

AI dialogues, expert discovery & appraisal workfiles

What a September 2026 federal ruling actually says — and what it does not say about USPAP.

Key point: AI outputs considered in an expert opinion may be discoverable; some prompts and drafting exchanges may be protected.

The dispute: a 40-page ChatGPT history

- An expert used ChatGPT for legal research and drafting his expert report.
- The opposing party sought the expert's ChatGPT history log.
- A magistrate judge ordered the entire log produced.
- The district judge reviewed the log and narrowed what had to be disclosed.

What the court ordered disclosed

- ChatGPT-generated case-law summaries consulted in forming the expert opinion.
- All ChatGPT responses containing those case summaries — not just selected excerpts.
- The test was facts or data “considered,” not only materials ultimately relied upon.

Federal Rule of Civil Procedure 26(a)(2)(B)(ii) • Order pp. 5–6

What the court protected

- The expert's questions and prompts to ChatGPT.
- ChatGPT exchanges used to prepare a deposition outline.
- ChatGPT material used to create draft expert-report content.
- The court found these categories implicated protected mental impressions or drafts.

Order pp. 7–9

Why the distinction matters

FACTUAL INPUTS

AI case summaries consulted to form opinions

DISCLOSURE REQUIRED

MENTAL IMPRESSIONS

Prompts, deposition strategy, draft report material

PROTECTED HERE

Important limits of the ruling

- This was a federal discovery ruling involving a non-appraiser expert.
- It did not interpret USPAP or establish appraisal workfile requirements.
- It did not grant blanket protection to all AI prompts in every proceeding.
- The court noted AI-related methodology concerns could be explored at trial.

Application to appraisal assignments

- Preserve the underlying data and reasoning needed to support appraisal conclusions.
- Distinguish AI-generated research used as factual input from exploratory drafting.
- Verify citations, sales data, market figures, and other AI-generated claims.
- Do not equate “protected from discovery” with “need not be retained under USPAP.”

These are risk-management implications, not holdings of Villanueva.

Takeaway for appraisers

Three different questions:

- RETENTION — What must USPAP's Record Keeping Rule preserve?
- DISCLOSURE — What facts or data must a testifying expert produce?
- PROTECTION — What drafts or mental impressions are shielded?

[Read the order: ECF No. 112, pp. 3–10](#)