

In The News

Donnie M. King Featured in Lead Story of *POLITICO's Morning Money* on “Operational AI Washing” and Emerging Securities Litigation Risk

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Akerman Litigation Practice Group Partner Donnie M. King was featured in the lead story of *POLITICO's Morning Money* in “Nice AI Story. Be a Shame if Shareholders...Fact-Checked It,” examining the emerging plaintiffs’ theory that targets how companies explain corporate decisions involving AI.

Donnie’s team coined the term “operational AI washing” to describe this emerging area of securities litigation risk — and, they have started mapping how companies can protect themselves from shareholder challenges to AI growth narratives before any related lawsuit is filed. Invoking AI to explain corporate decisions, he told *POLITICO's Morning Money*, has become routine: “We’re seeing that almost every day now. A new company comes out and says: ‘Reduction of force as a result of AI transformation.’” When the plaintiffs’ bar decides to be opportunistic, “it’s not very difficult to frame a company’s actions as being sinister, or trying to hide some type of financial distress.”

It’s “easy for plaintiffs to frame things in a way that doesn’t necessarily align with the company’s intent,” Donnie said. “The current environment makes it very ripe for a lawsuit.” That reality that has shaped Akerman’s advice to clients to ensure that public

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communications about AI accurately reflect the decision-making record before a complaint is filed.

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