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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF KING**

8 STEWART,

9 Plaintiff,

10 vs.

11 GOMEZ NORTHWEST INC. et al,

12 Defendants.

No. 24-2-11874-8 SEA

**ORDER ISSUING SANCTIONS FOR
USE OF FAKE AI-GENERATED CASE
CITATIONS**

13 Artificial intelligence (AI) has the potential to reshape the legal profession and when
14 utilized with appropriate precaution and diligence can lead to efficiencies in delivering
15 effective services to clients and can assist lawyers in preparing materials to submit to judicial
16 tribunals. In November 2023, recognizing the “transformative impact” of AI on the legal
17 profession, the WSBA Board of Governors sought to create the Legal Technology Task Force.
18 After conducting a survey of Bar members, the Task Force found that 75% of WSBA members
19 do not currently use generative AI (GAI) in their legal work, and 63% of those who do, use it
20 for tasks such as legal research and analysis and drafting and summarizing documents. *See*
21 Attachment A. And while 25% of lawyers in Washington State currently use GAI in their
22 practice, only 9% rate their knowledge of the tool as “good.” *See id.* This matter reflects this
23 reality.

24 ORDER RE: SANCTIONS

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1 To be clear, there is nothing inherently wrong or unethical about using AI, generative or
2 otherwise, to assist an attorney in preparing a brief to submit to a court so long as basic
3 precautions, such as cite-checking, are taken. As Chief Justice John Roberts observed in his
4 *2023 Year-End Report on the Federal Judiciary*, “any use of AI requires caution and humility.”
5 Lawyers who use GAI to assist them in preparing a brief have an obligation under both the
6 Civil Rules and the RPCs to appropriately exercise a gatekeeping function to ensure that what
7 they file with a court is correct and accurate. That the cases they file are real, and the
8 propositions for which they are cited are accurate. This is basic stuff. Failure to do so
9 undermines trust and credibility and negatively impacts our judicial system. Lawyers and
10 judges have a shared responsibility to protect the integrity of judicial proceedings. By
11 submitting fake case citations to this Court, counsel breached that responsibility. Sanctions are
12 warranted under Civil Rule 11 and/or this Court’s inherent authority to not only address what
13 occurred here, but also to send a message to others who may use GAI without taking adequate
14 precautions to ensure the accuracy of the briefs they file with courts in our State.

15 I BACKGROUND

16 A. Legal Research and Artificial Intelligence.

17 Legal research has changed over the years. When this Court was in law school (1998-
18 2001), legal research consisted primarily of going to the law library, pulling bound volumes off
19 the shelf, and following a process known as Shepardizing, which was based on various
20 keynotes within cases. One had to follow the bouncing ball (so to speak) to ensure a case was
21 still good law, and could also utilize keynotes to find other cases holding similarly. A tedious
22 process, perhaps, but one that developed the skills necessary to ensure the accuracy of various
23 case citations. It made you check your work and it took time. While the Court’s memory may

1 not serve it perfectly, it was not until either the second or third year of law school that the
2 undersigned was introduced to on-line legal research services such as Lexis/Nexis and
3 Westlaw. What a time saver! But even then, the undersigned was taught to back up that
4 research by comparing it to the bound volumes, given how new the technology was. GAI—AI
5 that generates content such as text, images, etc.¹—has the potential to create yet another
6 advancement in legal research technology but caution is required before its use in filings with
7 the Court. To explain why this is so, it might be helpful to the reader to understand some basics
8 about GAI and its apparent shortcomings when it comes to legal research.

9 GAI, such as ChaptGPT, Copilot, Grok (to name a few), “are trained using large
10 language models (LLM) to recognize and generate text. LLMs use massive data sets that,
11 through a form of machine learning known as deep learning, teach the program how characters,
12 words and sentences function together.” Maria E. Berkenkotter & Lino S. Lipinsky de Orlov,
13 *Can Robot Lawyers Close the Access to Justice Gap? Generative AI, the Unauthorized*
14 *Practice of La, and Closing the Access to Justice Gap*, 53 Colo. Law 40, 42 (2024) (citations
15 omitted) (hereinafter *Robot Lawyers*). As IBM explains:

16 To create a foundation model, practitioners train a deep learning algorithm on
17 huge volumes of raw, unstructured, unlabeled data e.g., terabytes of data culled
18 from the internet or some other huge data source. During training, the algorithm
19 performs and evaluates millions of ‘fill in the blank’ exercises, trying to predict
20 the next element in a sequence e.g., the next word in a sentence, the next
21 element in an image, the next command in a line of code and continually
22 adjusting itself to minimize the difference between its predictions and the actual
23 data (or ‘correct’ result).

21 ¹ There is also predictive AI, which is used to forecast future events based on historical data.
22 One assumes this could be used to, for example, predict how this Court is going to rule on a
23 given motion based on how it has ruled on similar motions in the past. Predictive AI is not at
24 issue here.

1 See IBM, What is Generative AI? <https://www.ibm.com/topics/generative-ai> (last visited
2 August 8, 2025) (hereinafter IBM); see also *Snell v. United Specialty Ins. Co.*, 102 F.4th 1208,
3 1226 n.7 (11th Cir. 2024) (Newsom, J., concurring) (“Well, to dumb it way down, drawing on
4 its seemingly bottomless reservoir of linguistic data, the model learns what words are most
5 likely to appear where, and which one are most likely to precede or follow others—and by
6 doing so, it can make probabilistic, predictive judgments about ordinary meaning and usage.”)
7 (citation omitted).

8 LLM technology is only as good as the data on which it is trained because, for example,
9 “a training set that includes materials containing toxic language can generate toxic outputs.”
10 *Robot Lawyers* at 42. A GAI “tool taught using a data set comprised of social media postings
11 will produce very different results from one taught with the contents of law libraries.” *Robot*
12 *Lawyers* at 42. In other words, if someone does not understand how the GAI tool they are using
13 has been trained, it may not be the right choice for a specific task. For example, if a GAI tool is
14 trained on biased data, it will produce biased outputs. See *id.*² For a practicing lawyer,
15 understanding how a particular GAI tool was trained is critical in understanding whether it is
16 appropriate to do legal research. The problem here is that most GAI tools “are not necessarily
17 transparent to the user; some AI developers consider their data sets proprietary.” *Id.*

18 Not only does an attorney likely not understand the data set used to train the GAI tool
19 they are using; GAI tools often “hallucinate.” As one court explained:

20 ² As Judge Newsom observed, because LLMs do not capture “offline speech”—that is speech
21 not made on the internet—the data from which is draws may be biased against “[p]eople living
22 in poorer communities (perhaps disproportionately minorities and those in rural areas) [because
they may be] less likely to contribute to the sources from which LLMs draw in crafting their
responses to queries.” *Snell* at 1231 (Newsom, J. concurring); see also *Robot Judges* at 42
(noting possible racial and gender issues by using GAI trained on biased data).

1 A hallucination occurs when an AI database generates fake sources of
2 information. To explain how this occurs: AI models are trained on data, and they
3 learn to make predictions by finding patterns in the data. However, the accuracy
4 of these predictions often depends on the quality and completeness of the training
5 data. If the training data is incomplete, biased, or otherwise flawed, the AI model
6 may learn incorrect patterns, leading to inaccurate predictions or hallucinations.

7 *Wadsworth v. Walmart, Inc.*, 348 F.R.D. 489, 493 (D. Wy. 2025) (citation omitted). As of this
8 writing, it does not appear that general purpose GAI is ready for prime time when it comes to
9 accurate and reliable legal research to be used in writing legal briefs. For example, one study
10 out of Stanford conducted on popular GAI tools such as ChatGPT, Google's PaLM 2, and
11 Meta's Llama2, which are all general purpose GAI tools (not trained exclusively on legal data)
12 shows that these tools "hallucinate *at least seventy-five percent of the time* when answering
13 questions about a court's core holding." Hon. John G. Browning (ret.), *Robot Lawyers Don't*
14 *Have Disciplinary Hearings—Real Lawyers Do: The Ethical Risks & Responses in Using*
15 *Generative Artificial Intelligence*, 40 Ga. St. U. L. Rev. 917, 953 (2024) (discussing study
16 conducted at Stanford) (emphasis added). Such a poor success rate should give any lawyer
17 pause before relying on the accuracy of what any GAI tool tells them about specific cases. We
18 are not even at the trust, but verify stage when it comes to general purpose GAI.

19 Although a GAI tool may spit out a case name with a citation that looks accurate, it
20 often fails in this regard and simply makes something up that looks and sounds reasonable. *See,*
21 *e.g., ByoPlanet Int'l, LLC v. Johannsson*, -- F. Supp.3d --, (S.D. Fla. July 17, 2025), 2025 WL
22 2091025 at *1 (showing fake quote from former Justice Scalia from a real Supreme Court
23 opinion generated by ChatGPT). "This means that when a lawyer asks AI to generate legal
24 research, briefs, or complaints, it may lead to fake cases and/or false quotations that purport to
stand for the proposition the lawyer seeks. This is the current real world risk of using AI in

1 real-world litigation.” *Id.*; see also IBM (“The classic example is when a lawyer used a gen AI
2 tool for research in preparation for a high-profile case and the tool ‘produced’ several example
3 cases, complete with quotes and attributions, that were entirely fictional.”).

4 The generation of fake case citations or improper attributions to real legal authority is a
5 risk all lawyers and courts should be concerned about. For lawyers it carries with it the prospect
6 of embarrassment, sanction, and potential liability, to name a few downsides. For courts, it
7 undermines reliance on party briefs and may result in the inclusion of fake case citations in
8 judicial orders. See, e.g., *Shahid v. Esaam*, -- S.E.2d --, 2025 WL 1792657, at *3 (Ga. Ct. App.
9 June 30, 2025) (“We are troubled by the citation of bogus cases in the trial court’s order [and
10 observe] only that the order purports to have been prepared by” counsel who submitted fake
11 citations to appellate court). Ever since *Mata v. Avianca, Inc.*, 678 F. Supp.3d 443 (S.D.N.Y.
12 2023), which was highly publicized within legal circles³ and is the seminal case addressing this
13 issue, there is a growing body of case law where courts have had to address the use of fake case
14 citations by lawyers and pro se litigants.⁴ Add this Court to this growing list.

15 **B. What Happened in this Case.**

16 On April 25, 2025, during oral argument on Defendant Gomez Northwest Inc.’s Motion
17 for Summary Judgment, the Court learned that counsel for the defendant submitted a Reply

18 ³ *In re Martin*, 670 B.R. 636, 647 n.9 (Bankr. N.D. Ill. 2025) (citing various articles referencing
19 case).

20 ⁴ Like Australia’s rabbits, see [How 24 British rabbits took over Australia | CNN](#) (last visited
21 Aug. 12, 2025) (explaining how 24 rabbits introduced in 1859 has led to a “devastating
22 biological invasion”); the number of courts having to address this issue has increased steadily
23 since *Mata*. Even as this Court was preparing this Order, the Court had to continuously update
24 its research because new cases (like those pesky rabbits) kept popping up. And just like those
rabbits brought harm to Australia’s ecological balance; the use of fake citations in briefs brings
harm to our judicial system.

1 brief containing bogus AI-generated case law. The offending language in the Reply is as
2 follows:

3 In Washington, a corporation is a separate legal entity from other corporations.
4 This principle is based on the doctrine of corporate personality, which
5 recognizes that a corporation is a distinct legal entity with its own rights,
6 privileges, and liabilities. *See State ex rel. Darrow v. Farr*, 85 Wash. 2d 84, 533
P.2d 438 (1975). Under the doctrine of corporate personality, a corporation is
not liable for the debts, obligations, or other liabilities of another corporation,
absent some form of legal or equitable relationship between the two
corporations. *See In re Zornes*, 72 Wn.2d 555, 434 P.2d 401 (1967).

7 Reply at 2. The citations to “Darrow” and “Zornes” are fictitious.⁵ The cases do not exist. The
8 Reply containing the non-existent cases was signed by Mr. Jason Harrington, a partner at Lewis
9 Brisbois,⁶ and, also included the name of an associate at the same firm, Ms. Kaytlin Carlson.
10 *See* Dkt. No. 18. Ms. Carlson signed the proposed order; *see* Attachment B,⁷ and provided a
11 declaration in support of the motion. *See* Dkt. No. 14.

12 After Mr. Harrington made his opening argument, Plaintiffs’ counsel began her
13 argument by noting that she was unable to locate two cases cited by Defendant in its Reply
14 Brief. The Court then inquired of Mr. Harrington who was unable to explain why the cited
15 cases did not exist and stated that he “didn’t draft the brief” and referenced ChaptGPT.⁸ Indeed,

16 ⁵ Case names are italicized in legal opinions (as well as legal briefs), *see generally* The
17 Bluebook, A Uniform System of Citation (20th Ed. 2015); but because these are not actually
cases, the Court will put in them in quotations.

18 ⁶ Lewis Brisbois is a large law firm with 57 offices across 33 states, that employs “more than
19 3,000 people across the nation.” *See* Firm Overview - Lewis Brisbois Bisgaard & Smith LLP
(last visited July 28, 2025).

20 ⁷ Because Proposed Orders are not filed in the docket per the Local Rules, the Court is
21 including attaching a copy to this Order to supplemental the record.

22 ⁸ In preparing this Order, the Court listened to the audio recording of relevant hearing.

1 the Court had counsel pull the Washington Supreme Court Reports off the Court's bookshelves
2 to locate the questionable cases in the bound volumes, but counsel could not locate these cases
3 in the bound volumes because they did not exist. At that point, the Court took a recess for Mr.
4 Harrington to investigate the matter and to conduct its own research on whether these cases
5 existed, suspecting AI hallucinations were at play. After the break, Mr. Harrington was still
6 unable to provide a complete explanation even after speaking (presumably) with Ms. Carlson.
7 Rather than delay the hearing further, the Court continued hearing arguments as to the merits of
8 the issue and granted summary judgment in favor of Defendant. At the conclusion of the
9 hearing, the Court ordered Mr. Harrington and Ms. Carlson to file declarations regarding the
10 use of AI in their briefing and other related topics by May 9, 2025.⁹

11 Mr. Harrington's declaration explains that he had never used "AI for any reason" before
12 April 2025 and that he "decided to experiment with AI by "using Copilot, different versions of
13 Google's platform called Grok, and Westlaw's assistant." See Dkt. No. 24 at ¶¶ 1-3. He
14 conducted an "experimental search [] related to corporate liability," which was at issue in the
15 summary judgment briefing before this Court. *Id.* at ¶ 4. He felt as though utilizing "Westlaw
16 provided a slew of extraneous material" and "wondered whether AI could guide legal research
17 so as to limit the time needed to find needles in haystacks and to lessen the time spent digging
18 through extraneous material especially for well-known legal issues." *Id.* He then discussed this
19 "AI research" with Ms. Carlson. On April 10, 2025, he conducted a search regarding "corporate
20 liability" on "Copilot, Grok, and/or Google itself" and emailed himself the research. *Id.* at ¶ 5.

21 ⁹ While each counsel provided the Court with declarations via email on time, they did not *file*
22 those declarations in the docket as ordered to do so at the hearing. Once the Court learned of
23 this, it issued an Order requiring that those declarations be filed with the Clerk. See Dkt. No.
24 23. Those declarations were filed the next day. See Dkt. Nos. 24-27.

1 He did not bill for this research, but “forwarded those findings via email to Ms. Carlson in case
2 she found it helpful in preparing the MSJ Reply.” *Id.*¹⁰ It was not Mr. Harrington’s intention
3 that the AI research “end up in our Reply brief, nor did [he] direct that it be used at all.” *Id.* at ¶
4 6.

5 At that point, Ms. Carlson began drafting the Reply and sent Mr. Harrington an initial
6 draft of the brief on April 17, 2025. *Id.* at ¶ 7; *see also* Dkt. No. 25 at ¶ 4. Despite previous
7 discussions with Mr. Harrington about AI research regarding “corporate liability” on April 10,
8 Ms. Carlson declares that she “copied and pasted some of the case law from” Mr. Harrington’s
9 email containing his “AI research.” *See* Dkt. No. 25 at ¶ 4. She acknowledges that she did not
10 cite-check the cases Mr. Harrington provided to her nor tell Mr. Harrington she did not verify
11 the accuracy of those cases. *See id.* In finalizing the Reply, Mr. Harrington “assumed Ms.
12 Carlson reviewed all materials she included in the Reply, she had conducted her own research,
13 and that all citations were genuine.” *See* Dkt. No. 24 at ¶ 9. Likewise, because the non-existent
14 case citations “concerned such a basic area of law,” it did not occur to Mr. Harrington “to
15 verify those citations[.]” *Id.* at ¶ 10. Nor did he check the genuineness of those citations in
16 preparation for oral argument. *See id.* at ¶ 11.

17 In short summary, based on the declarations submitted, (1) Mr. Harrington conducted
18 research using general purpose GAI, (2) discussed such research with Ms. Carlson, (3)
19 forwarded related research to Ms. Carlson who then put it into a draft brief without cite-
20 checking the accuracy of Mr. Harrington’s research, and (4) then Mr. Harrington finalized the
21 Reply without cite-checking all cases before submitting the brief or before oral argument.

22 ¹⁰ The Court has not been provided a copy of the “findings” sent to Ms. Carlson, or any emails
23 containing precisely what Mr. Harrington sent to Ms. Carlson. Providing this material to the
24 Court would have been helpful in gaining a complete understanding of what actually occurred.

1 Given the sequence of events, Mr. Harrington takes “full responsibility for the fact that those
2 two non-existent citations ended up in the MSJ Reply because I was the last person to revise it,
3 I could have checked those two cites but did not do so, and I approved the filing of the Reply.”
4 Dkt. No. 24 at ¶ 12.

5 After receiving these declarations, this Court issued an Order requiring (1) the filing of
6 the declarations in the Court file, (2) a copy of Lewis Brisbois’ “AI Policy and Best Practices,”
7 which was referenced in both declarations, (3) a declaration from either the Seattle Office’s
8 Managing Partner and/or the National Managing Partner of Lewis Brisbois, describing when
9 Counsel disclosed this issue to firm leadership and what internal discipline, if any, Lewis
10 Brisbois had, or intended to, imposed on Counsel, and (4) Counsel to provide copies of their
11 declarations and the order to the Seattle and National Managing Partners. *See* Dkt. No. 23. On
12 June 13, Ms. Heather M. Jensen, the Seattle Managing Partner of Lewis Brisbois filed a
13 declaration in compliance with the Court’s order. *See* Dkt. No. 28. The declaration noted,
14 among other things, that (1) Mr. Harrington brought this issue to her attention on Monday April
15 28, (2) Lewis Brisbois’ Chief Operating Officer distributed to all attorneys a copy of the firm’s
16 AI Policy on April 25, 2025,¹¹ and (3) that Mr. Harrington and Ms. Carlson were directed “to
17 present an hour-long training which is mandatory for all attorneys in the Seattle office . . . on
18 the Firm’s AI Policy and best practices, to include lessons learned from what occurred in this

19 ¹¹ The careful reader will note that this was coincidentally the *same day* as the oral argument in
20 this matter. Thus, it appears as though neither counsel reviewed the firm’s AI Policy *prior* to
21 the filing of the Reply, which was filed on April 24, 2025, four days *before* the firmwide
22 distribution of the policy. Despite this timing, Mr. Harrington’s declaration leaves the
impression that he was aware of the AI policy *prior* to filing the Reply. *See* Dkt. No. 24 at ¶ 13
23 (“We did not intend to disregard this policy, instead we both inadvertently thought the other
had checked the citations.”). If he was, in fact, aware of the AI Policy prior to filing the Reply,
as explained later, his actions appear to directly violate several key tenets of the AI Policy. *See*
infra (discussing policy).

1 case.” *Id.* at ¶ 6. While Ms. Jensen reviewed those materials, none of those materials were
2 provided to this Court and the training was set to occur on July 1, 2025. Ms. Jensen also
3 attached a copy of Lewis Brisbois’ AI Policy to her declaration. *See* Dkt. No. 28 (attaching AI
4 Policy). On June 12, 2025, in apparent response to this Court’s inquiry, every attorney at Lewis
5 Brisbois received an email from the firm’s Office of General Counsel containing the AI Policy
6 and requiring every attorney to “attest that they have read and understand the policy, and that
7 abiding by policy is a condition of continued employment at the firm.” *Id.* at ¶ 7.

8 The AI Policy contains several “Dos and Don’ts,” including requiring attorneys to only
9 used approved AI tools, to “rigorously check any results generated by AI,” to “independently
10 check” all AI-generated cases and statutes, and to not use AI “as a shortcut” when writing
11 briefs. In fact, the AI Policy itself notes that even approved AI resources can “hallucinate” and
12 that “attorneys are ethically required to cite only authorities [they] have reviewed.” *Id.* at ¶ 2
13 (referencing attached AI Policy). It also requires that counsel “first obtain approval of the client
14 and explain how its use benefits the client and matter” while noting “AI can generate incorrect
15 or incomplete results. It is not a substitute for legal expertise and judgement[.]” *Id.*

16 Finally, on June 30, 2025, this Court issued an Order to Show Cause why sanctions
17 should not issue for the use of bogus case citations in the Reply brief. *See* Dkt. No. 29. The
18 Court received a Response, as well as a second declaration from Mr. Harrington. *See* Dkt. Nos.
19 30 & 31. The Court received no brief from Plaintiffs. This Order follows.

20 Civil Rule 11 Sanctions are Appropriate.

21 The purpose of CR 11 is “to deter baseless filings and to curb abuses of the judicial
22 system.” *Bryant v. Joseph Tree, Inc.*, 119 Wn.2d 210, 219, 829 P.2d 1099 (1992) (emphasis
23 omitted). “CR 11 requires attorneys to stop, think and investigate more carefully before serving

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1 and filing papers.” *Id.* And while CR 11 may be targeted at certain conduct, the general
2 purposes of sanctions are severalfold: to deter, educate, punish and compensate. *See, e.g.,*
3 *Miller v. Badgley*, 51 Wn. App. 285, 303, 753 P.2d 530 (1988) (“In fashioning an appropriate
4 sanction [under CR 11], the trial judge must of necessity determine priorities in light of the
5 deterrent, punitive, compensatory, and educational aspects as required by the particular
6 circumstance.”) (citation omitted); *see also Wash. State Physicians Ins. Exch. & Ass’n v. Fisons*
7 *Corp.*, 122 Wn.2d 299, 355-56, 858 P.2d 1054 (1993) (citing *Miller*)). When fashioning a
8 sanction, the Court should impose the least severe sanction to advance the purposes of CR 11.
9 *Biggs v. Vail*, 124 Wn.2d 193, 197, 876 P.2d 448 (1994). With these principles in mind, this
10 Court joins the growing list of courts nationwide and in this State imposing sanctions against
11 counsel under CR 11 for filing briefs containing fake case citations that exist only in the
12 hallucinated mind of GAI.

13 Every court that has considered this issue, as far as the Court’s independent research
14 shows,¹² has concluded that submitting fake legal authority to the Court constitutes a violation
15 of Rule 11 or similar rules. *See, e.g., United States v. Hayes*, 763 F. Supp.3d 1054, 1071-72
16 (E.D. Cal. 2025) (collecting cases); *see also Delano Crossing 2016, LLC v. Cty. of Wright*,
17 2025 WL 1539250, at *3 (Min. Tax. Reg. Div.. May 29, 2025) (collecting cases). As the
18 Second Circuit explained: “At the very least, the duties imposed by Rule 11 require that an
19 attorney read, and thereby confirm the existence and validity of, the legal authorities on which
20 they rely. Indeed, we can think of no other way to ensure that the arguments made based on
21 those authorities are warranted by existing law[.]” *Park v. Kim*, 91 F.4th 610, 615 (2d Cir.

22 ¹² Despite the multitude of cases addressing the inclusion of fake case citations in briefs filed
23 with courts, the Response addressed none of these cases.

1 2024). “A fake opinion is not ‘existing law’ and citation to a fake opinion does not provide [a
2 good faith argument] for extending, modifying, or reversing existing law, or for establishing
3 new law. An attempt to persuade a court or oppose an adversary by relying on fake opinions is
4 an abuse of the adversary system.” *Mata*, 678 F. Supp.3d at 461; *see also Keaau Dev. P’ship*
5 *LLC v. Lawrence*, 571 P.3d 958, 960 n.2 (Haw. Ct. App. 2025); *Kruse v. Kruse*, 692 S.W.2d
6 43, 52 (Mo. Ct. App. 2024) (“Appellants submission of fictitious cases constitutes an abuse of
7 the judicial system.”). Given the overwhelming weight of relevant authority, this Court finds
8 that by citing fake opinions, counsel violated CR 11(a)(2) and such citation constitutes an abuse
9 of the judicial system. *Keaau Dev. P’ship LLC v. Lawrence*, 571 P.3d 958, 960 n.2 (Haw. Ct.
10 App. 2025) (collecting cases).

11 Not only is the Court’s finding supported by both federal and state authority at both the
12 trial and appellate level; it is likewise supported by the only two other Washington trial courts
13 (that this Court is aware of) who have addressed this issue. For example, in this first case in
14 Washington that this Court is aware of, my colleague on the King County Superior Court,
15 Judge Paul M. Crisalli, concluded that the submission of fake case citations violated CR 11 and
16 issued sanctions. *See Johnson v. Castillo*, No. 23-3-04082-5 SEA (King Cty. Sup. Ct. July 25,
17 2024). The same holds true for my colleague, Judge Jennifer A. Forbes, who presides over
18 cases on the Kitsap County Superior Court. *See Eliason v. Nickel Bros., Inc.*, 24-2-02789-18
19 (Kitsap Cty. Sup. Ct. July 15, 2025). The reasoning in those cases is thoughtful and convincing,
20 and this Court has little trouble following the path they have laid for this Court. Having found a
21 violation of CR 11, the next question becomes what sanction is warranted. Counsel argue no
22 sanction is warranted for several reasons, none of which have merit and each of which seek to

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1 distract from the central point—counsel’s failure to perform a rudimentary gatekeeping
2 function to ensure the Reply complied with CR 11.¹³

3 The first argument advanced by counsel boils down to this: Because the propositions
4 attributed to the fake case were correct, this somehow justifies their inclusion of fake cases in
5 the Reply brief. *See* Response at 6-7. As previously explained, this argument represents a
6 fundamental misunderstanding of CR 11 because the inclusion of the fake case citations,
7 without more, violates CR 11. *See, e.g., Park* at 615. The Court categorically rejects this “no
8 harm, no foul” argument because it diverts attention away from the undisputed fact that counsel
9 did not adequately cite check their brief or even bother to read the very cases upon which they
10 rely. This argument represents an attempt to deflect, not accept, responsibility.

11 This Court rejects a “no harm, no foul” approach to this issue. “It is one thing to use AI
12 to assist with initial research, and even non-legal AI programs may provide a helpful 30,000-
13 foot view. It is an entirely different thing, however, to rely upon the output of a generative AI
14 program without verifying the current treatment or validity—or, indeed, the very existence—of
15 the case presented.” *Mid. Cent. Operating Eng’rs Health & Welfare Fund v. HoosierVac LLC*, ,
16 2025 WL 574234, at *2 (S.D. Ind. Feb. 21, 2025). Failure to impose sanctions here would
17 encourage others to do the same. The Court will not be complicit in encouraging the reckless
18 use of AI generated legal research. As one court recently put it: “The bottom line is this: at this
19

20 ¹³ The Response Brief substantially relies on several non-Washington cases, but counsel failed
21 to provide copies of those authorities to the Court. This failure violates KCLCR 7(b)(5)(B)(v),
22 which requires counsel to provide the Court with “all cited non-Washington authorities upon
which parties place substantial reliance[.]” While the Court will not impose sanctions for this
violation of the Local Rules, counsel is cautioned that any further violations of the Local Rules
may subject them to sanctions.

1 point, no lawyer should be using [GAI] to perform research without verifying the results.
2 Period.” *In re Martin* at 648 (Bankr. N.D. Ill. 2025) (citing cases). This Court agrees.

3 This defense lacks further merit because the impacts of citing bogus opinions goes
4 beyond just the four corners of this case. As one court correctly observed:

5 Many harms flow from the submission of fake opinions. The opposing party
6 wastes time and money in exposing the deception. The Court’s time is taken
7 from other important endeavors. The client may be deprived of arguments based
8 on authentic judicial precedents. There is potential harm to the reputation of
9 judges and courts whose names are falsely invoked as authors of bogus opinions
and to the reputation of a party attributed with fictional conduct. It promotes
cynicism about the legal profession and the American judicial system. And a
future litigant may be tempted to defy a judicial ruling by disingenuously
claiming doubt about its authenticity.

10 *Mata* at 448-49. This Court is troubled, to say the least, that counsel has chosen to attempt to
11 minimize their conduct as opposed to taking actual responsibility for failing to comply with CR
12 11. The Court rejects as unsound and myopic counsels’ “no harm, no foul” defense.

13 Next, counsels’ argument that they did not intend to deceive this Court or opposing
14 counsel, *see* Response at 7; is not material to the question of whether counsel’s performance
15 violates CR 11, although it is relevant when considering the severity of the sanction. *See, e.g.,*
16 *Bryant* at 220 (noting “objective” nature of the inquiry); *accord Fisons* at 343 (“Whether an
17 attorney has made a reasonable inquiry is to be judged by an objective standard. Subjective
18 belief or good faith along no longer shields and attorney from sanctions under the rules.”) & *id.*
19 at 356 (“The wrongdoer’s lack of intent to violate the rules . . . may be considered by the court
20 in fashioning sanctions.”). The Court will take the lack of intention, as well as the refusal to
accept full responsibility, into account when fashioning the appropriate sanction.

21 Focusing only on Mr. Harrington’s desire to experiment with GAI for purposes of
22 compliance with Rules of Professional Conduct (RPCs) and how it might assist him in

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1 delivering services to his clients, the Response argues that this Court should consider the
2 “potential chilling effect, including chilling an attorney’s enthusiasm and creativity in pursuing
3 factual or legal theories.” Response at 8 (citations & quotations omitted). The Court agrees
4 entirely that this is an important consideration when considering whether a sanction is
5 appropriate and in determining the severity of the sanction under CR 11. But the Response has
6 it backwards.

7 To start, there is nothing “creative” about using GAI to assist in writing a brief and then
8 failing to take the basic precaution of ensuring the accuracy of what the GAI spit out onto the
9 screen. That is what happened here. Similarly, unrestrained enthusiasm for the use of GAI,
10 coupled with uncritical acceptance of what a GAI tool tells you, are things this Court wants to
11 prevent, not promote. That’s precisely the point of sanctioning counsel for using fake AI-
12 generated cases. This Court, and other courts that have faced this issue, want to deter (*i.e.*, chill)
13 using AI in a manner that undermines the integrity of the judicial process. The whole point of
14 CR 11 sanctions, in this instance, is to deter and educate these lawyers, as well as other
15 members of the Bar, from doing this again and to set an example for what is expected of
16 lawyers who appear before this Court (and other courts). *See, e.g., Fisons* at 356 (“sanctions
17 need to be severe enough to deter these attorneys *and others* from participating in this kind of
18 conduct in the future.”) (emphasis added). Counsel fell below an objectively reasonable
19 standard here and not issuing sanctions would have the perverse effect of incentivizing counsel
20 to use GAI in their legal research without basic precautions. The Court cannot accept that Mr.
21 Harrington was compelled by the RPCs to experiment with, and uncritically accept, the results
22 he received from general purpose GAI. Sanctioning such conduct does not chill enthusiasm or

1 creativity, it only serves as a reminder that lawyers must check their work which is the
2 heartland of what CR 11 was designed to accomplish.

3 Despite a growing body of body of case law addressing the imposition of sanctions for
4 the use of false AI-generated case law, the Response fails to address *any* of these cases and
5 instead presents several defenses that seek to deflect and distract attention from the reality that
6 experienced counsel cited fake legal opinions. Failure to address this growing body of case law
7 is concerning because had counsel read and studied these cases, they would have understood
8 that the prudent course would simply have been to accept responsibility and agree to a modest
9 sanction. *See, e.g., Johnson v. Castillo*, No. 23-2-04082-5 SEA (counsel agreeing to \$1,000.00
10 sanction for including fake AI-generated cases in filing). Rather than do so, and take full
11 responsibility, the Response makes several arguments undermining the sincerity of certain
12 statements made in the declarations. While counsel explain that the inclusion of fake cases was
13 not intended to deceive this Court or opposing counsel, noticeably absent from any of the
14 declarations submitted on this issue is a genuine apology to opposing counsel or the Court. The
15 words “I’m sorry,” or their equivalent, without caveat or explanation, appear nowhere in any of
16 the declarations filed by counsel. This tells the Court that counsel has not taken responsibility.

17 Also concerning is counsels’ apparent lack of awareness of how having to address this
18 issue has impacted the Court. This Court’s has limited judicial resources, and unlike colleagues
19 on our appellate courts and on the Federal Bench, this Court does not enjoy the luxury of a law
20 clerk to assist it with researching case law and drafting orders/opinions. Thus, every moment
21 this Court has spent addressing this issue, which has been considerable, has had the domino-
22 effect of taking time away from this Court’s ability to address other matters. *See, e.g., Garner*
23 *v. Kadince, Inc.*, 571 P.3d 812, 816 (Ut. Ct. App. 2025) (“Valuable judicial resources were

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1 diverted from considering pending cases to addressing Petitioner's counsel's
2 misrepresentations.").

3 Mr. Harrington and Ms. Carlson are differently situated, but both of their names appear
4 on the offending pleading. As for Ms. Carlson, while she did not technically "sign" the
5 pleading, there can be no question her name is on Reply and Response, and that she signed the
6 Proposed Order. To be sure, as an associate she may have simply trusted the work prepared by
7 a partner at her law firm, but that did not relieve her of the obligation to ensure that a brief
8 which bears her name and is filed with the Court in support of an order she personally signed
9 was accurate. She failed to do this, and the pressing nature of her work is no excuse. The Court
10 determines that an appropriate, but less severe sanction, is a formal reprimand and a
11 requirement that she self-report this issue and attend continuing legal education related to this
12 issue. The Court will not impose monetary sanctions on Ms. Carlson.

13 As for Mr. Harrington, he claims to take "full responsibility" for the fake cases making
14 it into the brief, but such responsibility is only for the inclusion of the cases into the brief, not
15 for the consequences of that choice. Rather than simply acknowledge the error and legitimacy
16 of a sanction, he instead deflects and chalks up the inclusion of fake cases in the Reply to "bad
17 luck." *See* Dkt. No. 31 at ¶ 7. This Court, like virtually every other court to have addressed this
18 issue, sees it differently. It was not "bad luck" that led to the inclusion of these cases; rather, it
19 was a failure to appropriately cite-check these cases that led to their inclusion in the Reply as
20 well as a failure on his part to inform Ms. Carlson that the research he sent her was not of the
21 gumshoe type expected of experienced counsel. In fact, rather than address the issue head-on,
22 Mr. Harrington tells this Court that all is okay because his legal work obtained "a favorable

1 result in a potentially risky and costly class action case[.]” *See id.* at ¶ 12. True perhaps, but
2 irrelevant because it ignores entirely the impact on this Court and the judicial process.

3 In addition to payment of attorney’s fees (where appropriate), monetary sanctions in
4 similar cases “have ranged from \$1,000 to \$5,000.” *Ramirez v. Humala*, 2025 WL 1384161, at
5 *2 (E.D.N.Y. May 13, 2025) (collecting cases); *see also In re Baby Boy*, -- N.E.3d --, 2025 WL
6 2046315, at *21 (Ill. App. Ct. July 21, 2025) (collecting cases); *Keaau Dev.* at 960 n.2
7 (collecting cases); *Hayes*, 763 F. Supp.3d at 1071-72 (collecting cases). Like, Ms. Carlson, the
8 Court will sanction Mr. Harrington with reporting and education requirements, but rather than a
9 formal reprimand, the Court will instead issue a monetary sanction of \$2000, which is \$1000
10 per fake case citation.¹⁴ The Court finds that such a sanction is the least severe sanction
11 necessary to ensure that CR 11 is complied with in the future and that such a monetary sanction
12 will deter like conduct in the future and educate counsel and the Bar as to the importance of this
13 issue.

14 In the end, had either attorney performed a minimal gatekeeping function and done
15 what their own firm’s AI Policy and CR 11 requires, none of this unpleasantness would have
16 occurred. The submission of fake case citations is a serious matter. The Court cannot, nor will
17 it, sweep it under the rug as counsel requests. “This case should be a warning to lawyers that
18 your pleadings, motions, responses, replies, and other papers filed with any Court must first be
19 cite checked and then double-checked. There is no room in our court system for the submission
20 of fake, hallucinated case citations, facts, or law. And it is entirely preventable by competent

21 ¹⁴ This amount is consistent with how my colleagues have sanctioned counsel for citations to
22 fake cases. *See, e.g., Eliason* (\$1,500 per citation to non-existent case) & *Johnson* (\$1,000 for
citation to non-existent case).

1 counsel who their jobs properly and completely.” *Versant Funding LLC v. Teras Breakbulb*
2 *Ocean Navigation Enters., LLC*, 2025 WL, at *7 (S.D. Fla. May 20, 2025).

3 Court’s Inherent Authority.

4 Even if this Court were to reject every other court that has addressed this issue, and
5 determine that CR 11 is not a proper basis upon which to sanction counsel for using bogus AI-
6 generated case citations in a brief; sanctions against Mr. Harrington would still be appropriate
7 under this Court’s inherent authority. Sanctions “may be imposed under the court’s inherent
8 authority to manage its own proceedings[,]” which is based on a trial court’s “inherent
9 authority to control and manage their calendars, proceedings, and parties.” *State v. Gassman*,
10 175 Wn.2d 208, 210-11, 283 P.3d 1113 (2012) (citations omitted); *see also State v. S.H.*, 102
11 Wn. App. 468, 473, 8 P.3d 1058 (2000). Normally, such sanctions are based on a finding of
12 “bad faith,” but such a finding is not necessarily required. *State v. Numrich*, 197 Wn.2d 1, 27,
13 480 P.3d 376 (2021). “Sanctions may be appropriate if an act affects the integrity of the court
14 and, if left unchecked, would encourage future abuses.” *S.H.* at 475 (quotation omitted).

15 Here, the Court finds that filing a brief with bogus AI-generated cases and then failing
16 to adequately cite check that brief to assure its accuracy and truthfulness amounts to bad faith
17 litigation conduct; or, at the very least, is tantamount to bad faith. *See, e.g., Ramirez v. Humala*,
18 2025 WL 1384161, at *2 (E.D.N.Y. May 13, 2025) (“Ms. Stillman’s failure to make any
19 inquiry at all into the veracity of the cases provided by her paralegal was so completely without
20 merit that subjective bad faith may be inferred.”); *Lacey v. State Farm Gen. Ins. Co.*, 2025 WL
21 1363069, at *3 (C.D. Cal. May 5, 2025) (special master finding that citing fake AI-generated
22 cases was “tantamount to bad faith.”). While these citations may not have had a direct impact
23 on the summary judgment motion at issue, they most certainly affected the integrity of this

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1 Court and its proceedings. As noted above, if the Court were to accept a “no harm, no foul”
2 approach and leave this obvious transgression “unchecked,” it would encourage others to
3 engage in conduct that falls below the standards expected of litigants in this Court and other
4 trial courts around the State. A lawyer’s currency is credibility. Credibility with opposing
5 counsel and the tribunal are key components of a lawyer’s success. Citing non-existent cases
6 generated through hallucinated AI undermines that credibility and the entirety of the judicial
7 process. Consequently, even if this Court is incorrect that CR 11 is a proper basis upon which
8 to sanction Mr. Harrington, this Court’s inherent authority fills that gap.

9 Rules of Professional Conduct.

10 Several of the Rules of Professional Conduct (RPC) are also implicated by submitting
11 briefs containing fake case citations to this Court. For example Comment 8 to RPC 1.1, which
12 addresses lawyer competency, requires lawyers to “keep abreast of changes in the law and its
13 practice, including the *benefits and risks associated with relevant technology*[.]” (emphasis
14 added). That was not done here because Mr. Harrington admittedly did not apprise himself of
15 the pitfalls of generative-AI prior to filing the Reply, nor did Ms. Carlson. Likewise, RPC 3.1
16 prohibits counsel from asserting an issue unless “there is a basis in law” for doing so.
17 Obviously, a case that does not exist has no “basis in law.” And RPC 3.3(a)(1) prohibits a
18 lawyer from knowingly making a false statement to the court or failing to correct a false
19 statement of material fact. Here, neither counsel has ever sought to withdraw the brief at issue.
20 Relatedly, under the Code of Judicial Conduct Rule 2.15, this Court is encouraged to report
21 potential violations of the RPCs. Consistent with this Rule, and because it is not the role of this
22

1 Court to conduct investigations into potential violations of the RPCs,¹⁵ the Court will require
2 each lawyer to self-report, with proof of filing, this incident to the Washington State Bar
3 Association's Office of Disciplinary Counsel.

4 III CONCLUSION

5 It is undisputed that counsel submitted a brief containing two case citations that only
6 exist in the hallucinated mind of a GAI program. By failing to fulfill their gatekeeping function
7 by adequately cite-checking the offending brief, counsels' conduct fell below the standard of
8 care that is embodied in CR 11 and reflected in the RPCs. While one could argue that counsel
9 has already been chastened by their lack of proper diligence and the Court should issue no
10 sanction, doing so would only serve to encourage others to take the same course. While the
11 Court has confidence that the violating lawyers will not engage in similar conduct in the future,
12 the purpose of this sanction is broader than that. This Court hopes that the reader will
13 understand it is imperative for lawyers to understand the risks associated with using GAI and
14 tailor their brief preparations accordingly. It is with regret that this Court joins the growing list
15 of courts across the country who have been compelled by their sense of duty to the process to
16 sanction counsel for submitting bogus case citations in briefs filed with the Court.

16 *****

17 It is HEREBY ORDERED that, within ten (10) days of the date of this Order:

18 (1) Mr. Jason Harrington shall pay a sanction of \$2,000.00 to the Washington State
19 Bar Association's Lawyers' Fund for Client Protection within ten (10) days of the date of this
20 Order, with proof of compliance filed in the docket for this cause number;

21
22 ¹⁵ See, e.g., *Watness v. City of Seattle*, 11 Wn. App.2d 772, 740, 457 P.3d 1177 (2019) ("this
court is not a disciplinary body").

1 (2) Ms. Kaitlyn L. Carlson is hereby formally REPRIMANDED;

2 (3) Each counsel shall complete a minimum of three (3) hours of Continuing Legal
3 Education in ethics or legal technology, including at least one hour on the use of AI, generative
4 or otherwise, in the legal context, within ninety (90) days of the date of this Order, with proof
5 of compliance filed in the docket for this cause number;

6 (4) Each counsel shall provide (1) a copy of this Order, (2) the Response Brief filed
7 in opposition to the imposition of sanctions, (3) all declarations filed related to this issue, to the
8 Washington State Bar Association's Office of Disciplinary Counsel, within ten (10) days of the
9 date of this Order, with proof of compliance filed in the docket for this cause number; and,

10 (5) Either counsel shall serve a copy of this Order on Defendant Gomez Northwest,
11 Inc., and file a certificate of service within ten (10) days of the date of this Order.

12 DATED this 14th day of August, 2025.

13 
Judge Michael K. Ryan

ATTACHMENT A

APRIL 2025

WSBA Technology Survey Report: Preliminary Findings

This memo summarizes key findings from the WSBA Legal Technology Survey, providing an overview of the WSBA Legal Technology Task Force's (Task Force) analysis and next steps.

INTRODUCTION

We have also included in these findings the **Final WSBA Technology Survey Report**, an overview report by National Business Research Institute (NBRI), the vendor that ran the survey (the NBRI Report), together with a slide deck called "WSBA Tech Task Force Member Survey — results overview," containing additional analysis performed by the Task Force. The Survey was prepared by the Task Force with support from WSBA staff and NBRI, and administered by NBRI from September 30-October 23, 2024. The survey received responses from 516 members (5% response rate), yielding a 98% confidence level with a 5% margin of error. For additional methodology and demographic information from the survey, please see the NBRI Report.

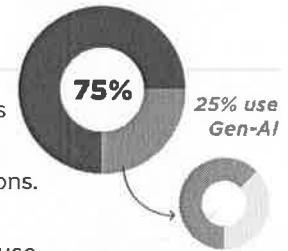
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FAST FINDINGS

Current AI Usage

75% of WSBA members do not currently use Generative AI applications.



Of those who do, 63% use free public versions for tasks like:

- > Legal research and analysis
- > Drafting and summarizing documents

63% of those who do use free versions

The members surveyed prioritize legal research for technology improvements.

Ethics, Knowledge & Training Needs



Members' self-assessed

Gen-AI knowledge: 36% rate as "Fair," 28% as "Poor." Only 9% rate themselves as "Good" or Better."



Members prefer CLEs and

hands-on workshops to learn new technologies. 72% support adding an MCLE requirement for technology.



A majority (69%) believe

Generative AI will require additional training and skills.



Only 23% of members

believe ethical rules adequately cover the use of Gen-AI.

Courts, Court Rules & Procedures

95% of WSBA members have not encountered AI-related issues in their cases and 97% are not practicing in courts with specific AI rules. Members expressed interest in clearer guidelines for AI use in legal contexts.



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PURPOSE

The WSBA Board of Governors established the Task Force under one of WSBA's FY2023-2024 strategic priorities to "Assess technology-related opportunities and threats and determine WSBA's role vis-a-vis regulation, consumer protection, and support to legal professionals."

The Task Force is specifically tasked to:

- > assess the legal technology landscape, identifying threats and opportunities across various legal sectors, and
- > make recommendations that support and strengthen the understanding and use of technology in members' practice, emphasizing effective, efficient, and ethical use of technology that enhances equitable access to justice.

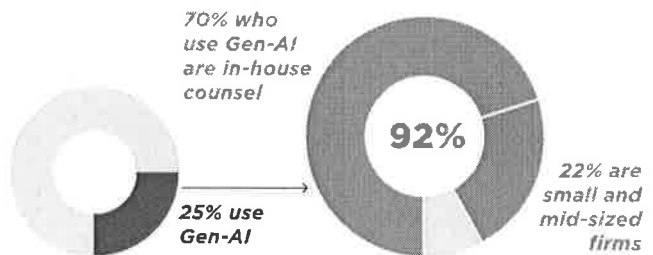
The Charter calls for identifying practical ways to integrate technology into legal services while supporting professionals across all practice settings. The initiative is not a review of technology for its own sake: at this critical point in technology development and growing legal needs, WSBA's strategic objectives aim to advance capabilities, quality, and availability for both legal professionals and those they serve.

As part of this mission, the Task Force developed a survey to evaluate how WSBA members are currently engaging with technology. Recognizing that technology adoption is becoming widespread in society, the survey aimed to assess WSBA members' use and awareness of technology, and how best to support them in the use of technology that benefits both them and the public they serve.

KEY SURVEY FINDINGS

The WSBA Technology Survey offers valuable data on how legal professionals in Washington State are engaging with technology, and the challenges and opportunities they face.

Highlights from the findings include:



Use of Artificial Intelligence (AI) within legal practice

AI usage remains limited, with only 25% of respondents reporting use on a regular basis.

However, there are substantial differences between practice settings: for example usage is far higher among in-house counsel (70%) compared to small and mid-sized firms (22%).

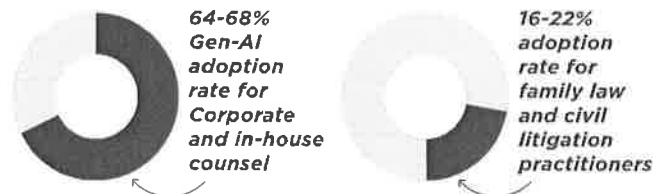
- > Early adopters cited improved efficiency, particularly in legal research and document drafting and summarization.
- > Non-users expressed concerns about fundamental trust issues: accuracy, ethical implications, and data security. Some non-users also noted that they did not see a relevant use case for AI or believe it would add value to their work. In addition, some noted concerns about AI diminishing the value of legal expertise. Sentiment analysis of verbatim comments also indicates that some have a reluctance or skepticism regarding new technologies, possibly related to concerns about trust, security, and efficacy of these tools in a legal setting. Several indicated they had made

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unsuccessful early attempts to use generative AI, informing their views on its utility.

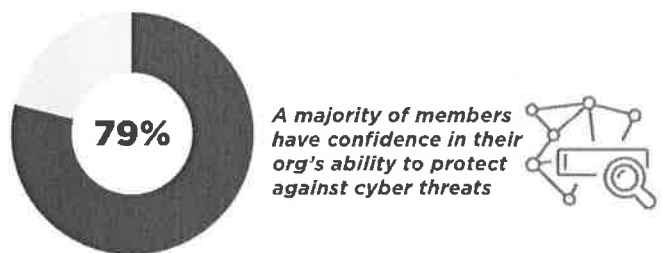
- > Of those who are using Generative AI applications, **63%** are using free public versions for tasks such as (a) legal research and analysis and (b) drafting and summarizing documents. Some respondents also found high utility in other uses such as training, risk assessment, and strategy development, in addition to more mundane tasks.
- > Looking forward, members interested in using AI prioritized legal research as an area for technology improvement in their practice.
- > Most respondents (**69%**) believe use of AI in the legal practice will require additional training and skills. Only about **26%** of respondents indicated their current knowledge of how to use AI was at least “good” — over **60%** indicated their knowledge was “fair” or “poor”.
- > Members prefer CLEs and hands-on workshops to learn new technologies. A substantial majority (**72%**) support adding an MCLE requirement for technology. A significant portion of members (**45%**) also favored WSBA support in the form of technology due diligence guidelines, checklists, and repositories of legal technology tools and resources.
- > Only **25%** of members believe ethical rules adequately cover the use of Generative AI. Notably, the groups that use AI most in practice (in house) are least confident, by a modest margin, in current ethical rules and guidelines for legal professionals.



Practice Area Disparities in Technology Adoption

AI adoption and confidence varies substantially across practice areas. Corporate and in-house counsel show higher adoption rates (64-68%) compared to family law and civil litigation practitioners (16-22%).

- > Self-reported knowledge gaps follow similar patterns: corporate and contracts practitioners rate their AI knowledge higher compared to civil litigation practitioners.
- > These disparities extend to cybersecurity implementation, with smaller practices and specific practice areas showing lower adoption rates of essential security measures.



Cybersecurity Practices

Responses gave a mixed signal on cybersecurity. A substantial majority of members (79%) express confidence in their organization's ability to protect the organization and client data from cybersecurity threats.

- > Despite high confidence levels among respondents, significant gaps remain in critical cybersecurity

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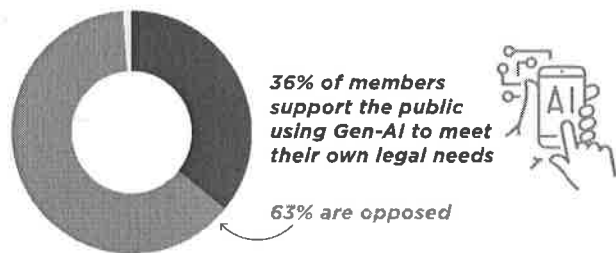
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best practices (identified by NIST, CISA, ABA, and WSBA), indicated by lower rates of their use, including regular audits (34%) and data encryption (37%). While multi-factor authentication (MFA) scored higher at 68%, given the critical importance of this practice the response is concerning – see materials through the [U.S. Cybersecurity & Infrastructure Security Agency \(CISA\)](#), [Federal Trade Commission \(FTC\)](#), [National Institute of Standards and Technology \(NIST\)](#), [American Bar Association](#), and [WSBA's Law Firm Guide to Cybersecurity](#).

- Survey data reveals practice-specific variations in security measure implementation, with civil litigation and family law practices showing notably lower adoption rates of basic security tools compared to corporate and larger firms. Larger firms, government, and in-house practitioners had higher levels of cybersecurity infrastructure in place, compared to solo and small firms.
- The confidence-implementation gap is particularly pronounced in smaller practices and specific practice areas like family law, where actual implementation of common security measures is significantly lower than reported confidence levels.
- It is possible that some of these gaps are in reality smaller than indicated because respondents are unaware of cybersecurity technologies already included in their IT environment. Nonetheless the existence of the gaps and the relatively low reported usage rates of basic, recommended cybersecurity practices signals an area for focus, particularly in light of the important data practitioners receive from clients, and the trust placed in legal professionals to safeguard that data.

Non-AI Legal Technologies

Tools such as practice management systems, forms automation, and e-discovery platforms are underutilized, particularly in smaller and rural practices. Barriers include cost, lack of training, limited awareness, and a perception of low rate of return on investment.



Access to Justice

Members were slightly more positive (36%) in their support of the public using generative AI to meet their own legal needs (e.g., self-representative litigants) than the rate at which members themselves have adopted generative AI in their practices (25%), but those opposed (63%) held very strong views.

- Those supporting public use to meet their own legal needs said AI can help bridge the gap for individuals who cannot afford legal services, and that AI can serve as a cost-effective and highly available option, especially in rural or otherwise underserved areas, delivering legal services to those who would otherwise have no help.
- Those opposed echoed the same concerns cited by those concerned about use of generative AI directly in the legal profession: accuracy, reliability, and lack of ethical guidance or standards. In addition, they noted that the general public lacks the foundational legal knowledge to understand AI-generated information properly, what questions to ask, how to fact-check

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AI responses, or how to apply the information.

- Slightly more members supported the view that AI will yield more favorable results in narrowing the access to justice gap (41%) than those who disagreed (38%). Responses of “unsure” were 18%.



Impact on Legal Profession

Respondents generally have a favorable view of technology-driven changes in the legal profession, but opinions are divided on the impact of generative AI on the court system and the legal profession.

- Respondents had a generally favorable view about technology-driven change, with 55% supporting the view that those changes will improve the experience of being a lawyer in Washington compared to the last two decades, 25% not supporting the view, and 18% unsure.
- At the same time, views were more divided about specific impacts of generative AI. A significant plurality (about 40%) disagreed with the statement “Generative AI will have a positive impact on the court system, both in terms of efficiency and fairness,” with 38% supporting the statement and 20% unsure. Similarly, 41% of respondents supported the statement that “Overall, I believe AI will yield more favorable results for the legal profession.” About 40% disagreed with the statement and 19% were unsure.

The Final WSBA Technology Survey Report provides a full breakdown of the data, including visuals, demographic trends, and quantitative insights.

ANALYSIS AND KEY TAKEAWAYS

Building on the survey findings, the WSBA Technology Task Force has conducted an initial analysis, identifying areas where deeper consideration is needed:

1 Technology understanding is a necessity — technology is not an end in itself. Restating a key theme for the Task Force — the Task Force is not evaluating technology for its own sake, nor does the Task Force believe that any specific level, type, or application of technology adoption is necessary for all practice members. At the same time, as these technologies become increasingly ubiquitous in society, they are also critically important to understand, both as a part of what happens in our world as the subject of legal issues, disputes, contracts, and harms, and as a part of the toolkit that may be necessary to serve clients effectively. Generative AI is rapidly becoming both a tool for enhancing legal practice and an essential competence for legal professionals in this rapidly changing world. Understanding and usage of such technology could soon become a requirement for legal professionals to discharge a variety of ethical obligations to clients.

2 WSBA members represent significant diversity in practice types, needs, and technology usage.

Survey responses reflect the varied nature of legal practices across Washington, from large in-house counsel teams to solo practitioners and rural firms. This diversity leads to widely differing technology requirements. For instance, while some members benefit from robust AI and data analytics tools, others prioritize basic practice management systems.

The survey breakout data reveals that these differences are particularly pronounced between practice areas. While corporate and in-house counsel show higher technology adoption rates and confidence

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levels, civil litigation and family law practitioners consistently report lower adoption rates, knowledge levels, and implementation of security measures.

The survey supports the need for tailored approaches to technology resources and training. WSBA's technology support strategy needs to take into account differences in capabilities, supporting a spectrum of experiences, practice area, firm size, and geographic location.

3 Diverse Needs Require Diverse Solutions. The diversity of practices also means there is no universal "right" technology. Survey comments suggest that smaller firms and rural practitioners require simpler, cost-effective solutions, while larger organizations may demand sophisticated, scalable, or even bespoke platforms. This diversity underscores the importance of offering scalable and adaptable technology resources, consumable in different ways. It also means that driving awareness across the entire membership, not just part of it, will be an important part of next steps.

4 Resources should include ready access and availability to small firms, rural practices, and solo practitioners. Smaller and rural practices face significant barriers, including financial constraints, limited access to training, and resource gaps. These disparities were consistently highlighted in the survey as critical obstacles to technology adoption. Supporting these members will require targeted, affordable solutions that address their unique challenges.

5 Members called out an interest in awareness and capabilities. Survey responses centered on training and resources suggest that the biggest investment for WSBA should not be in technology itself but in the skills, awareness, and capabilities of its members. Practical training programs, clear guidelines,

and accessible resources will support members as they navigate technological changes. Respondents emphasized the importance of practical, hands-on training opportunities, including CLEs, peer-led workshops, and tools tailored to their specific needs. A significant majority of respondents said they support a technology-related MCLE requirement.

6 Bridging gaps will help with awareness and competence at key technology skills for legal professionals. Understanding of AI remains limited among many segments of members, limiting use of potentially helpful tools. Many respondents, particularly those in small firms, indicated they are overwhelmed by day-to-day practice demands and lack the time and in-house support to explore and implement new tools. This highlights the need for targeted education and support to make AI and other technology adoption feasible and relevant.

7 Trust is fundamental, especially in the legal profession. Many respondents articulated fears about generative AI replacing lawyers entirely, overshadowing its potential as a tool to support and augment legal work. Respondents expressed a lack of understanding about effective use cases for generative AI, both within their practices and for potential use by the public to meet their own legal needs. Addressing fears of both members and the public and demonstrating valuable uses will be critical to help legal professionals gain improvements and efficiencies from these tools.

8 Generative AI has a dual role for legal professionals — both as a tool in the practice and as an essential area in the subject matter of daily lives, and hence, the practice of law. Generative AI is increasingly becoming part of daily life in business, in government, and in society. Its implications for the legal profession extend far

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beyond direct legal applications of technology. Even for those not using generative AI in their practice, understanding its operations and its role is critical for issues like evidence authentication, procedural rules, and overall professional competence. Note for example proposed new federal rules of evidence addressing AI, deepfakes, and machine generated evidence and a recent Florida state case allowing a virtual reality simulation of a crime scene reconstruction into evidence — with the judge viewing the scene through VR goggles. As technology evolves, basic fluency in AI will be a fundamental skill for legal representation.

9 Many members are not confident the current Rules of Professional Conduct effectively address AI technologies, and are unsure they know how to spot and resolve ethical considerations in the use of generative AI. Respondents frequently voiced concerns about ethical challenges, particularly around data privacy and client confidentiality. Many emphasized the need for clear, WSBA-led guidelines, checklists, and potentially even approved technologies to ensure AI tools are used responsibly and in compliance with ethical obligations under the Rules of Professional Conduct.

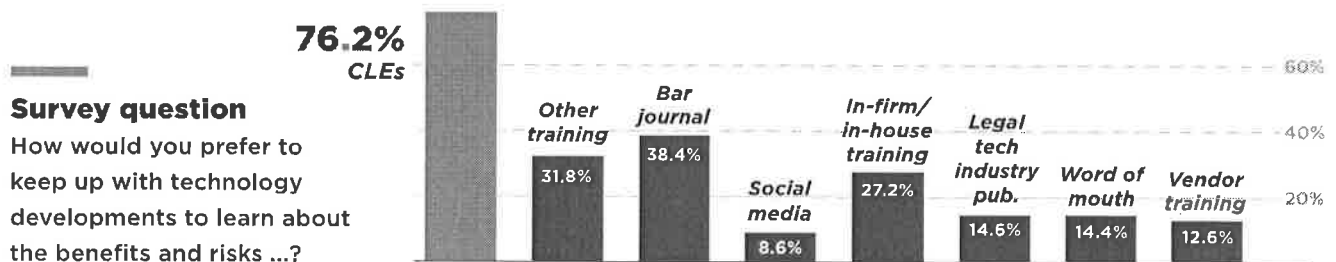
10 Improved Cybersecurity readiness is both urgent and important. A significant gap exists between members' confidence in their cybersecurity practices and the reality of their implementation. Many respondents lack foundational measures like multi-

factor authentication and regular security audits. Solo practitioners and smaller firms are especially vulnerable due to resource limitations. The survey underscores the need for practical cybersecurity tools and education tailored to these groups. They also point to limited awareness of tools already available from WSBA, the ABA, and other resources.

11 Using technology tools to improve access to justice requires developing public trust in the technology. For technology to improve access to justice, it must earn the trust of the public, WSBA members, and the Courts. This is true whether the technology user is a legal professional or someone in the general public accessing legal information. Survey responses emphasized the importance of transparency, reliability, and ethical use of technology to avoid misuse or over-reliance. Public-facing legal tools must be rigorously tested and clearly communicated to build confidence among users, and to ensure consumer protection.

12 WSBA members will need more assistance and support as additional tools and capabilities come on line — WSBA will need to develop robust, sustained capabilities to support members with these changes. The technology environment continues to change. The needs expressed in the survey indicate training and support for members are not a "one and done" experience. WSBA will need to adapt to these needs, which are likely beyond current resourcing levels.

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COMPARISON TO OTHER SURVEYS

The results from the WSBA Legal Technology Task Force Survey are generally in line with other recent technology surveys, both in the US and internationally, highlighting similar patterns in technology adoption (and costs/benefits), barriers, and opportunities across jurisdictions. Several industry players have also done surveys — those tend to focus on more specific segments of the legal technology market and have not been considered here.

> **AI Usage:** Nationally, the [2023 ABA Legal Technology Survey Report](#) found generative AI usage among lawyers at approximately 10%, indicating a lower baseline nationally. However, recognizing the speed of uptake of generative AI since 2022, it is likely that adoption has grown since the report's publication, reflecting broader technological trends. That growth is mirrored in an [ALPS study](#) in 2024, finding that 20% of its lawyer respondents were using AI in their day to day business. In the UK, a [2023 survey found 13% of lawyers using AI, growing to 26% by 2024](#). Subsequent polling suggests that a [significant portion of UK lawyers plan to adopt AI tools in the near future](#), pointing to rapid acceptance and integration.

One recent [consumer survey that included questions on use of AI for legal purposes from LexisNexis](#) offered an interesting comparison point. While the WSBA Tech Task Force survey found 25% of legal professionals are using generative AI in their practice, the LexisNexis survey found that 27% of consumers have used generative AI to answer legal questions for themselves.

> **Barriers to adoption:** Similar barriers are reported in several surveys. In particular, the above referenced surveys from the ABA and the UK highlight cost, lack of expertise, and concerns about ethical implications as common challenges to the adoption of useful technology tools.

> **Cybersecurity Practices:** Similar to the WSBA Legal Technology Task Force Survey, the ABA's [2021 Legal Technology Survey Report](#) underscores that many firms fail to implement fundamental security measures despite rising threats. Cybersecurity remains a universal challenge, particularly for smaller firms without dedicated IT resources.

> **Access to Justice:** Across jurisdictions, there is growing interest in using technology to enhance access to legal services. The UK surveys [highlighted pilot projects aimed at leveraging AI for pro bono services and self-help resources](#), generally supported by bar members.

NEXT STEPS FOR THE TASK FORCE

The Task Force is using these findings and the underlying survey responses to help guide its priorities. The work is part of the Task Force's overall research and analysis to inform final recommendations for the WSBA Board of Governors. The Task Force has reviewed these results within its Working Groups and at the full Task Force level.

For additional survey results and quantitative analysis, please refer to the Final WSBA Technology Survey Report from NBRI and the slide deck called "WSBA Tech Task Force Member Survey - results overview."

ATTACHMENT B

HONORABLE MICHAEL K. RYAN
April 25, 2025, 10:00 am

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

DAVID STEWART, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

GOMEZ NORTHWEST, INC., a Washington
profit corporation doing business as 5TH AVE
MC DONALDS, GOMEX NORTHWEST,
GRANITE FALLS MCDONALD'S, MC
DONALD'S, MCDONALD'S, MC
DONALDS CROSSROADS, MCDONALDS
#10252, MCDONALDS #10515,
MCDONALDS #11146, MCDONALDS
#11367, MCDONALDS #3928,
MCDONALDS #6175, MCDONALD'S
EVERETT MALL, MCDONALD'S
LYNNWOOD SQUARE, MCDONALD'S
HARBOUR POINTE, MCDONALDS
SNOHOMISH, MERCER ISLAND
MCDONALDS, and PUGET PARK
MCDONALD'S; and DOES 1-20, as yet
unknown Washington entities,

Defendants.

No. 24-2-11874-8 SEA

(PROPOSED)

ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

THIS MATTER having come before the Court upon Defendant Gomez Northwest, Inc.'s
Motion for Summary Judgment and the Court having reviewed the following:

1. Defendant's Motion for Summary Judgment and associated declarations and

1 exhibits attached thereto;

2 2. Plaintiff's Response to Defendant's Motion for Summary Judgement and
3 associated declarations and exhibits attached thereto;

4 3. Defendant's Reply to Defendant's Motion for Summary Judgement;

5 4. _____

6 5. _____

7 The Court, having heard oral argument and having reviewed the files and records herein,
8 deeming itself advised in the matter, it is now therefore,

9 ORDERED, ADJUDGED and DECREED that Defendant Defendant's Motion for
10 Summary Judgment is GRANTED. Plaintiff's Complaint is dismissed in its entirety with
11 prejudice and without leave to amend.

12 IT IS SO ORDERED.

13
14 DATED this ____ day of April, 2025.

15
16 _____
Honorable Michael K. Ryan

17 Presented by:

18 LEWIS BRISBOIS BISGAARD & SMITH LLP
19

20 By: s/Kaytlin L. Carlson

21 Jason Harrington, WSBA #45120

22 Kaytlin L. Carlson, WSBA #52606

23 Attorneys for Defendant
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25
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