulsbo. He graduated from North Kitsap High School and went on to graduate from Western Washington State College in 1971. He attended Drake University School of Law where he graduated with honors in 1974 having been a member of the law review staff.

Upon graduating, he returned to the state of Washington where he served as a law clerk for Washington Supreme Court Chief Justice Charles F. Stafford. After one year, he returned to Kitsap County where he joined a law firm in Bremerton, founded by Gordon Walgren. He continues today as the senior partner of the same firm where he began nearly 50 years ago. He has gained the respect of attorneys, courts, clients, and the community at large for his dedication to the practice of law.

I recently sat down with Ryan to ask his thoughts on the practice of law over the last 50 years.

First of all, congratulations on receiving this WSBA APEX AWARD for Lifetime Service. How does it feel after nearly 50 years practicing law in the same firm starting back in 1975?

It feels very good to have been able to stay with the same organization for such a long time and having the opportunity to have worked with so many different individuals, both attorneys and staff. Reflecting on this though, after nearly 50 years having passed, it is almost unbelievable.

Being a native of Kitsap County and attending undergrad schools here in Washington state, why did you choose Drake University for law school?

In my senior year at Western Washington I was struggling with the reality of my impending graduation and with just what my future held for me. I had previously become acquainted with an English professor who had left to teach at Drake University. I stayed in touch with him and asked for advice. I had never had a burning desire to be an attorney but he suggested law school might be a good fit for me and that Drake University had a law school that I should consider. He also thought it would be a good experience to get out of the Pacific Northwest for a while. So, I took his advice and made one of the best choices of my life.

What areas of law do you practice and why have you chosen those areas?

In my earlier years, I got the opportunity to be involved in a

number of areas in the general practice of law. After about 10 years, my practice began to be concentrated in estate planning and administration, real estate, and small business. These areas appealed to me because I enjoyed solving client problems short of litigation if possible.

Tell me your experience clerking for Chief Justice Charles F. Stafford.

Clerking for the Chief Justice of the Washington Supreme Court was a once in a lifetime opportunity and an experience like no other. I was privileged to do this. Getting to know and work for Chief Justice Stafford, and to be able to work with the other justices and their law clerks was, for me, the perfect transition from law school to the practice of law. I would certainly recommend clerking, at any level of court, to anyone coming out of law school if given the opportunity.

The founding partner of your firm was Gordon Walgren, an attorney, lawmaker, and later a lobbyist. As a result of what became known as Gamscam, Walgren was convicted of racketeering, mail fraud, and violations of the Travel Act back in 1980. How did that impact you and your firm?

The indictment, trial and conviction of our founding partner was very difficult for me emotionally and for the firm and all others associated with the firm. While we lost some clients, there were many others who remained with those of us who continued working with our office which, I believe, was a



Member Spotlight
...continued from page 4

testament to the work being done by our attorneys and staff. That being said, it was a difficult time to say the least.

Over the last 50 years, your firm has had numerous associates and partners. Eleven of those attorneys became judges by appointment or election to Municipal, District, and Superior Courts in the state of Washington. What are your thoughts on why that came about?

The fact that so many judges came out of individuals who practiced law with our relatively small firm, I think, speaks volumes about the quality people who have, over the years, worked with us. I doubt there are many firms our size that have produced that number of judges.

What has been most rewarding in your practice over the last 50 years?

For me, the opportunity to solve client problems or issues, and put transactions together to accomplish my clients' ends has been the most rewarding part of my practice over these many years.

Finally ... what do you do for fun when you are away from the practice?

In my off time, golf has turned out to be so much fun. At first, being the competitive factor and, in more recent years, the social part of it has been so much more meaningful as my limited skills faded. My wife also keeps me pretty busy with our yard and garden. I now also have more time to travel. //

1 In 2023, our very own Senior Lawyer [Michael Goldenkranz](#) won the WSBA APEX Award for Pro Bono and Public Service.



ASK ANNE ABOUT ETHICS

By Anne Seidel

Hi Anne,



I'm looking forward to retiring after several decades and seem to have found a diligent mid-career lawyer interested in buying my practice for a fair price. I want to be available as "counsel" ("of counsel"?) and maintain an office in my old suite to hang my hat occasionally.

Do "counsel" and "of counsel" refer to the same practice situation? As "counsel" or "of counsel," may I (should I?) piggyback onto my buyer's malpractice policy and IOLTA account, or do I need my own? Is there a bright line when these cross into ethical considerations? Or are they solely practice management questions?

Signed, *Of Counsel in Okanogan*

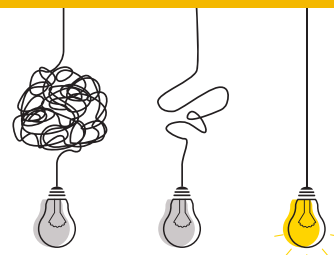
Dear Of Counsel in Okanogan,
Congratulations on your upcoming retirement and also on selling your practice! Some solo practitioners retire without considering whether a sale would be beneficial or without getting advice about the value of their practice. Selling the practice not only provides the owner with some additional income, but if the right buyer is chosen, creates a smoother transition for the clients.

From your question, it sounds like you would be an employee of the firm or possibly a consultant receiving no compensation beyond what you will be receiving from the sale of the practice. As far as what title you chose to use after you sell your practice, the only requirement in the RPC is that it is not misleading. I see "of counsel" more often for the situation you're describing, but you can use any title that doesn't imply you still have an ownership interest in the firm or in any other way overstates your role.

If the only work you'll be doing is through your old firm, I would recommend that you continue to use the firm's IOLTA account. There's no reason you would need to open (and then maintain records for) a separate IOLTA account. The malpractice question is outside my area of expertise, but malpractice insurance is typically written for a firm, not an individual, so ordinarily, the firm's policy would cover a lawyer in your situation. If you're still in negotiations over the terms of the sale, you may wish to include a clause in the contract requiring the buyer's firm to maintain a specified amount of malpractice insurance and to name you as an additional insured on the policy (perhaps as an attorney working part-time). Also consider how a change in insurance might affect a free "tail" (coverage after you retire) if your current policy provides that coverage.

Although not part of your question, if any readers are considering selling a firm, they should first read RPC 1.17 (sale of law practice) to understand their ethical duties. Most lawyers I talk to who have sold or purchased a firm used a broker or a lawyer to assist with the transaction. //

Readers, please send any ethics question you'd like me to answer to ethicscolumn@anneseidel.com. This and the prior question were both about retirement, but you can ask about anything that comes up in your practice.



CELEBRATING LAW DAY – SENIOR LAWYERS SECTION CLE

By Albert Armstrong

ON MAY 1, 2024, our Senior Lawyers Section was proud to present three CLE speakers in recognition of Law Day: **Dr. Charles Ericksen**, of Ericksen Consulting; **Elisabeth Frost**, of the Elias Law Group, Washington, D.C.; and University of Washington School of Law Professor **Elizabeth Porter**. Their respective topics dealt with the development of democratic traditions in underdeveloped countries, the indispensability of the rule of law as it pertains to voting rights, and the domestic appellate process.

DR. CHARLES ERICKSEN: International Lens

Dr. Ericksen opened our CLE with his presentation entitled “International Rule of Law: Lessons learned from 30 years of development.” Dr. Ericksen brought his extensive knowledge and experience to our CLE, imparting tales of his endeavors over the decades on behalf of democracy projects in key parts of the developing world. His experience began in 1994 when

he was invited by the late Justice Robert Utter (to whom he dedicated his presentation) to join him on a trip to Almaty, Kazakhstan to present at an ABA-

CEELI (Central and Eastern European Law Initiative) conference for justices of five post-Soviet central Asian states. Subsequently, he worked with USAID with projects in Ukraine, Liberia, and Afghanistan.

Dr. Ericksen spoke of the positive trends he has seen in his work including professionalization of court administration, bar associations, training institutes, expansion of anti-corruption activities, and improvements in managing transfers of power. Areas of concern include the erosion of judicial independence, attacks on elections, and misinformation aimed at implicit bias.

Dr. Ericksen spoke of the positive trends [and] areas of concern...

ELISABETH FROST: Some of the More Hidden Threats to Voting Rights

Our second speaker was Elisabeth Frost, who is from Seattle and now works in D.C., currently the chair of the litigation practice section of the Elias Law Group of Washington. The Elias Law Group’s website describes itself as “helping Democrats win, citizens vote, and Progressives make change.” Frost and a number of other attorneys at the Perkins Coie firm left that office and founded the Elias Law Group in 2021.

She addressed the rise in election litigation since the *Bush v. Gore* contest of 2000. Frost described the 2020 election as the most litigated election ever. She emphasized that prior to *Bush v. Gore*, ballot recounts were generally locally conducted affairs, carried out without much lawyer involvement. In later years, there has arisen a practice specialty, election litigation

... a specialty that plays a more prominent role in ballot recounts.

Despite the concern in some quarters about possible

Frost described the 2020 election as the most litigated election ever.

voter fraud, she opined that there is “little fraud to be found,” citing studies done by the right-leaning Heritage Foundation and the Republican National Lawyers Association that, she contended, bore this out.

ELIZABETH PORTER: Too Many Amicus Briefs?

Our concluding speaker was University of Washington School of Law Associate Professor Elizabeth Porter. A graduate of Columbia Law School, she clerked for U.S. Supreme Court Justice Ruth Bader Ginsburg and began teaching at the U.W. in 2012.

Her areas of expertise include civil procedure, complex litigation, torts, and federal courts.

Porter’s talk dealt with the practice of non-party advocacy,

...in 1954’s *Brown v. Board of Education*, a total of six amicus briefs were before the Court; in *Obergefell v. Hodges* (2015 gay marriage case), 147 amicus briefs were filed.

that is, interested observers who file amicus curiae briefs with appellate courts, up to and including the U.S. Supreme Court, in support of a given litigant. Focusing on interest-group amici’s “non-party participation,” she cited the lack of court-rule regulation in the face of the increasing volume of amicus briefs. She related that in 1954’s *Brown v. Board of Education*, a total of six amicus briefs were before the Court; in *Obergefell v. Hodges* (2015 gay marriage case), 147 amicus briefs were filed. //

NOTE: See Charles Ericksen’s article on page 14 for a more in depth look at the International Rule of Law.



By Jeff Tolman

MY CHILDREN and grandchildren have taught me many important, life-changing lessons. Humility. Self-reflection and evaluation. Love as I'd not known before. Pride. Joy. Insomnia. Worry. Friendship. Community. Over our years together I perhaps have learned more from them than they have from me. Similar experiences 36 years apart recently reminded me of that.

Phoenix, AZ – April 1987

My wife and I are with our five-year-old son Chris in Sky Harbor Airport, waiting for a plane ride home. Out of nowhere a similar-aged boy came up to Chris and simply asked, "Do you want to run?" "Yes," Chris responded, and off they went, running and laughing, unconcerned about each other's religious beliefs, financial situation, hometown, skin color, or family political views. They didn't care a bit about who ran faster or fell more often. They just ran and laughed and played, and, when they were exhausted, each ran back to their mother's arms.

"...I perhaps have learned more from [my children and grandchildren] than they have from me."

Bainbridge Island, WA – August 2023

My wife and I take our 8- and 5-year-old grandkids to Bainbridge Island's KidiMu. The kids' museum is filled with hyperactive strangers. Soon, at the "bank" kiosk, these unfamiliar children make a plan for a bank robbery, with cops and robbers. In an instant, my grandson Zach has become a police officer searching for the robbers and seeking return of the stolen money, granddaughter Emily is part of the robbers' gang. Off the youngsters went, running and laughing, unconcerned about each other's religious beliefs, financial situation, hometown, skin color or family political views. They simply played together and when they were tired, each ran back to their mother's or grandmother's arms.

We often describe the life journey from the youngster's perspective to our senior citizens' stage as "growing up." I would argue that, in fact, we "grow down." We note differences. We assess similarity and dissimilarity between people in our interactions. We begin to evaluate motive. Why did he ask me to run? Where are we running to? Is he a faster runner than I? Useless clutter tends to fill our heads, taking away the joy to be had from a clear, youthful mind. A friend, some years ago, had a simple query: Why was it that youngsters belly laugh often and older people don't? That (true, in my experience) observation is part of, I think, growing down over the years.

In my fight against growing down, I am using the following weapons:

- seeking commonalities, rather than differences.
- assuming no ulterior or particular motive.
- accepting the fact that any two people have agreements, disagreements, and varying opinions, and accepting that as our time together passes.
- understanding that my new friend will have new and unique experiences to share that can broaden my perspective if I allow them to.

So, if I am sitting in an airport and a guy in his 70s, asks, "Do you want to run?" I'll think harder about saying "Yes." Though likely, I'll ask if we can just walk swiftly in our journey together. I don't run very well anymore. //



LOOKING FOR A GOOD BOOK?



ALL THE LIGHT WE CANNOT SEE

By Anthony Doerr //
Published 2014

MARIE-LAURE lives in Paris near the Museum of Natural History

where her father works. When she is twelve, the Nazis invade Paris and father and daughter flee to the walled citadel of Saint-Malo where her great uncle lives. With them they carry what might be the museum's most valuable and dangerous jewel.

In a mining town in Germany, Werner Pfennig grows up with his younger sister, enchanted by a crude radio they find that brings them news and stories from places they have never seen or imagined. Werner becomes an expert at building and fixing these crucial new instruments and is forced by the Nazis to use his talent to track down the resistance in France. Fate brings Marie-Laure and Werner together in the darkest days of World War II. This fictional tale by Doerr illuminates the ways, against all odds, people try to be good to one another.



WHEN IT MATTERED MOST

By Kevin Ticen //
Published 2019

THIS is the inspiring story of the first

American team, the Seattle

Metropolitans, to win the Stanley Cup in 1917 at a time when Europe was spiraling out of control and pulling the United States into the greatest conflict the world had ever seen. A talented band of athletes from the Pacific Northwest fought to turn themselves into an elite hockey team. That team would battle the looming war, their own insecurities, and fierce opponents on both coasts of Canada. The team captivated a community while on their quest for hockey immortality.

The author uses newspaper accounts that take you through a monumental 18-month period of world history highlighting the evolution of Hall of Fame players on their way to winning the Stanley Cup. Whether you are a history buff, a fan of hockey, or just want to learn more about the history of Seattle sports, this is a great read for you.



LEFT FOR DEAD SHIPWRECK, TREACHERY, AND SURVIVAL AT THE EDGE OF THE WORLD

By Eric Jay Dolin //
Published 2024

THE TRUE STORY of five castaways abandoned on the Falkland Islands during the War of 1812 is one tale of treachery, shipwreck, isolation, and the desperate struggle for survival. Written by Eric Jay Dolin, it tells the true story of a wild and fateful encounter between an American sealing vessel, a shipwrecked British brig, and a British warship in the Falkland archipelago during the War of 1812. Three British sailors and two Americans, including the captain of the sealer vessel, spent 18 months on the barren and windswept Falklands overcoming greed, lying, and bullying to persevere until their rescue. //

WHAT'S UP with the BOG?

By Jordan Couch

REACHING OUT TO COLLABORATE

IN JULY, the Board of Governors met (for one day of the two-day meeting) in Nespalem on the reservation of the Colville Tribes. As part of that meeting, we met with Tribal leaders and judges to discuss ways we can collaborate to increase access to justice for all in our state. I suspect we will see a few different projects coming out of that meeting, some of which will be folded into the ongoing work WSBA's STAR (small town and rural) Committee is doing.

We also elected Kari Petrask as next year's treasurer and discussed the first draft of the budget for FY 25/26 which is slated to be approved at the September meeting. The budget represents our continued efforts to keep costs low. However, projections indicate that we will likely need to start raising bar dues at least to match inflation in the coming years. If you have questions or feedback on the budget, please reach out to me.

In addition to these, shorter discussions were had on minor rule changes surrounding issues such as reactivating your bar license and resident agent requirements. //

Jordan Couch, a partner at Palace Law in Tacoma, serves as an At-Large member of the WSBA Board of Governors. He can be reached at 253-881-5626 or jordan@palacelaw.com.



TEACHING JUDGES & ATTORNEYS: FROM IN-PERSON TO ONLINE

By Jim Riehl

IN 2002, I was fortunate to become a member of the American Bar Association Commission on Domestic Violence, now known as the Commission on Domestic and Sexual Violence. As a result of that work, I have served as a judicial faculty member for over 25 years for the American Bar Association, teaching and training attorneys and judges on issues of domestic and sexual violence that may arise in their practice and in their court.

I have been privileged to teach and train alongside attorneys who are the best and brightest experts in the country. Up until 2020, I often traveled throughout the country, as well as internationally, to speak to live audiences on these issues. However, in 2020, with the outbreak of COVID-19, the trainings turned to online through Zoom to avoid large numbers coming together in person.

It required me to become somewhat tech savvy. Rather than traveling to Los Angeles, Chicago, New York, and Washington D.C., as well as internationally, I began “traveling” to the den in my house. Donning my suit coat and tie, I settled down in front of my computer wearing jeans and no shoes.

I soon realized this was not going to be the same as in-person training.

Obviously, the connection with the attendees felt substantially less. I believed that when COVID-19 subsided, I would be back in person, once again flying into cities and presenting in person. I soon learned that although COVID-19 may have caused the beginning of distance learning once the pandemic subsided, other factors became much more important. Training in person required attendees and faculty to come from all over the country as well as faculty. The number of faculty was anywhere from six to 10 and cost of the flights or travel was reimbursed. The cost of trainings became significantly less by online training. Since 2020, in-person trainings by the ABA have been online.

Typically, the training will take place on the Zoom platform, using Zoom meeting format, designed to allow participants to turn on their video and audio and see and

getting to know the attendees in person and sharing stories at breaks. The connections in person were dynamic ... as opposed to looking at the computer screen.

The last training I did was in May of this year, sponsored by the ABA Commission on Domestic and Sexual Violence and entitled, “Advanced Custody Litigation Institute.” The class was split up into four four-hour days, and was made up of approximately 60 students spread throughout the country. I was one of six presenters. The attendees were provided a scenario of a case involving domestic relations with custody as an issue. The topics throughout the four days included negotiations, direct and cross examination, exhibits, emergency hearings, and order modifications and enforcement.

Although the online training is significantly different than in person, it has allowed attorneys to

Although the online training is significantly different than in person, it has allowed attorneys to have training that normally they would not have received.

collaborate with faculty and other participants. The chat function is used extensively throughout the training, as well as polling. During each session, participants will be separated into breakout rooms to engage in individual and breakout group activities.

As you can see, it requires considerable multitasking by faculty as well as attendees. At my age and my experiences as a teacher throughout the years, I find this “format” challenging to say the least. I enjoyed

have training that normally they would not have received. The staff at the Commission that develops the programs is absolutely wonderful to work with and incredibly professional. My fellow instructors are not only the best in the country but are passionate about their work and the people they serve. I have been extremely fortunate to have the opportunity to work side by side with each one of them. I just wish that working “side by side” was in person once again. //

WASHINGTON SUPREME COURT: EMBRACING COLLABORATION

By Justice Barbara Madsen



Mockingbird Society's
Youth Leadership Summit



Supreme Court justices traveling court,
hearing cases in Sunnyside



Court of Appeals Judge Lori K. Smith
co-chairs the Tribal State Court Consortium

SINCE MY ELECTION in 1993, the Supreme Court has dramatically altered the way it views its role. From a court working mainly in isolation, we now embrace robust collaboration with system partners, students, and members of the public to address obstacles to justice and enhance public understanding of the courts. This means in addition to a busy docket, we have sponsored public education programs. Not only through our Supreme Court Commissions but also through school visits and our Traveling Court program with the help of attorneys and judges. The court ended the summer with three high profile election cases.

The Traveling Court program is a centerpiece of the court's outreach. After many years as chair, Justice Susan Owens has passed the baton to our newest justice, Helen Whitener, who arranged not one, but two successful visits to UW School of Law and Sunnyside High School. Traveling Court will sit out the fall term but resume in winter term with a visit to Western Washington University in Bellingham, where one of our newest justices, Raquel Montoya-Lewis, was once a professor.

Working with law students is a passion for members of the court. From providing students with court tours and mentors as part of Seattle University School of Law's Access Admission program, to organizing moot court on upcoming cases and providing stipends for student externs, the court is taking an active role in building a pathway into the legal profession.

In keeping with long-standing tradition, the court's Minority and Justice Committee hosted its 2024 Supreme Court Symposium on June 12. The program, *A Legacy of Harm: Examining the Impacts of our Sentencing Paradigm*, covered the history of sentencing laws in Washington, the latest research on racial disparities and impacts of our current sentencing regime, and testimony from restorative justice advocates with direct experience facing long sentences. The Symposium was watched by over 600 in-person and virtual attendees and will remain available for viewing on TVW.org.

Another tradition was kept on July 30, when the Supreme Court Commission on Children in Foster Care co-sponsored the Mockingbird Society's Youth Leadership Summit

with the Office of Homeless Youth. At this annual presentation, recommendations for improving foster care are made by youth with lived experience in child welfare and/or homelessness. In addition, Commission members are given the opportunity to provide feedback and support of youth initiatives. The Commission also sponsors family reunification events throughout the month of June and July to raise awareness that safe reunification of children with parents is the primary goal of the dependency process. These celebrations give us the chance to support the hard work that families do to overcome real and difficult challenges.

In the vein of ongoing system improvement work, the Supreme Court tasked the Access to Justice Board and the Office of Civil Legal Aid to form a work group to address barriers for pro se appellants and indigent parties in the appellate process. This work group is a result of the Washington Supreme Court's June 4, 2020, letter committing to supporting rules that bring greater racial justice to the legal system due to policies that affect people of lower income backgrounds

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resulting in a disproportionate impact on underserved and underrepresented people. These barriers are even higher for appellants with limited English proficiency and those with disabilities requiring accommodation to effectively

on ballots of “public investment impact disclosures,” claiming that the initiatives in question do not meet the statutory prerequisites for preparing these disclosures. In *Defend Washington v. Steve Hobbs*, appellants

Controversial proposed changes to the Criminal Defense Standards promises to make for a lively start to our fall term. On Sept. 25, the court will hold a public hearing regarding, among other changes, a reduction in caseloads. The last public hearing held by the court was when we considered adoption of GR 31. As then, the court will invite a few organizations and individuals with special interests to make comments before opening the hearing for public comment.

Lest you think it is all work, we had a very successful employee recognition event on June 26 at 23 Kitchens, a Lacey pickleball arena. “The Big Dill” certificate went to our Chief Justice for his wicked performance on the court (small c).

Finally, in the “best news ever” department, the Supreme Court will return to the Temple of Justice in October! It has been a long slog, but well worth the wait to have a functioning HVAC system in the oldest building on the Capitol Campus. //

From a court working mainly in isolation, we now embrace robust collaboration with system partners, students, and members of the public to address obstacles to justice and enhance public understanding of the courts.

access appellate proceedings.

It is not unusual to receive “emergency” appeals related to the ballot, especially in a gubernatorial election year. This year is no exception, with three cases related to initiatives. In *Jim Walsh and Deanna Martinez v. Steve Hobbs*, appellants seek to prevent the appearance

challenge certification of signatures on initiative petitions, and in *Washington Conservation Action Education Fund v. Steve Hobbs*, appellants seek an order requiring Secretary of State Steve Hobbs to cease counting signatures using present signature verification procedures. And with that, the summer came to an end.

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By Jenny Rydberg

Defying Death at the Tower of London

“I believe that with great wealth comes great responsibility, a responsibility to give back to society and a responsibility to see that those resources are put to work in the best possible way to help those most in need.”
— Bill Gates

CHARLEMAGNE and William the Conqueror are among my ancestors from whom the Cloptons descend. Dad’s mother was a Clopton. Back in 1415, Sir William Clopton was victorious in the battle of Agincourt (War of Roses) for King Henry V. He was rewarded by the king with thousands of acres of land in Hadleigh, and thus began the wealth of he and his son, John, a successful wool merchant, lawyer, and justice of the peace. In 1461, John Clopton found himself imprisoned for treason (for his prior loyalty to the deposed and thus wrong king) in the

Tower of London (built by William the Conqueror after the Normandy conquest in 1066). He was remarkably pardoned on the morning of his planned execution, a relief not granted to his four compatriots. John became the chief benefactor of the 15th century Holy Trinity Church in neighboring town Long Melford, now #5 on the list of 1,000 best churches in England. In 1541, two other Cloptons, sentenced to life imprisonment in the Tower for concealing Catherine’s¹ infidelities from King Henry VIII, were also pardoned.

This history compelled me to

journey to Long Melford, Suffolk, England, with 41 other members of the Clopton Family Association, to investigate, a gathering the pandemic delayed for four years. So it was in June 2024 that I found myself checking into The Bull Hotel, built about 1450, in which level floors, 90-degree angles, and modern air conditioning do not exist. We spent a week together, guided by members of the local Long Melford Reunion team, exploring the haunts and history of my ancestors.

Sir William used his money to build a huge guildhall in Hadleigh; his will in 1446 bequeathed his lands to the

Continued on page 13...

people who lived on them and the City of Hadleigh for rent of one red rose placed on his grave each year, the longest rental obligation in England. The guildhall, in excellent condition, is in use today as a community event center. The story goes that in 1984, back rent due for 500 years was settled with the payment of one red rose and rent has been paid annually ever since. In the guildhall, our group was witness to the Mayor of Hadleigh paying this year's rent. The rose was placed on Sir William's crypt located in Holy Trinity Church, almost a cathedral in size, at Sunday's service. It's hard not to laugh about the rent now, but back in the day, this was serious stuff.

Holy Trinity Church has three rare medieval stained glass windows that survived the Reformation and Thomas Cromwell's crew of religious destroyers set about by King Henry VIII. Set in the clerestory, they were just too high up to reach to destroy. Our CFA paid to restore two of the windows, a process that involves permitting, careful removal, shipment to Canterbury where they are restored and encased, and reinstallation, all by certified experts at a cost of over £100,000 per window. John Clopton is depicted in his armor in one of the windows.

Our group also spent a day exploring Cambridge, home to 31 colleges, a town market, dozens of quaint shops, a wonderful museum, and unique bridges, including the Mathematical Bridge, primarily held together with compression and gravity.² Cambridge is a lovely medieval town with narrow, twisting streets and lots of old and beautiful buildings with complex architecture. We remembered our soldiers killed in

WWII when visiting the Cambridge American Cemetery and Memorial, a beautiful but sobering reminder of the cost paid by too many who defended our freedoms.

Another fascinating day was spent at Sutton Hoo where in 1939 an archeological dig revealed the c. 625 AD burial of an Anglo-Saxon king in a huge ship with lots of treasures that barely escaped discovery by prior grave robbers. The 90-foot ship, a replica of which is being crafted by volunteers in nearby Woodbridge, had been floated up river, then hauled over about 100 feet of hill to the burial pit, then covered with a mound of dirt, reminding me of the burial grounds of ancient emperors my husband and I saw in China. A trip to Melford Hall, a medieval mansion in Long Melford that included thousands of acres of agricultural lands back in the day, concluded the non-Clopton local attractions we visited.

Rounding out the trip, we went to three other Clopton haunts: Kentwell, Castling Hall, and Lavenham Church. Kentwell is the mansion next door to Holy Trinity Church that was built by John Clopton on top of ruins and where we received a follow-the-money-it-may-be-a bribe gripping story/theory of his survival at the Tower of London. Castling Hall is a home and event center in the middle of nowhere, where we enjoyed a delicious lunch and walk

through extensive formal gardens, and is the birthplace of Anne Clopton. Lavenham Church is the burial place of Anne's infant sons³ and is where John Winthrop, who married Thomasina Clopton, is honored. After Thomasina died in childbirth, John established Boston and became the first governor of Massachusetts Bay Colony.

Fast forward six centuries: both Hadleigh Hall and Holy Trinity Church, initiated with gifts from my ancestors, are contemporary centers of their communities, sponsoring numerous events, interest groups, outreach, and volunteering, welcoming everyone's involvement. We Clopton descendants enjoyed our week together, making and renewing friendships, and look forward to returning to England six years hence. //



We with the Mayor of Hadleigh in Hadleigh Hall

An image of John Clopton in glass. Holy Trinity Church, Hadleigh, England

1 Catherine, the fifth wife of Henry VIII, was beheaded in 1542, accused of adulterous treason.

2 More information about [Mathematical Bridge](#).

3 The engraving of a swaddled infant on their gravestone indicates that the babies died after baptism and before their mother was "churched." In history, women were considered unclean from the body fluids of childbirth and required to go through a "cleansing" ceremony in the church vestibule a month or so after childbirth before being allowed back in the church. Men covered in body fluids due to war injuries or other reasons were not humiliated in this way. Ritualized purification following childbirth is not unique to Christianity.

INTERNATIONAL RULE OF LAW: DROP PEBBLES AND BE GOOD DIPLOMATS

By Dr. Charles Ericksen, International Rule of Law Advisor

In the fall OF 1995, I received an invitation from Justice Robert Utter of the Washington Supreme Court to travel with him to speak at an American Bar Association sponsored conference for the Central Asian judiciaries.

Justice Utter was one of the founders and early leaders of the ABA Central and East European Law Initiative shortly after the Berlin Wall fell in 1989 (now known as the Rule of Law Initiative). He consulted with officials in aspiring democracies on how to establish an independent judiciary, frequently providing commentary on draft laws and constitutional provisions. I joined him on the long flight to Almaty, one that would cultivate my passion for international development and the rule of law.

Rule of Law Evolves

Rule of Law projects have evolved significantly since WWII, responding to changing global dynamics and emerging challenges. By the 1990s, after the collapse of the Soviet Union, western nations were pouring millions of dollars into rule of law reform as a solution to the world's troubles. Despite steady commitment, the progression of rule of law has varied significantly across the developing world, with mixed results influenced by political, economic, and social factors.

Initial reforms in Russia saw efforts to establish a legal framework for a market economy, including constitutional and legal reforms aimed at protecting human rights and ensuring an independent judiciary. Over time, political centralization under Vladimir Putin led to a rollback of democratic reforms and a judiciary lacking any semblance



Albania 2020:
Press Conference to release a civil society public statement on the status of the vetting law.

of independence.

In Eastern Europe and the Baltic States, significant strides in establishing the rule of law were made in large part because EU accession requires comprehensive legal reform leading to improved judicial efficiency, transparency, and quality, anti-corruption measures, and stronger legal institutions. Alarming, some countries, notably Hungary and Poland, have recently backslid on rule of law principles and judicial independence.

Despite Kazakhstan's significant strides in improving court efficiency, transparency, and quality, progress in the Central Asian republics remains limited due to the entrenched authoritarian regimes and pervasive corruption. Restrictions on freedom of assembly, expression, and association continue to limit the activities of civil society and the media faces significant challenges, including censorship and harassment of journalists.

In the Caucasus, countries like Georgia and Armenia have implemented substantial legal reforms and anti-corruption measures. Universal challenges remain however, namely corruption, judicial independence, and efforts to undermine free and fair elections fueled by Russian disinformation.

Promising Trends and Ongoing Challenges

Moldova offers an example of promising efforts to combat these ongoing challenges. Moldova, like the rest of former Soviet states, has struggled with corruption and political instability despite efforts toward legal reforms, especially in the wake of pro-democracy movements (e.g., Ukraine's Orange Revolution in 2004 and the Euromaidan protests in 2013-2014). In the past decade, Moldova demonstrated a proactive commitment to combating corruption through legislation and the

Continued on page 15...

reorganization of state institutions. Despite these efforts, challenges persist due to fragmentation and ambiguity in authority of anti-corruption agencies that hinders systemic improvements towards high-level corruption and ethics of judges and prosecutors. In 2022, I began working with USAID Justice and Anti-Corruption Reform Activity to institutionalize a system-wide anti-corruption training program at the National Institute



Ukraine 2009:
Donor coordination meeting.

of Justice in collaboration with the National Anti-Corruption Center, the National Integrity Agency, the Ombudsman, and the Agency for Court Administration. In addition to building capacity within these institutions, the project is raising awareness and strengthening visibility of anti-corruption efforts among the general public through civil society.

Moldova's anticorruption measures underscore that for rule of law to take hold attention must be paid to developing sustainable institutions. Weak institutions slow down reform processes and make it difficult to enforce new laws and policy changes. Building justice sector institutional capacity is a long-term endeavor that requires prolonged effort, strategic planning, and effective monitoring and evaluation.

Ensuring that reforms continue after the end of international support is an

ongoing challenge. A promising trend is the improvement in monitoring and evaluation (M&E). Measuring the impact of development projects is complex and often requires long-term assessment that must be carried out by local counterparts. In Liberia, I witnessed the capacity and commitment of local M&E experts who measured the impact of our project and programs at the Liberian Law School, Judicial Training Institute, National Bar Association, and Liberian Anti-corruption Commission. Importantly, M&E holds implementers and stakeholders accountable for performance and allows for adaptive management and timely interventions to address problems and improve performance.

A major concern receiving increased attention is the growing lack of public trust and confidence in the justice system. Anti-government efforts target former soviet states (and elsewhere) with disinformation and messaging that erodes public trust in the reform process and the fairness of elections. As documented by the Center for Strategic & International Studies, Russia is engaged in "a determined assault on these countries and their institutions." Recent efforts to strengthen civil society organizations, which have historically not existed or lacked the capacity to advocate for and support reforms effectively, are a promising trend to counteract this assault on democracy and the rule of law.

Albania has undergone significant civil society reform aimed at strengthening the rule of law since transitioning from a communist regime to a democratic system. Over

the last decade, USAID has supported Albanian Civil Society Organizations (CSOs) to build their capacity for advocacy, monitoring, legal aid services, and other efforts contributing to the development of a fair, transparent, and accountable justice system. For example, CSOs played an important role in the establishment of the High Judicial Council and the vetting process. The vetting process, which began in 2016, aimed at ridding the judiciary and prosecution offices

...high levels of inequality reduce the perceived legitimacy of reforms as marginalized groups feel excluded and face access to justice barriers.

of corruption, misconduct, and incompetence. Strengthening CSOs acknowledges that citizens must be brought into the reform process if conceptions of law and justice are to be truly transformed and outside interference is to be thwarted.

The limited financial and human resources of many developing nations continues to impede legal reform progress. A recent assessment I conducted in Sri Lanka revealed that high levels of inequality reduce the perceived legitimacy of reforms as marginalized groups feel excluded and face access to justice barriers. Throughout much of Southeast Asia and Africa, courts and justice institutions continue to lack adequate funding leading to insufficient infrastructure, outdated technology, and inadequate facilities.

Donors are getting quite adept at conducting thorough assessments to understand the existing capacities, strengths, and weaknesses of justice

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sector institutions. This helps to identify specific areas where capacity building is needed, such as governance, administration, financial management, human resources, infrastructure, and technology, providing the implementing partners and local counterparts a roadmap for success. Engaging local stakeholders from the beginning ensures better buy-in and ownership of the capacity-building process.

A persistent challenge in international development is the lack of coordination among donors, local governments, agencies, and CSOs leading to overlapping efforts, wasted resources, and conflicting objectives. Given the systemic nature of needed changes and the inherently interconnected nature of the justice sector, it is difficult to achieve sustainable change if the elements are not approached in a coherent fashion. Fragmentation is created by implementing partners who divide project activities into functional components (i.e., court management, judicial training, legal reform) without promoting cross-fertilization of information and activities. A coherent strategy considers the interrelatedness of components and seeks to build connections that strengthen relationships and communication between the various counterparts.

David Vaughn, the Chief of Party of three successive Ukrainian rule of law projects since 2006, has successfully addressed this challenge. From 2009-2012, I had the privilege of working with David and his team

The **World Justice Project** is an independent, organization working to advance the rule of law worldwide. It produces the World Justice Project Rule of Law Index, a quantitative assessment tool that shows the extent to which countries adhere to the rule of law in practice. The factors include:

- | | |
|---|---------------------------------|
| 1 Constraints on Government Powers | 5 Order and Security |
| 2 Absence of Corruption | 6 Regulatory Enforcement |
| 3 Open Government | 7 Civil Justice |
| 4 Fundamental Rights | 8 Criminal Justice |

on developing court administration and improving judicial selection. I witnessed the benefits of their regular donor coordination meetings aimed at creating synergies, avoiding duplication, and ensuring consistent approaches and standards were established. Importantly, regular donor meetings facilitate consistent communication between US and EU projects thereby reducing misunderstandings and a lack of coordination.

A genuine commitment from local leaders is crucial for success and a lack of political will stymies progress. Ensuring that local stakeholders are involved in the design and implementation of projects enhances their relevance and sustainability. Strengthening the capacities of local institutions and legal professionals is vital for long-term success. Unfortunately, efforts to strengthen legal institutions have proven slow and difficult. By understanding and addressing the complexity and difficulty of reform and the

challenges developing countries face, international development projects can be more effective in addressing intersecting global crises and advancing peace and sustainable development. Above all, it calls for patient, sustained attention, as breaking down entrenched political interests, transforming values, and generating consistent ethical leadership will take generations.

Looking Forward

Shortly after our Central Asia conference had concluded back in 1995, Justice Utter and I flew in an old Soviet helicopter into the Tien Shan mountain range to enjoy the scenery and a shashlik barbecue. High on the majestic backdrop to Almaty, we reflected on the week's enervating discussions and the future of international rule of law. Justice Utter mused that we were here to drop pebbles, be good diplomats and share in a long challenging journey with our new friends. Thirty years on, those words continue to resonate. //

A genuine commitment from local leaders is crucial for success and a lack of political will stymies progress.

A PRIMER ON ARTIFICIAL INTELLIGENCE

By Jeffrey M. Allen and Ashley Hallene

VOE's¹ **EDITORIAL BOARD** has recognized the growing importance of artificial intelligence (AI) to our professional and our personal lives. They have asked us to help members of the American Bar Association Senior Lawyers Division better understand AI, what it does, and what problems it creates in the form of a new AI column. As the first in the series, we thought that a primer on AI would serve the readers best. We made that decision after consideration by the Editorial Board and recognizing the many questions we regularly receive about AI.

Artificial Intelligence

Artificial intelligence has gained significant prominence in recent years. It has the potential to reshape industries, improve our daily lives, and raise important ethical questions. This primer aims to summarize AI, its history, key concepts, current applications, challenges, and prospects. We will touch upon a number of topics in this primer that we will explore in greater depth in future columns.

AI refers to the capability of a machine or computer program to perform tasks that typically require human intelligence. Such tasks include problem-solving, learning, understanding natural language, recognizing patterns, and decision making based on data.

We have had and used AI in our lives increasingly for many years. For example, the software we use to search statutory or caselaw databases for specific information relevant to our needs represents an application of AI in our professional lives. The use of and our reliance on AI has grown incrementally over the years. You have probably seen that in the evolution of that same search process for case law and statutes. The software has grown more and more sophisticated as AI evolved. Examples of AI in our personal lives include virtual assistants, such as Siri, Alexa, and Google Assistant, all of which employ AI to understand and respond to voice commands.

The recent development of ChatGPT

has rapidly accelerated the growth of the sophistication of AI and opened the door to many new applications. For example, in healthcare, AI aids in diagnosing diseases, predicting patient outcomes, and drug discovery. In finance, AI does risk assessment, fraud detection, and can monitor high-frequency trading. In transportation, self-driving cars and AI-based traffic management systems may improve safety and efficiency.

ChatGPT

ChatGPT is an artificial intelligence chatbot that uses natural language processing to create humanlike conversational dialogue. A form of "generative AI," ChatGPT creates humanlike images, text, or videos in response to prompts or instructions we provide. The GPT stands for "Generative Pre-trained Transformer," which refers to how ChatGPT processes requests and formulates responses. ChatGPT trains with reinforcement learning through human feedback and reward models that rank the responses. This process allows augmentation of ChatGPT with machine learning to help improve future responses. The language model responds to questions and can compose written content of a variety of types for personal and professional uses, including articles, social media posts, essays, code, and emails.

Two recent advances have played a critical part in generative AI going mainstream: transformers and the breakthrough language models

they enabled. "Transformers" are a type of machine learning that make it possible for researchers to train increasingly large models without labelling all the data in advance. New models train on billions of pages of text, resulting in answers with more depth. Transformers unlocked a new notion called attention that enabled tracking connections between words across pages, chapters, and books rather than in individual sentences. Transformers can also use their ability to track connections enabling scientific analysis of such things as DNA.

Rapid advances in large language models ("LLMs") having billions or even trillions of parameters opened the door for generative AI models to write engaging text, paint photorealistic images, and even create somewhat entertaining sitcoms on the fly. The rapid evolution of the capabilities of ChatGPT has expanded the use of AI, changing the nature of the beast and its role in our society. The evolution of AI in the face of ChatGPT has put AI in our homes, our cars, our health and medical care, and our offices. Many industries have started considering the trade-off between human workers and a ChatGPT powered AI. Some have gone farther and replaced human workers with AI.

AI's Future: AI continues to advance, and nothing suggests that its growth will slow down in the near future.

Collaboration: Expect to see increased collaboration between humans and AI, with AI augmenting human capabilities in many fields, including law, medicine, research, and creativity.

Ethics: We need to ensure ethical and responsible development of AI. This includes transparent algorithms, avoiding bias, and ensuring human oversight.

Governance: Governments and organizations have started developing guidelines and regulations for AI to ensure safety, fairness, and accountability in its deployment. Those processes remain in their infancy and do not yet offer any significant protection.

Challenges and Ethical Considerations

Fairness: AI can inherit biases intrinsic to data on which they train. Those biases can influence the outcomes selected by the AI model. Ensuring fairness in AI processes poses a significant challenge.

Privacy and Security Issues: AI systems collect and analyze vast amounts of personal data. This should and does raise concerns about privacy and data security. We need to ensure the safeguarding of such data, which may include personal information about individuals.

Automation/Job Loss: Automation of tasks through AI will likely lead to job displacement in some industries. We need to ensure that the workforce receives preparation. As a society, we need to consider what we will do about the displaced workers, their potential futures and economic security.

Existential Risks: AI's increasing power and flexibility creates concerns about the potential for misuse or unintended consequences that could pose existential risks to our society and our population. Industry and governments have raised these concerns and the need for regulation to mitigate these risks. Doing so will require responsible AI development and implementing effective monitoring and governance. //

Glossary of AI-Related Terms

We did not design this glossary as all-inclusive of every term you might encounter in connection with AI. It includes the terms we think you will most likely encounter in articles and discussions about AI.

Artificial Intelligence: Artificial intelligence refers to the development of computer systems capable of performing tasks typically requiring human intelligence.

Narrow (weak) AI: Also known as weak AI, narrow AI is designed for specific tasks, such as virtual personal assistants (Siri, Alexa), recommendation systems, and chatbots.

General (strong) AI: AI with human-level intelligence capable of performing any intellectual task a human can. True general AI remains a long-term goal.

Machine Learning (ML): A subfield of AI that focuses on developing algorithms and models enabling computers to improve performance on a task through experience, without explicit programming.

Supervised Learning: ML where the model trains on a labeled dataset, learning to make predictions or decisions based on input data.

Unsupervised Learning: ML where the model learns patterns and structures in data without labeled examples, often used for clustering and dimensionality reduction.

Reinforcement Learning: ML where agents learn to decide by interacting with an environment and receiving rewards or penalties.

Deep Learning: A subfield of machine learning using artificial neural networks, specifically deep neural networks, to model and solve complex problems, often achieving state-of-the-art performance in tasks like image and speech recognition.

Neural Networks: Computer models inspired by the structure and function of the human brain, consisting of interconnected nodes (neurons).

Natural Language Processing: A field of AI focusing on enabling computers to understand, interpret, and generate human language.

Sentiment Analysis: Analyzing text to determine the sentiment or emotional tone; often used in social media monitoring and customer feedback analysis.

Big Data: Large and complex datasets not easily managed or analyzed with traditional data processing tools. AI often leverages big data for training and decision-making.

Data Mining: Seeking and discovering patterns, trends, and insights in large datasets.

Neural networks: Layers of interconnected nodes. Different types of layers perform specific functions in deep learning models.

Algorithm: A step-by-step set of instructions or rules for solving a specific problem or performing a specific task. AI uses algorithms to train models and make predictions.

Metrics: Tools used to evaluate the performance of supervised learning models in tasks like classification and regression.

Autonomous: We describe a machine as autonomous if it can perform its task or tasks without human intervention.

Chatbot: A program designed to communicate with people through text or voice commands in a way that mimics human-to-human conversation.



Jeffrey Allen is a principal in the law firm of Graves & Allen, in Oakland, California. He runs a general practice that, since 1973, has emphasized real estate and business transactions, receiverships, and related litigation. Mr. Allen also works extensively as a mediator and as an arbitrator. He actively participates in the work of the Alameda County Bar Association, the Contra Costa County Bar Association, the California Bar Association, and the American Bar Association. [Read full bio here.](#)



Ashley Hallene is an attorney, land manager, and real estate developer with Demeter Land Development, currently focused on assisting renewable energy companies with solar developments. Ashley is the co-author of *Technology Tips for Lawyers and other Business Professionals* (2016), *Technology Tips for Seniors* (2016), *Making Technology Work for You (A Guide for Solo and Small Firm Attorneys)* (2013), and *The iPad for Lawyers: the tools you need at your fingertips* (2013) along with attorney Jeffrey Allen. [Read full bio here.](#)

1 VOE is the "Voices of Experience", the e-newsletter of the Senior Lawyers Division of the American Bar Association.