



BELL NUNNALLY'S HEATH CHEEK AND SHANE THOMAS EXPLORE ON TEXAS LAWBOOK WHAT IT MEANS TO BE "DEFAMED BY A LLAMA"

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Bell Nunnally Partner R. Heath Cheek and Associate Shane Thomas explore one of the first legal battles over AI-generated defamation in their *Texas Lawbook* article "Defamed by a Llama – Legal Consequences of AI-Generated Falsehoods." The piece centers on a \$5M+ lawsuit brought by conservative commentator Robby Starbuck, who alleges Meta's AI tool falsely stated he participated in the January 6 Capitol Riot. Mr. Starbuck was in an entirely different state at the time and was able to demonstrate that the claim was false. Meta eventually apologized for the error, but not before its AI repeated the false claim.

Starbuck denied any involvement with J6 and pleaded with Meta to retract the accusations, investigate the error and put in place safeguards to prevent similar situations in the future. The company, however, did not immediately act, leading to Starbuck filing a defamation suit. Cheek and Thomas write, "The question here is who made the alleged defamatory statement? Starbuck alleges Meta's AI feature Llama is responsible."

"With a LLM, however, depending on what sources it was fed, it will see 20 seemingly reliable media stories on a topic and assume its authenticity, thus, creating a new opportunity for republication.... LLMs have a way of perpetuating previously debunked or resolved falsities," Cheek and Thomas caution.

Cheek and Thomas note, "This case is one of the first legal battles over AI-generated defamation, signaling the possibility of major concerns for Meta and other competitors in artificial intelligence...As these programs continue to grow, questions about responsibility for false or damaging claims are quickly moving from hypothetical debates to courtroom litigation, with Starbuck being placed at the forefront."

The article concludes by noting, "Whether Starbuck's case succeeds or not, it outlines the start of a new era where courts will increasingly be asked to determine where responsibility lies when AI crosses legal

lines. One thing is abundantly clear, AI, free speech and defamation will be analyzed with a closer eye than ever."

To read the full article, please click [here](#).

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