

Washington state Supreme Court justice says she sees value of AI in legal realm

Debra Stephens, of Washington Supreme Court, says public needs to approach artificial intelligence with open eyes

By Kali Nelson, for the Lewiston Tribune

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PULLMAN — Debra Stephens, Washington state Supreme Court justice, gave a presentation on how artificial intelligence can impact the legal system Wednesday in a Foley Institute speech at Bryan Hall on the Washington State University campus.

Stephens has served on the Supreme Court since 2008 and was the 57th chief justice. She also serves on the state Civic Learning Council and is a founding executive committee member of the National Courts and Sciences Institute, where she works with judges across the state to provide education on artificial intelligence.

“I’m just a student of that,” Stephens said. “I’m not a data scientist, I’m not a computer scientist, but there’s interesting implications.”

Artificial Intelligence has come a long way from its beginnings, Stephens said. It is often defined as a machine that can mimic human patterns of thinking or doing, she said, but there is no agreed-upon definition. These machines use math and probabilities to predict what the response should be.

The machines are now coming out because of a mix of the development of complex algorithms, faster computational speeds, an explosion of data and cloud computing Stephens said.

“I’m not a skeptic about using AI,” Stephens said. “If you think it’s ‘If you don’t think about it, it won’t happen,’ that’s silly and we all need to be educated and ask critical questions because ultimately as users we need to decide what our responsibility is when things go wrong.”

Artificial intelligence can be used in two ways in the legal realm, Stephens said: to improve access to justice for self-representatives, or as research for lawyers.

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Lawyers can use AI to research issues, draft documents or emails, summarize or explain legal concepts, search documents, develop litigation strategies and create

training materials. Research is done in programs like Westlaw or LexisNexis, which are smaller databases checked by lawyers before being added, Stephens said.

Creating training material, Stephens said, could be useful because of the improvements in video creation. The improvements that could make good training materials could also make it hard to authenticate evidence.

Artificial intelligence, Stephens said, could help with those who don't have a lawyer when going through cases like divorce, child custody and civil cases. Stephens said in many Washington counties, over 80% and up to 90% of people do not have lawyers.

Possible uses for AI could be a Chatbot or a program to help people negotiate civil-case settlements before attending court, Stephens said. Each program came with its own issues, like incorrect facts or a tendency to hallucinate information outside its data.

"I'm excited about thinking of using AI to enhance the ways the courts serve the public," Stephens said. "This has nothing to do with science. It's just something in my legal career I've become increasingly aware of."

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