

Press Release

Donnie M. King, Eric D. Coleman, Reginald E. Janvier, and Cherly Lucien Analyze AI Capability Risk in *Chambers AI & Intellectual Property 2026 Guide*

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Akerman Litigation Practice Group Partners Donnie M. King and Eric D. Coleman and Associates Reginald E. Janvier and Cherly Lucien contributed the chapter “AI Capability Claims Under Scrutiny: IP, Disclosure and Governance Risk” to the *Chambers AI & Intellectual Property 2026 Guide*, one of the world’s most widely distributed international legal guides. The chapter offers general counsel and senior executives a practical framework for managing the converging risks that AI capability claims create across intellectual property, securities disclosure, and corporate governance.

The authors explain that AI capability disputes rarely arise in isolation. Exposure typically surfaces when there is a gap between how a company describes its AI publicly and the underlying reality of what it owns, how it works, and what role it actually plays in the business. They examine the intellectual property layer first, addressing what proprietary AI claims actually assert, the risks of overstating ownership of licensed or third-party technology, the evolving law on training data and copyright, and the question of who owns the intellectual property in what AI itself produces.

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Building on that foundation, the authors turn to “operational AI-washing,” their term for an emerging theory under which plaintiffs may try to frame AI-driven workforce reductions and restructurings as securities fraud when internal records diverge from public messaging. They explain that the documentary record is often decisive: a consistent story across board materials and public statements strengthens the defense, while a gap between the two can become the foundation of a plaintiff’s case. The authors also examine the board’s *Caremark* duty of oversight in the AI era, offering practical guidance on how directors can build governance structures that are both effective and defensible.

The authors close with practical protocols for managing AI capability risk, including conducting vendor and licensing diligence, documenting the sources of training data, separating historical facts from forward-looking projections in public disclosures, and designating formal board committee ownership of AI oversight. They note that as state and international AI regulations continue to advance, the pressure on companies to maintain rigorous, consistent records is only increasing.

Read the full chapter [here](#).