

In The News

Donnie M. King, Eric D. Coleman, and Cherly Lucien Show Companies How to Protect Their Internal Board Records Before a Delaware Section 220 Demand Arrives in Part Two of Their Five-Part *Law360* Series on AI-Driven Securities and Governance Risk

May 19, 2026

Akerman Litigation Practice Group Partners [Donnie M. King](#) and [Eric D. Coleman](#) and Associate [Cherly Lucien](#) authored “The Section 220 Information Strategy: Uncovering the Internal AI Record” for *Law360*, the second installment in a five-part series on AI-driven securities and governance risk.

Part One identified an emerging litigation risk: that the plaintiffs’ bar may seek to frame material corporate decisions, such as AI-driven workforce reductions and restructurings, as securities fraud. Part Two shows companies how to protect themselves. It explains how the March 2025 amendments to Section 220 of the Delaware General Corporation Law changed what plaintiffs can access and how companies can use those same amendments to put exonerating board documents in front of a federal judge before discovery ever begins.

Donnie, Eric, and Cherly identify the three specific points in the formal board record that plaintiffs will

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scrutinize: the capital expenditure gap, executive incentive structures, and chief technology officer presentation to the board. For each, they show companies what to document, how to document it, and why the work must begin before any demand is filed.

Part Three, published next Tuesday, shows companies how disciplined public disclosure drafting is the next line of defense against these claims. A new installment in the series will be published each Tuesday through June 9, 2026.

[Click here to view Part 2.](#)

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