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# Operational AI Washing

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## A Five-Part Series Examining AI-driven Securities and Governance Risk

Akerman Litigation Practice Group Partners Eric D. Coleman, Donnie M. King, and Ryan Roman and Associates Reginald Janvier and Cherly Lucien authored a groundbreaking five-part series on AI-driven securities and governance risk for *Law360*.

- 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 showed companies the importance of properly aligning board records with AI disclosures.
- Part Three demonstrated how disciplined disclosure drafting provides the next line of defense.
- Part Four explained how defense counsel can defeat operational AI-washing claims before discovery begins.
- Part Five completed the series by addressing a foundational question: what duties do boards owe in the first instance, before disclosures are made or a Section 220 demand letter ever arrives, under Delaware's *Caremark* duty of good-faith oversight. It traces the doctrine's evolution through *Marchand v. Barnhill* and *In re Boeing Co.*

### Akerman Intelligence

Akerman Intelligence is Akerman's platform for AI strategy, research, and thought leadership. Through original analysis, client collaboration, and strategic partnerships, we help organizations navigate the legal, operational, and governance challenges of artificial intelligence.

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*Derivative Litigation* to show that, when a risk is mission critical, boards cannot remain passive.