

## In The News

# Steven M. Cordero Examines Whether AI Agents Can Serve as Expert Witnesses in *Law360*

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Akerman Litigation Partner [Steven M. Cordero](#) contributed “AI Agents Will Test the Bounds Of Expert Witness Rules” to *Law360*, examining whether AI systems can qualify as expert witnesses under the Federal Rules of Evidence. As voice AI technology achieves real-time conversational exchanges, Steven analyzes how Rule 702, which governs expert testimony, does not specify whether experts must be human, creating questions that no federal court has yet addressed.

Steven identifies a central challenge: the rules governing witness competency and oath-taking presuppose human witnesses capable of understanding moral obligations. Because AI systems lack the willfulness and criminal intent required by perjury statutes, they fall outside the accountability mechanisms on which testimony depends. He analyzes how the December 2023 amendment to Rule 702 and proposed Rule 707 both reinforce human responsibility in evidentiary determinations, heightening tension as technological capabilities advance.

Steven provides practitioners with strategic guidance across three areas: demanding comprehensive disclosure of AI training methodologies and validation protocols, deploying human experts to evaluate AI-generated analyses

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Steven M. Cordero

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and assist in cross-examination, and preparing for early test cases in patent litigation, data-intensive economic modeling, and complex discrimination claims. In these domains, courts will determine whether AI-generated expertise serves the adversarial system's truth-seeking function or undermines it.

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