Law Society of Western Australia 2025 Use of Generative AI Survey Analysis

Results from the 2025 Use of Generative AI Survey

General note: 128 responses were ultimately received to the survey but not everyone answered every question. The percentages expressed in each dot point reflect the percentage of those who responded to that question (which ranged from 67 to 127).

Who responded to the Generative AI Survey?

- Role - From the 127 responses received, 18% were sole practitioners, 18% were managing partners or legal practice directors, 8% were partners, 6% General Counsel, 16% senior associates, 27% lawyers/solicitors and less than 2% were either graduates, paralegals or legal academics.

- Level of PAE - From 127 responses, 13% had less than 5 years PAE, 17% had between 6 and 10 years PAE, 26% had between 11 and 19 years PAE, 42% had over 20 years PAE (of which 17% had over 31 years PAE).

- Areas of Practice - Of the respondents, 23% primarily practised in litigation and dispute resolution, 15% in commercial and corporate, 15% in government and administrative law, 12% practised in family law, 5% property law, 5% employment law and 6% private client (including estate planning and succession).

- Size of practice – 31% were sole practitioners, 22% came from a small practice (less than 4 principals), 8% came from medium practice (between 5-10 principals), 12% came from large practices (more than 11 principals), 19% came from government, 4% came from the community legal centre sector and 3% inhouse legal.

- Location of practice - 73% of the respondents practiced predominantly in the city, 18% in the Perth metropolitan area, 4% in the country (the balance were national or mixed).

Using Generative AI

- Current use - When asked whether they currently use AI platforms and tools in their legal practice, 54% of respondents said they do and 45% said they do not. No respondents said they were unsure.

- Approach to Generative AI – Of those who were using generative AI, 25% of respondents reported actively using AI in their day-to-day business (this could be for business-related functions including marketing and not necessarily for legal service delivery), 33% reported using AI in a basic sense (e.g. Google search engines), 43% reported they were trialling generative AI products and planning to use it in the future and 25% were receiving training and education for generative AI products.

- Tasks - Of those who did use AI, 47% used it for legal research, 30% used it for practice management or administrative tasks, 27% used it for legal document generation (e.g. memos, letters, precedents, advice etc), 19% used it for discovery/document processing and 17% for drafting non-contentious legal instruments (e.g. agreements, wills, leases etc).

- AI Tools being used – 51% were using Microsoft Co-Pilot or Harvey AI, 40% reported using subscription based legal research tools (e.g. Lexis AI), 32% used publicly available large language models (e.g. ChatGPT), 13% were using E-Discovery platforms (e.g. Bundledocs or eDiscovery),10% had inhouse developed AI programs and 12% did not know what AI tools were being used.

- Use in litigation – For respondents who use AI in litigation, generative AI was used to create the following documents (in order of most to least popular) - research notes and advice (45%), chronologies (29%), written submissions (18%), affidavits (16%), minutes of orders (13%), witness statements (13%), pleadings (13%), initiating proceedings (8%), hearing transcripts (2%). Others reported using generative AI to test the logic in documents or to generate letters, transcripts for witness statements.

AI Governance and In-practice support and training

- Inhouse Policies - 60% of respondents said they did not have any existing policies (however 23% reported they are designing or developing their own AI tools or programs compared with 66% who are not).

- Inhouse Training – 60% of respondents reported their firm had not provided any in-house training on the use of AI. 35% of respondents had been provided with training (and of that 30% had taken up the opportunity to participate in the training).

Regulation of AI in the legal profession

- SCWA Practice Direction - 81% of respondents agreed that a formal practice direction to regulate the use of AI should be developed by the Supreme Court. 9% disagreed and a further 9% were unsure.

- SCWA Publication – When asked what the most effective approach would be if the Supreme Court did issue a publication on generative AI, 50% of respondents said AI Guidelines (taking a principles-based approach and providing standards designed to ensure the use of AI is ethical, accountable and transparent), 17% said a proscriptive policy informing court users when and how they can (and can't) use AI, 11% favoured a formal practice direction, 9% said a fact sheet to help court users understand how to use AI safely and 6% said a separate practice directions for lawyers vs non-lawyers.

- Additional safeguards – When asked what safeguards (in addition to any publication from the Supreme Court) should be in place to ensure the ethical and accurate use of AI-generated legal content, 64% said a human verification of generative AI-assisted work, 52% said a written acknowledgement of each document that senior practitioner has reviewed any content generated using AI and/or a statement embedded in court documents identifying any content generated using AI, 42% said a statement embedded in Court documents identifying any content generated using AI.

Support from Law Society

- When asked how the Law Society can support its members in the use of generative AI, 79% said through CPD on ethical issues, 76% said practical training on AI use, applications and tech tools, 78% said risk management best practice tips, 75% said publishing guidelines and model policies for members, 56% said cybersecurity information and education, 48% said through lobbying the courts to produce consistent, proportionate guidance on AI and 19% said through connecting legal firms/organisations with AI providers.

Barriers to adoption of generative AI

- When asked what they considered to be the main barriers to adoption of generative AI in the legal profession, 72% said concerns about disclosing confidential or privileged information, 68% said data privacy concerns, 60% said regulatory and ethical issues about using generative AI in the practice of law, 59% said lack of technical skills and knowledge about generative AI, 55% said general lack of trust in AI technologies, 28% said resistance

to change internally, 27% said cost of implementation and licences, 11% said potential replacement of roles in the firm/organisation, 5% said resistance to change/reluctance from clients.

Comments from respondents (sample taken from survey)

"My family members are doctors and they use AI to great effect in their daily practice, saving thousands of hours each year and ensuring they can spend their time assisting more patients. There are clear and established ways to protect the confidentiality of their patients, so there is no reason why legal practitioners could not do the same. As is often the case, the legal professional is falling behind other professions in embracing technology due to its resistance to change generally, and reluctance to accept anything other than perfection. The supreme court practice directions require us to have regard to the overriding objective of proportionality of the time and money expended on legal work. There is ample evidence that the use of AI would assist us to achieve this in our practices. I am grateful to the Law Society for the work that is being done in this space."

"It's not going away, and eventually (or already) it is going to help us to add more value to our clients. The profession needs to get to grips with how to use generative AI effectively and ethically. I'm keen to continue using it, but I'd like to understand more of the risks about data security, privilege and confidentiality - however it is hard for me to understand the technical aspects. Plain English CPD seminars on these topics would be welcomed."

"Lawyers already have a set of professional standards that they need to meet. Those obligations are largely worded in a general sense for good reason. Adding extra layers of prescriptive regulation doesn't assist. Given the rapidly changing nature of AI - any prescriptive rules made today may well be redundant tomorrow."

"It is imperative that benefits to clients from better and cheaper access to justice that AI will provide are not ignored because of techno-pessimism. Equally, risks must not be ignored because of because of techno-optimism."

"I think that AI can be a good use to produce first drafts of documents however should not be relied on with 100% faith. I have generated first drafts using the AI technology in LEAP and this was helpful to create a framework to which I could then expand on."

"It's going to happen. We can't allow a situation 1. where the use is prohibited, so that conscientious firms don't use it but bad firms do, and 2. where other industries are using it, and law firms can't. It has the potential to decrease legal costs, which can enhance access to justice."

"Any rules about the use of AI should apply to the courts. Are decision written by AI or the evidence evaluated by AI or the transcripts reviewed by AI for themes or subjects, are the transcripts reproduced in shorter form by AI et al"

"Generative AI whilst improving is generally unsuitable for any involved or nuanced legal practice. It is useful as a tool particularly for mundane tasks, subject to strict oversight by a competent practitioner."

"I have been using generative AI as a lawyer for about 3 years now, on a regular basis. Generative AI is most effective in guiding one's logical thought process. It is less effective when the lawyer uses it to "generate documents". Lawyers who use generative AI to "generate legal documents" are at risk if they rely too heavily on the AI and not on their own expertise. The Law Society and the Supreme Court should not interfere with the profession's entitlement to adopt a practice methodology of their choice. Lawyers who want to use AI should be entitled to use it freely, subject to the legal professional conduct rules."

"I do not think that AI will take over legal roles. I believe that humans/lawyers will still need to consider all the minutiae that is part legal work, and to provide oversight and editing in order for our work to have the rigor and integrity that is required of the profession. Nonetheless, there are voices in the community that believe that AI may take over the profession...perhaps they do not understand exactly what it is that lawyers do?"

"All guidelines and policies should begin with the distinction between public AI (no confidentiality protection, more risk of hallucination) vs AI by legal platforms (better security with links to reliable sources)"

"I appreciate that we cannot ignore the ongoing use of AI in our legal profession and the use of AI by law firms who have sufficient resources to implement tools, train staff and maintain software to protect data privacy/confidentiality. However, I do have serious concerns for small firms/sole practitioners who don't have the same resources available to them."