WASHINGTON STATE
BAR ASSOCIATION

WSBA AI Use Policy for External Parties

As Artificial Intelligence (AI) and AI-based tools continue to develop every day and their potential risks and benefits mount, it's crucial that we anchor ourselves to our purpose: to serve the public and members of the Bar, to ensure the integrity of the legal profession, and to champion justice. We acknowledge that external parties may use AI to benefit their work with WSBA and this policy sets out requirements regarding that AI usage. Our responsible AI approach is our commitment to the ethical use of AI and aims to ensure that our AI usage aligns with our mission and values.

External AI Tools During Meetings/Events

- External parties (i.e., vendors, volunteers, meeting attendees) using an AI recording or notetaking tool **must** ask the staff liaison in advance (at the time the meeting is scheduled), so participants have a meaningful opportunity to decide whether to participate.
- **Failure to notify in advance:** If external parties fail to notify the staff liaison in advance, they **must** notify all event participants at the start of the meeting. Notice provided by the AI tool fulfills the notification requirements, i.e., "this meeting is being recorded."
- **Failure to notify:** Failure to provide this notification will result in the meeting's termination (if hosted by WSBA) or termination of WSBA's participation (if hosted by an external party).
- **AI tool as meeting participant:** If the AI tool is a meeting participant requesting entrance to a meeting, the meeting liaison must verify the identity of the individual who enabled the tool and notify all participants to get consent before letting the AI in.
- **No assigned staff liaison:** If no staff liaison is assigned, the external party **must** still notify WSBA invitees of the AI recording in advance, must provide WSBA access to the recording, and WSBA has the right to ask the external party to delete the recording at the external party's end.
  - Failure to provide this notification or following these steps will result in the termination of WSBA's participation.

Consent on WSBA's behalf: Staff liaisons, on behalf of WSBA, may consent to a meeting being recorded, provided **no** sensitive or confidential WSBA information will be shared and/or discussed. Recording meetings with sensitive or confidential content is **prohibited.**

External AI Generated Content

We acknowledge that external parties may use AI to produce WSBA-business content. External parties should review these considerations to help ensure responsible and ethical AI use.

COMMUNICATION

- External parties need to cite the use of generative AI: reading or viewing AI content without noting its use can be jarring, misleading, and feel inauthentic.
- External presenters who submit potentially copyright materials (*i.e. CLE materials, committee presentation materials, etc.)* **must** disclose AI usage as follows:

- o All images and videos created by any AI system must be attributed to the appropriate Generative AI system.
- o If text generated by an AI system is used substantively in a final product, attribution to the relevant AI system is required.
- o All attributions should include the name of the AI system used and a HITL (human-in-the-loop) assertion (which should include the person who reviewed and edited the content).

> **Sample language:** *Some material in this publication was generated using [insert AI tool] and was reviewed for accuracy by [insert name].*

CONSIDERATIONS
- **BE WARY OF BIASED CONTENT**
  - o Research indicates that algorithms can be biased against some groups, compounding systemic discrimination.
    - We want to ensure that these technologies do not harm vulnerable populations.
    - Think about how racial and ethnic minorities, women, non-binary, people with disabilities, or others could be portrayed or impacted by the content generated with AI assistance.

- **ACCURACY**
  - o While AI can rapidly produce clear prose, the information and content might be outdated, inaccurate, or even made up.
    - The user is responsible for verifying that the information is accurate by independently researching claims and content made by the AI tool (look for inaccurate details, including links and references to events or facts).
  - o There are also reputational and legal risks of relying on incorrect and biased information.
    - Monitor and verify outputs before using them, check sources, and be mindful about when generative AI use is inappropriate.

AI Use for Accommodations

If AI use is needed to accommodate a disability, the external party **must** notify the staff liaison in advance of the meeting. The staff liaison will then work with the Accommodations team to ensure proper measures are in place that also comply with this policy.