

2026 Legal Forecast on AI and Regulations

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, both attorneys at Offit Kurman, and it is the last OK at Work of 2025. We made it through the year. It was a good year. Hard to believe that we're headed into 2026. So, obviously this time of year Russell, I know I'm doing a lot planning for next year.

Just thinking about, what's to come, what we might see for clients, what we're gonna be up to in the new year. Obviously every year is a little bit different depending on what's going on. So what are some things that business owners are probably gonna be thinking about from a legal perspective next year?

Russell Berger: Yeah, I mean, this is a little bit of maybe my personal bias and just kinda a guess as to what I think will be one of the evolving trends of 2026. But yeah, I feel like it's a safe bet to talk about artificial intelligence and generative AI and how [00:01:00] that's going to evolve over the next year.

And that hits in so many ways, right? Operationally, efficiency wise, how are we doing things differently? How does that affect privacy? How does that affect, employment? And, does that lead to different types of hiring practices and potential turnover?

What does that look like? Do states, do Congress do they start passing laws to regulate AI usage and put more parameters around it? That's something that I think could be a topic of debate in 2026. And just even looking bigger picture do we, as whether it's local or federal or even international do we really start tackling some of the issues associated with, the development and advancement of AI, are we planning for that and what does that look like? So, if I had to say, and I know like I cheated because there's multiple levels of AI that are impactful.

But AI feels like has the potential to be the hot employment topic for, or the hot legal topic for 2026.

Sarah Sawyer: Yeah, and I think it's a really great point 'cause it touches so many different [00:02:00] practice areas potentially. It has to do with obviously like states regulating how you use data and customer data and the privacy realm of things. It hits hr, it hits employment law. It's something obviously people are dealing with when they're trying to protect themselves from a fraud perspective.

So it really hits a ton of different areas and I think it's one of those areas as well, where the states are gonna do things first, right? They're gonna be passing regulations. Obviously we see in Europe and other countries that they have handled some of these types of regulations and different things related to AI more of a, global kind of, larger scale. But I know that what we've already seen this year is that, each state's, we talked about it on OK at Work and a couple episodes that states are passing specific laws and regulations and things. And I think we're gonna keep seeing that and there's gonna be a patchwork of different laws related to all of those different areas, whether it be employment or whether it be privacy or, anything in between.

And how people are [00:03:00] using AI. So I think it's more important than ever to be really paying attention to your state regulations. I think that's true also with the way that things are

running at the federal level right now, that we're seeing states be very active depending on, the political leanings of a particular state, or, they're acting a lot more right now.

So for me it's AI paired with state regulations.

Russell Berger: Yeah you're cheating more than I am. Yeah. Well, yeah I think that makes a ton of sense and these aren't brand new. We've talked about 'em, they've been kinda a recurring themes of what we've done over the last year or so here just talking about, AI's gonna change how we do things and there's going to be legal consequences of that in a number of different areas and disciplines and just looking at, as we become, I guess more engaged with our Federalist system here, it's just state versus federal. There's evolving changes there and pulling in different directions and, it's becomes a emerging challenge for [00:04:00] business owners to navigate that as well.

So also, we feel like good predictions for what we might see more of in 2026 from a legal standpoint.

Sarah Sawyer: Yeah, we're looking forward to it. And we'll see how it all plays out and we'll be back in 2026 with lots of fun, exciting content tracking all those trends and all the good stuff that'll be going on in 2026.

Russell Berger: Yeah, someone should remind us to see who was right on this prediction at the end.

Sarah Sawyer: Yes. Can't wait. All right, see you next time, Russell.

Russell Berger: Thanks Sarah.