

## Vital and Clark in ABA: Texas Enters the AI Sandbox with TRAIGA

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July 15, 2025 Victor Vital, Alexander Clark

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**PRACTICES** AI and Deep Learning, Trials

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The Texas Responsible Artificial Intelligence Governance Act is a new law that introduces intent-based liability for harmful use of artificial intelligence, requiring proof of intentional misconduct rather than just disparate outcomes. Haynes Boone Global Chair of the Trials Practice Group [Victor Vital](#) and Associate Alexander Clark discuss how the law reshapes the legal landscape for businesses and trial lawyers by emphasizing documentation, internal controls and centralized enforcement in an article for *Business Law Today* from the American Bar Association.

Read an excerpt below:

Imagine a fintech startup that deploys an artificial intelligence (AI) model to underwrite small-business loans—only to face a demand letter alleging “intentional discrimination” under Texas law. On June 22, 2025, Governor Greg Abbott signed the Texas Responsible Artificial Intelligence Governance Act (TRAIGA), placing Texas at the vanguard of state-level AI regulation. As the fourth state to enact a comprehensive AI statute—after Colorado, Utah, and California — Texas now offers both a clear roadmap for developers and heightened risks for those whose AI decisions cause harm.

With the passage of TRAIGA, business trial lawyers are entering an era where AI regulation is no longer a theoretical concern but a live, litigable issue. For trial attorneys handling commercial disputes, TRAIGA’s unique blend of intent-based liability and centralized enforcement reshapes the evidentiary landscape, requiring more rigorous documentation and strategic foresight. Business lawyers must now anticipate how a client’s AI-related decisions prone to allegations of bias—especially in areas such as lending, hiring, and marketing—might be scrutinized under a standard that demands proof of knowing and intentional misuse.

TRAIGA, which takes effect Jan. 1, 2026, introduces a suite of targeted prohibitions, regulatory mechanisms, and compliance frameworks that will shape not only the development and deployment of AI systems in Texas but also the broader landscape of business litigation and regulatory strategy. For business trial lawyers, understanding the contours of this new law is essential, as it will influence litigation strategy, evidentiary standards, and the future of AI-driven business operations.

The version of TRAIGA that was passed and signed into law represents a pared-down evolution from earlier, more expansive drafts that mirrored the risk-based frameworks of the EU AI Act and the Colorado AI Act. The final version, however, reflects a pragmatic shift toward outcome-focused regulation, emphasizing specific prohibited uses of AI while scaling back broad compliance mandates for the private sector. This approach has direct and nuanced implications for business litigation in Texas and potentially beyond.

[Read the full article from \*Business Law Today\* here.](#)

