

Insights, News & Events

# WHEN IS AI USE IN MASSACHUSETTS ILLEGAL LIE DETECTION? COURT HANDS WIN TO EMPLOYER BUT DANGERS REMAIN

Insights  
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A federal court in Massachusetts just dismissed a proposed class action challenging an employer's use of an AI-powered video interview platform under the state's strict lie detector law – but the ruling is *not* the all-clear some employers might hope for. The court's October 22 decision in *Saint Cyr v. JPMorgan Chase* highlights how plaintiffs are framing these claims, where judges are pushing back, and what businesses using AI screening tools should do to minimize risk. If your organization uses video analytics, competency scoring, or AI-assisted interviews in Massachusetts (or is considering it), this Insight is a must-read.

## **Trend to Follow: Plaintiffs Attempt to Exploit MA Law**

Massachusetts has one of the most unusual employment statutes in the country: a law that bans employers from administering lie detector tests as a condition of employment. Over the past two years, plaintiff-side firms have begun arguing that certain AI interview tools qualify as de facto "lie detectors," sparking dozens of class actions.

Plaintiffs have sued retailers, beverage companies, defense contractors, hospitality providers, and more. Several cases are still pending, at least one has settled, and courts are beginning to weigh in.

### **Want to Read More?**

Check out our detailed article about this litigation trend: [Massachusetts Employers Facing a Wave of Lie Detector Litigation: Why You Need to Review Your Applications to Ensure Compliance](#)

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## The Law at Issue

[Massachusetts law](#) prohibits employers from requiring:

- polygraphs, and
- any “device, mechanism, instrument or written examination” used **for the purpose** of detecting deception, verifying truthfulness, or rendering an opinion about an applicant’s honesty.

It also requires a mandatory, conspicuous notice on job applications stating that lie detector tests are unlawful. Failure to comply can trigger criminal penalties and civil liability.

## The Facts Behind the Case

Mozart Saint Cyr was a job applicant for a role at JPMorgan in 2023 and 2024. He alleged JPMorgan asked him to complete a HireVue video interview as part of his application for a role. According to the complaint, the platform:

- recorded him while answering questions;
- analyzed language, tone, and facial cues using AI;
- generated an employability or competency score; and
- could evaluate traits such as cognitive ability, emotional intelligence, and integrity.

He argued this constituted a de facto lie detector test and further claimed JPMorgan failed to provide the required statutory notice.

## The Court’s Key Holding: Capability Is Not Enough

Judge Brian Murphy dismissed the lie detector claim because Saint Cyr failed to plausibly allege that the tool was deployed for the purpose of detecting deception. The court emphasized:

*“The complaint did no more than establish that HireVue Interviews could constitute lie detector tests when used for that purpose.”*

Many tools and tests can reveal information correlated with honesty – but the statute turns on intent. Because the tool can be used for many lawful purposes (communication

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skills, reliability, customer orientation, etc.), its mere deployment doesn't equate to lie detection.

This decision aligns with prior Massachusetts decisions holding that diagnostic tools (e.g., psychological inventories) aren't lie detectors unless used *to detect lies*.

### **The "Notice" Claim Survived – And That's Important**

Saint Cyr also alleged that JPMorgan violated the state statute's notice requirement by omitting the mandatory statutory warning from the job application. Here the court reached a different conclusion:

- Without a viable lie detector injury, Saint Cyr lacked Article III standing in federal court.
- But because state courts are not bound by Article III, the federal court sent his notice claim to state court for further proceedings.

In other words, employers may still face notice litigation in Massachusetts state court even when lie detector allegations fail in federal court.

### **What Employers Should Do Now**

This case presents some valuable lessons for all employers in Massachusetts, especially those using artificial intelligence tools during the hiring process.

#### **1. Add the Required Notice to All Massachusetts Applications**

This is low-hanging compliance fruit. Check your online application pages, applicant portals, paper forms, and mobile versions of your hiring materials and make sure you include the exact statutory language required by all employers in Massachusetts.

*"It is unlawful in Massachusetts to require or administer a lie detector test as a condition of employment or continued employment. An employer who violates this law shall be subject to criminal penalties and civil liability."*

#### **2. Document the Purpose of Any AI Tools**

Once you deploy any AI tools to assist your hiring process, maintain internal documentation explaining what

competencies the tool evaluates, why those competencies are job-related, and how scoring aligns with business necessity.

### **3. Review Vendor Marketing Materials**

Make sure any vendors you do business with don't use language that could make it seem as if their tools operate as illegal lie detectors in Massachusetts. Look for terms like "deception detection," "truth verification," "honesty scoring," "lie-catching algorithms," and similar language. Stay away from vendors that rely on such promises and ask existing third-party partners to update their language if needed.

### **4. Validate for Job-Relatedness**

Tie the scoring criteria you use to legitimate selection factors such as communication, problem-solving, customer service behavior, and other job-based factors.

### **5. Train Recruiters and Interview Teams**

Even casual comments suggesting "deception detection" could be used to support a plaintiff's theory. Train your teams not to use such language during the hiring process.

### **Conclusion**

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