

MEETING MINUTES

May 17, 2018

Meeting Minutes

The Practice of Law Board (PLB) met on May 17, 2018 at the offices of the Washington State Bar Association. PLB members attending were: Hon. Paul Bastine, ret., Chair, Trena Berton, Michele Carney, Prof. George Critchlow, Brooks Goode, Amber Rush, Gary Swearingen, Jennifer Unger, and Doug Walsh. Julie Shankland, Associate Director-Boards and Committees, and Sherry Lindner, OGC Paralegal II, also attended. Julie Shankland acted as secretary for the Board.

Minutes

The Board approved by consensus the March and April 2018 minutes, with amendments.

June Meeting Logistics

Chair Bastine will not attend the June meeting. Doug Walsh will generally chair the meeting, Gary Swearingen will lead the Legal Health Check Up discussion and Prof. Critchlow will lead the GR 24 amendment discussion.

Legal Health Check Up

The Board discussed, but did not decide, whether commercial companies should be included in the resources list. The Board also discussed the Legal Health Check Up user group testing project. The Board wants to know, generally, what the public wants in a legal education tool. The Board discussed forming user groups by practice area and advertising the times and places in advance. The board also discussed contacting some stakeholders to assist with forming user groups. Libraries, neighborhood and law school legal clinics were suggested as possible meeting places. Law students and/or WSBA section members might be able to conduct some of the user group testing.

GR 24 and Online Document Preparation Services

The Board continued to discuss the scope of this project. Chair Bastine suggested the following thought experiment: in the future a client will tell her smart speaker "I need a contract that does this and that. Please email it to me". This is an online service and may not require a lawyer. The Board discussed how to consider and imagine as many future alternatives as possible during these discussions. The North Carolina statute and older Texas statute only deal with online document preparation, but the world have moved beyond this. The Board discussed, but did not decide whether purchasing online documents prepared with client input is the same thing as purchasing blank forms at a stationary store. Potentially, a client provides information to some form of artificial intelligence online. The AI then analyzes the issues, legal and other, perhaps gives legal analysis and maybe delivers a legal document. This whole process may or may not involve a lawyer or other licensed legal professional. The Board also discussed that rather than delivering a document, the AI might just take whatever action the client requested, such as paying a parking fine, requesting a hearing, etc. The Board also discussed mediation services that allow services for people who never meet in person. The mediator, or AI, received



information from both sides and assists the parties in resolving the issue. The regulations for these services are not clear, but lots of people are using them and most of the feedback is positive. The Board discussed, but did not decide, whether development of these systems and the appropriate regulatory structures would better protect the public if controlled by the courts or by the legislative process. The Board determined that the report to the Court should anticipate what the court needs to do today to make decisions about the regulation of online services. The Board discussed, but did not decide how to begin a regulatory process-putting a regulatory “toe in the water” and leaving the process open for more robust regulation as the systems develop. The Board also discussed, without deciding, whether issuing a license to an online company would be interpreted by the public as an endorsement of a safe product. The Board also determined that it needed input from the online legal provider industry soon.

The Board entered Executive Session to deliberate about the Unauthorized Practice of Law Complaints.

The Board voted to end the Executive Session.

The meeting was adjourned.

