Martin Shenkman

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Subject: Martin M. Shenkman, Thomas Tietz & Alan S. Gassman: 2026 An AI Odyssey, Part 1
Steve Leimberg's Estate Planning Newsletter

Steve Leimberg's Estate Planning Email Newsletter - Archive Message #3265

Date: **12-Jan-26**

From: **Steve Leimberg's Estate Planning Newsletter**

Subject: **Martin M. Shenkman, Thomas Tietz & Alan S. Gassman: 2026 An AI Odyssey, Part 1**

"This newsletter provides practical principles for practitioners to consider when determining how to integrate AI safely and reliably into their practice and then offers ten examples of how these tools can improve the efficiency and effectiveness of tax, estate planning, and financial professionals. While these examples may not all work for each practitioner's specific practice, considering each of these AI examples and many other ways AI can be used may help practitioners begin to understand unique ways that AI may be integrated into their practices."

Martin M. Shenkman, **Thomas Tietz** and **Alan Gassman** provide members with commentary that examines the principles practitioners should consider when determining how to integrate AI safely and reliably into their practices.

Martin M. Shenkman is an attorney in private practice in New Jersey and New York who concentrates on estate planning. He is the author of over 40 books and more than 1,400 articles and has won many professional awards.

Thomas Tietz, JD, has lectured at the Notre Dame Tax & Estate Planning Institute and for the New Jersey Bar and Institute of Continuing Legal Education. He has published articles in the American Bar Association E-Report, Wealthmanagement.com and Trusts & Estate Magazine. He is a member of the American Bar Association, Real Property, Trust and Estate Law and Business Law sections, the New York State Bar Association.

Alan Gassman, J.D., LL.M., is a partner at the Clearwater, Florida law firm of **Gassman, Denicolo, & Ketron P.A.** He is a frequent LISI commentator. Mr. Gassman practices in the areas of Estate Tax and Trust Planning, Taxation, Physician Representation, and Corporate and Business Law, and was accepted to the Estate Planners Hall of Fame of the National Association of Estate Planning Councils in 2021. Mr. Gassman is the primary creator and developer of EstateView software, which allows for the design, illustration and analysis of estate tax, estate planning and charitable strategies. Jerry Hesch, Jonathan Blattmachr, Robert Keebler and Mr. Gassman serve as the Creative Team that continues to develop this software. You can read the newsletter written by Eido Walny, Joey Kleiner, and Jason McCosby on EstateView Estate Planning Software #3114. EstateView is sponsoring a website for free AI throughout the month of January 2026 at estateviewai.com. His e-mail address is alan@gassmanpa.com.

Here is their commentary:

EXECUTIVE SUMMARY:

Arthur C. Clarke's 1968 novel *2001: A Space Odyssey* and Stanley Kubrick's film introduced many readers and viewers to HAL 9000, a ship's computer that spoke like a person, managed complex systems, and ultimately malfunctioned in a way that put human life at risk. The story was memorable not only because HAL was powerful, but because HAL's failure showed how quickly humans will trust a system that feels confident and intelligent.

Today we have multiple artificial intelligence (AI) platforms that can perform tasks that were science fiction when 2001 was written. For tax, estate planning, and financial professionals, the practical question is not whether AI is impressive. The practical question is whether it can be integrated into a professional workflow to save time, reduce costs, and improve quality without compromising confidentiality.

Many professionals are apprehensive regarding the use of AI in their practices, and not without good cause. The case of *Mata v. Avianca, Inc.*[1], serves as a cautionary tale, where lawyers failed to understand the generative AI application ChatGPT before adopting it for legal research. However, lawyers then cited cases provided by ChatGPT in a court filing. Unfortunately, the cases were fictitious and there was no precedent for the position taken because of these "hallucinations." The attorneys were sanctioned for not researching the information provided by ChatGPT. While this case, and others like it should create respect for the pitfalls using AI presents, it should not deter practitioners from carefully reviewing and adopting the use of AI in certain aspects of their practice.

AI has come a long way since 2023. Those who tried it one or more years ago may be very surprised at how far along it has come, and how effective it can be using multiple AI models to critique, correct, and build upon one another with helpful human nudges. This can be extremely productive, and also enjoyable.

You have to provide very specific instructions to AI. In the old show, *Get Smart*, Agent 86 and Robot interact:

> Agent 86: “Answer the door, Robot!”
>
> Robot: “I’m sorry, Door, what was the question?”
>
> [the door was silent][2]

This newsletter provides practical principles for practitioners to consider when determining how to integrate AI safely and reliably into their practice[3] and then offers ten examples of how these tools can improve the efficiency and effectiveness of tax, estate planning, and financial professionals. While these examples may not all work for each practitioner’s specific practice, considering each of these AI examples and many other ways AI can be used may help practitioners begin to understand unique ways that AI may be integrated into their practice.

The authors regularly use a number of AI tools, including CoPilot, ChatGPT, Claude, Gemini, and EstateView’s aggregation platform, which presently has a free version at EstateViewAI.com. Other platforms can provide excellent results as evidence by the growing number of users and the experience that they are having.

FACTS:

Guiding Principles for Professional Use

Principle 1. Do not let artificial intelligence learn from client data

All professionals have a duty to protect confidential client data. AI is built on “large language models” which require large datasets in order to function. A portion of this information is gathered from the prompts individuals ask the AI programs, but the ability to gather data can be restricted. Professionals should make sure that any AI system used with client specific information is configured so that it does not train on, learn from, or otherwise reuse private information outside of the firm’s control. This will require a licensed AI program, as “free” AI programs are typically being “paid” from the data provided in prompts. Many paid consumer platforms offer a setting to allow learning or to disable learning, yet it is easy for a user to switch the setting accidentally. A safer approach may be to enable a firm level configuration that enforces non-learning and limits data retention. This is similar to the cybersecurity controls that IT firms or departments establish for other systems that transmit confidential client information such as emails, cloud-storage systems, client portals, etc. The data risks in AI can be treated in a similar vein.[4]

Practitioners should not confuse the above with leveraging client data. AI can quickly search massive amounts of client data, which can then prove useful in increasing a firm’s productivity. For example, imagine a client that completed a complex transaction

a decade ago calls for an update meeting. You can request that AI provide a summary of what was done, links to key documents and more in almost no time. Similarly, if a current client has a complex issue that the firm has addressed before, AI can scour all your client files, find any resources you or another partner created at any time and provide a summary with appropriate links. For large firms with a massive database containing decades of client files, research, and other materials, AI can tap that resource.

Principle 2. Use more than one platform and require second opinions

Each AI platform has strengths and weaknesses that become obvious when you ask the same question multiple ways across platforms. Each AI model is built from unique training data, creating variance in responses. Additionally, first-party models offer enhanced integration with affiliated services. Google Gemini has access to information stored in any Google accounts you may have such as Gmail, and Microsoft Co-Pilot can search through data stored in Microsoft programs such as OneDrive, Outlook, SharePoint, etc.[5] Due to this limited pool of data, each AI model will have different results based on the data it has access to. A practitioner who uses only one platform is betting the conclusion on that platform's blind spots while a practitioner who uses two or three platforms can force the tools to challenge each other. This allows for greater depth and confidence in output and may identify concerning language or incomplete thoughts. In many cases, the fastest way to find an error is to ask a different model to audit the first model's answer.

Principle 3. Require citations and quotations for anything that matters

As the Mata case shows, AI can hallucinate. The most dangerous hallucinations for practitioners include invented cases, fabricated quotations, and confident statutory explanations that do not exist. If any of these hallucinations are included in work product, it will create significant issues for the practitioner, which may open the practitioner to sanctions, malpractice claims, and reputational risk. The cure is establishing clear parameters for the AI prompt which will help with reviewing the output received. Require the AI to provide citations and also appropriate quoting language from the decision that specifically supports the proposition that the case is mentioned for so that it is easier to find this language in this case when human hands confirm accuracy. Once the AI response is generated, open the cited authorities provided and confirm their veracity. If a model cannot cite authority for an important claim and you cannot find supporting authorities in your own follow-up research, treat the claim as unproven and modify the language to either remove that claim or address the fact that there is no authority supporting it.

The instructions you give to AI can be complicated; it may not understand what you want on the first go. Be sure to be clear when giving instructions.

From *Monty Python: The Meaning of Life*

[John Cleese Stands at the front of a boys' classroom and delivers an instruction on acceptable hair length]

"…Now, before I begin the lesson, will those of you who are playing in the match this afternoon move your clothes down onto the lower peg immediately after lunch, before you write your letter home if you're not getting your haircut. Unless you've got a younger brother who is going out this weekend as the guest of another boy, in which case, collect his notes before lunch, put it in your letter after you've had your haircut, and make sure he moves your clothes down onto the lower peg for you."

A student responds: "My younger brother's going out with Dibble this weekend, sir. But I am not having my haircut today sir. So, do I move my clothes down…?"

"It's perfectly simple. If you're not getting your haircut, you don't have to move your brother's clothes down to the lower peg. You simply collect his note before lunch, after you've done your scripture prep. When you've written your letter home before rest, move your own clothes onto the lower peg, greet the visitors, and report that you've had your checks signed."[6]

Principle 4. Choose how thorough of a search the AI should perform

Along with choosing the right AI platform for a task, most providers offer two distinct models: one for quick responses and another for deeper reasoning. The key difference between these modes is the time a model spends combing through its dataset before outputting a response. Thorough and lengthy the responses will allow for a deeper analysis of the resources available, yet will require more time for the AI to provide the response.[7] Fast mode provides a quicker, less detailed response which may be more efficient when the practitioner is looking for the AI to outline. A "quick response" can let the user know whether the AI appears to be heading down the right path. Upon receipt of the "quick report" the user can then ask the AI to revise the report using the advanced mode to reveal the results of further and more careful review by the AI system. AI will not always understand your questions initially.

Peter Sellers: "does your dog bite?"
Man next to him at counter: "No, my dog does not bite."
[Sellers goes to pet the dog and gets bit]
Sellers: "I thought you said your dog doesn't bite!"
Man: "That's not my dog."[8]

Principle 5. Do not confuse web searching with legal research

Web search through AI is useful, but it is not a substitute for authority-controlled research. In June 2025, 40 % of AI web search cites were attributed to reddit.com (a social media website anyone can post information to, correct and incorrect) and 26 % of cites were to Wikipedia.com (a public encyclopedia anyone can edit).[9] Many web results used by AI models are ranked by popularity rather than accuracy. Practitioners may get better results by maintaining a curated list of preferred sources and by training the platform, through prompts and retrieval rules, to prefer those sources over low-quality sites. A platform that can ground answers in search results can still misread a source. Even when guardrails are applied to the AI search, the practitioner will still need to verify all sources and cites used by the AI to avoid the risk of hallucinations.

Principle 6. Archived material is often still available, but it takes deliberate effort

While there has been a common phrase that "everything on the internet is there forever," that is not always the case. While it may take significant effort, it is possible to scrub information from the internet. Due to the sheer volume of data on the internet, certain information may naturally disappear as websites are updated, web pages get removed, old links become broken, etc. There may be tasks in which the practitioner wants the AI to search for archived information that is not readily available. For example, if the practitioner is performing due diligence before assisting a client with a significant transfer of wealth as part of estate planning and wishes to check the online presence of the client, knowing whether any negative publicity has been buried or removed from the internet may be important to understanding the risks of potential claimants arguing the transfer was a fraudulent conveyance. Certain websites such as the Internet Archive and the Wayback Machine retain historical versions of websites, potentially providing access to data not accessible on current webpages. Some websites have begun to limit access to their historical data to prevent AI from accessing that data.[10] Performing deeper analysis may have several roadblocks that need to be overcome as part of the prompt process.

Platform Differences, Search, and Reliability

As discussed above, each AI platform has a different set of training data it draws from when providing responses to prompts. Choosing which platform to use based on what work product is needed may help produce a better result. For example:

- Google Gemini can be configured to ground responses in real time information from Google Search and provide citations, which can reduce hallucinations on questions that depend on current information.

- Anthropic's Claude AI offers web search and web fetch capabilities that can retrieve and analyze web pages when enabled by the user.

- OpenAI's ChatGPT and OpenAI API models have strong drafting, coding, and agentic capabilities[11], and can be integrated into controlled workflows through the API.

One potential approach when using AI to assist with complex questions would be to start with a traditional research platform that is strong for authoritative materials, such as a tax library, and then to use AI platforms to broaden the search, find related commentary, and pressure test conclusions. For example, a practitioner might start with a Checkpoint[12] based search, corroborate with a Gemini grounded search, and then use Claude and an OpenAI model to challenge the analysis before returning to Gemini to reconcile and summarize. This produces more analysis than most professionals will read word for word, but it is usually faster than manual research and it sharply reduces the risk of missing an important authority. In addition, when prompting each of the different AI systems to review the previous system's work product, practitioners may wish to request that the AI reduce redundancy in the answer, which may help create more precise language in the end result and reduce the time needed to review and revise the document.

COMMENT:

Ten Practical Examples for Tax, Estate Planning, and Financial Professionals

The following examples will each become a separate article by the authors—stay tuned and please provide us with questions, comments and suggestions for this.

Example 1. Rough notes to first draft letter or memorandum in minutes

When meeting with clients, practitioners will often take quick notes while concentrating on the discussion. For web meetings, the practitioner may record the meeting and have a transcript of the discussion. Those rough notes, transcripts, bullet points, messy prior draft, etc. can be provided to the AI platform to produce a first draft letter, memorandum, or set of client instructions in the firm's preferred style. The key when crafting the protocols for the AI is to provide the audience, the governing law or jurisdiction, the desired tone, and any other specific parameters the practitioner may wish to include based on the clients' specific situation, and then require the model to preserve those facts and assumptions. After the first draft is generated, consider running the result through a second pass requesting that the AI tighten the language, fix internal inconsistencies, and produce a clean version and a tracked changes version for review.

As discussed above, consider using a different AI platform for the revision of the initial product. Another consideration is how you speak on the meeting being recorded. When an important point is made, summarize it a second time and state that it is a key point to enhance the likelihood of AI including and better addressing that point. If

during a meeting there are points when several people are speaking at once, take a moment to pause and summarize what was just said. With practice, how we speak and run web meetings that are being recorded and for which AI will draft follow up materials can be enhanced.

Example 2. Jurisdiction specific trust review and issue spotting

Reviewing a complex trust agreement for a client is a necessary step as part of trust administration but can take significant time and cost to do. Providing a copy of the trust to AI and requesting a review of the trust terms can help reduce the time spent by creating an initial pass that may issue spot points to dive deeper into. However, an efficient trust review by AI is not as simple as uploading a copy of the trust and asking the AI to provide you with a summary. The review will need many parameters and guard rails to create a summary that is both usable, i.e., summarizes the information and points in the trust that the practitioner may need as part of their particular profession, as well as workable in that the summary is not as long (or longer!) than the original trust agreement.

This will require trial and error, or subscription to a system that has created their own proprietary system with AI to review trusts. Several examples include FP Alpha, EstateView, Vanilla, etc. When completing a trust review, consider requesting an issue list based on the governing law or the destination jurisdiction of the trust. The model may be able to flag distribution rights, ambiguous definitions, missing fiduciary provisions, administrative risks, and transfer tax issues. For older trusts which may have been administered in several jurisdictions during the lifecycle, this may help identify inconsistencies created due to lack of conforming the trust to those changes. The AI summary can identify concerns that the practitioner can then review in the trust agreement, verify if it is a concern, and communicate next steps with the client.

Example 3. Cross platform corroboration of tax conclusions

As discussed above, for a complex tax question where the potential for hallucination is high due to the inclusion of authority citation, require the initial response to include cited answers for any conclusions made and then provide the result received to a second AI model. Direct the second model to analyze the information, challenge the conclusion, and point out weaknesses in the argument. Points of disagreement between the models may reveal places where human review is needed. It is also helpful to require that the language of the case that specifically supports the proposition that it is cited for be quoted to reduce the risk of hallucination and make it easier for human hands to confirm what is being said.

Example 4. Client intake normalization and asset schedule creation

When clients provide information to practitioners, files are often fragmented, disorganized, hand-mixed in with irrelevant information, demanding significant time investment in order to discern what is needed to address the present concern. Consider providing the received documentation into an AI platform (with due regard for client confidentiality concerns discussed above) and request that AI organize the documents, providing structured schedules such as categorized brokerage holdings, entity ownership charts, and beneficiary designation summaries. This may reduce the time taken for an initial review of the information and may highlight missing information that needs to be followed up on earlier in the engagement.

Example 5. Background check and public record triage

AI can be employed to organize and summarize background check results, entity searches, litigation history, and other public records. These checks can be used before engaging a prospect to determine if there are concerns that should be addressed before choosing to represent that client,[13] before a client engages in a significant wealth transfer, and in a myriad of other situations. The AI check may be used to identify red flags found on the internet regarding the prospect or client and open issues to be addressed, allowing the professional to then follow up and verify the underlying data through traditional sources. It is best to use traditional background checks from licensed systems or detectives, in addition to an extensive AI check, and to correlate the results in AI.

Example 6. Meeting preparation and post meeting follow up letters

As mentioned above, AI can scour your client files and provide summaries, checklists, document links and other resources to efficiently help prepare for a forthcoming client meeting. AI can summarize legal documents provided by a new client, and legal documents that you have drafted in the past. Any materials prepared during a meeting with a client, such as rough notes and documents provided during a meeting, can be provided to the AI platform to create a meeting agenda, a list of open issues, and a draft follow up letter to provide to the client. That may allow the practitioner to review the documents to be sent to the client the same day as the meeting. Practitioners may consider informing the client that the information was generated through AI and not yet thoroughly reviewed by members of the staff (the practitioner can describe the steps they took while revising the materials), and confirm with the client if they are comfortable with this approach and wish to have this continue in the future. Inform the client that AI may improve their experience by providing detailed work in an efficient manner and by reducing the possibility of dropped balls as the next steps are clearly communicated to the client while the meeting is fresh in mind.

Example 7. Internal checklists, workflows, and playbooks

Running professional firms requires significant administrative staff and numerous systems. That staff and the myriad of tasks they have throughout the day often have checklists, or if not, information passed down from previous staff or gained through experience. When an individual leaves the firm, the loss of institutional knowledge can be significant if proper instructions are not provided. AI can enable firms to convert experience into repeatable checklists and standard operating procedures faster than if administrative staff is requested to prepare documents from scratch. This may incentivize staff to complete the documentation needed to provide a smoother onboarding experience, reducing the disruption from staff turnover.

Example 8. Drafting educational articles and client friendly explanations

Beginning a document from a blank page is often a difficult proposition. AI can be used to generate first drafts of a myriad of documents, including client memoranda, webinar outlines, PowerPoints and educational content among many other documents. This provides the practitioner with a starting point they can then use and edit for accuracy, tone, and jurisdiction specificity.

Example 9. Quality control and red flag detection in drafted documents

Complex estate planning documents often use numerous references. For transactions, documents may cross reference other documents involved in that transaction. Reviewing each of those documents for consistency requires significant effort and time, and often involves checking hundreds of different points to ensure everything is tied together correctly. Practitioners can create a checklist of “red flags” that they want the AI platform to review for them, and then provide the AI with the documents they wish it to cross reference together. This initial pass at reviewing internal consistency may be used to find inconsistent definitions, missing schedules, incorrect cross references, and other common errors. However, as discussed previously, be cautious in how much reliance is placed on the AI review. Consider instructing the AI review to merely flag issues for human review rather than silently changing the document. If the AI changes the documents, practitioners run the risk of having inadvertent changes that affect the intent of the document in unexpected ways which could necessitate a deeper review to correct than the initial conformity check would have taken.

Example 10. Integrated multi model review inside a firm platform

Conclusion

AI has numerous potential applications for practitioners who engage in estate and tax planning. Whether a particular application of AI will be useful for a specific practitioner will depend on the nature of their practice and how their firm operates. However, it is worthwhile for a practitioner to explore the myriad of ways that AI can be employed to provide them and their clients with a more efficient and robust experience. The

practitioner who learns to employ AI as a disciplined assistant, rather than considering AI a magic oracle they cannot discern the use of, will move faster, make fewer preventable errors, and deliver a better client experience.

Those looking to begin this exploration may try platforms like CoCounsel, CoPilot and EstateView's AI aggregation system (at estateviewai.com) to start the journey to a vast improvement in productivity and enjoyment. The practitioner who ignores AI will still be competing against it because other firms will use it to operate faster and at a lower cost.

HOPE THIS HELPS YOU HELP OTHERS MAKE A *POSITIVE* DIFFERENCE!

Martin M. Shenkman

Thomas Tietz

Alan Gassman

CITE AS:

LISI Estate Planning Newsletter #3265 (January 12, 2026) at http://www.leimbergservices.com. (**LISI**) This newsletter is designed to provide accurate and authoritative information regarding the subject matter covered. It is provided with the understanding that **LISI** is not engaged in rendering legal, accounting, or other professional advice or services. If such advice is required, the services of a competent professional should be sought. Statements of fact or

opinion are the responsibility of the authors and do not represent an opinion on the part of the officers or staff of **LISI.**

CITATIONS:

[1] Mata v. Avianca, Inc. (No. 22-cv-1461 (PKC), 2023 U.S. Dist. LEXIS 108263, at *4 (S.D.N.Y. June 22, 2023)

[2] *Get Smart*, television series, Season 2, Episode 20, "The Girls from KAOS" (NBC 1967). The series aired from 1965 to 1970 and was created by Buck Henry and Mel Brooks who co-wrote the 2008 *Get Smart* movie, which was directed by Peter Segal who also directed Naked Gun 33-1/3. This will be the last mention of nudity in the article.

[3] The Florida Bar released general information on AI use by attorneys which provides a glossary of AI terms, which may be helpful for all estate planning practitioners wanting to learn about AI. The Florida Bar Guide to Getting Started with AI," released January 7, 2025, viewable at https://www.legalfuel.com/guide-to-getting-started-with-ai, accessed January 5, 2026

[4] For additional discussion and information on AI data retention, see https://www.profilebakery.com/en/know-how/ai-data-retention-explained-rules-best-practices-pitfalls/?srsltid=AfmBOoomz5TaWswkW_tcZ-xC-JB7kVwfrcBiMapuDDIGmSAW0xITxQUl , accessed January 5, 2026.

[5] Practitioners may wish to review the pool of data each different AI can generate responses from. For example, Google can search the contents of a user's Android phone as part of responses to a prompt. This may have unintended results if the practitioner did not want their phone searched. For further information, see https://www.malwarebytes.com/blog/news/2025/07/no-thanks-google-lets-its-gemini-ai-access-your-apps-including-messages, last accessed January 5, 2026

[6] *Monty Python's The Meaning of Life*, film, (Universal Pictures 1983). Professionals should also check out John Cleese's books entitled *Families and How to Survive Them* and *Life and How to Survive It*, both of which are co-written with psychologist Robin Skinner, who is probably not related to B.F. Skinner.

[7] OpenAI discussed the use of deep research on the ChatGPT platform in the following article: https://openai.com/index/introducing-deep-research/, last accessed January 5, 2026.

[8] The Pink Panther Strikes Again, film, directed by Blake Edwards (United Artists 1976).

[9] See https://friendlychro.com/2025/08/19/where-ai-gets-its-information-2025/, last accessed on January 5, 2026. Peter Sellers appears in the recent Disney documentary on the Beatles' *Get Back* sessions, and appeared with Ringo Starr in the movie *The Magic Christian*—Soundtrack by Bad Finger. This has nothing to do with AI.

[10] For example, Reddit has limited the data the Wayback Machine website can access to prevent historical AI data scraping. See https://www.theverge.com/news/757538/reddit-internet-archive-wayback-machine-block-limit, last accessed January 5, 2026.

[11] Agentic AI is an evolution in the use of AI and is beyond the scope of this article. For a general discussion on traditional AI vs agentic AI, see https://www.pega.com/agentic-ai, last accessed January 5, 2026

[12] Checkpoint is Thompson Reuter's Westlaw search system

[13] For a deeper discussion on using AI background checks, see "Using AI to Conduct Background Checks on Potential Clients," co-authored by Merrek DeBolt, Mason Hockensmith, Martin M. Shenkman, Esq., Alan Gassman, Esq. and Thomas A. Tietz, Esq., December 23, 2025, accessible at https://www.wealthmanagement.com/estate-planning/using-ai-to-conduct-background-checks-on-potential-clients, last accessed January 5, 2026.