

# AI-Driven Background Checks and Conflict Protocols for the Modern Estate Planning Practice

## *Practical Applications, Risk Mitigation, and Ethical Advantages*

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### I. Introduction: From Ethics Theory to Practical Deployment

Estate planners increasingly recognize that theoretical discussions of AI ethics, while important, do not address the urgent need for *practical* ways to deploy AI in everyday practice workflows. As emphasized at the outset of the webinar, the focus is not on rules, but on **applications that improve efficiency, diligence, and risk management** (00:00:02–00:00:24).

The discussion, co-led with Tom Tietz and Alan Gassman, centered on *trained* AI systems—particularly **EstateView**, an AI-enhanced platform designed to perform estate-planning-specific analytics and background review processes (00:00:50–00:00:59).

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### II. Why AI Background Checks Now Belong in Every Estate Planner’s Intake Process

#### A. AI’s Capabilities Exceed Manual Internet Searches

The presenters noted that traditional “Google-and-click-everything” approaches are inherently limited and geographically biased. Modern AI can analyze historical versions of websites, scrape deeply buried data points, and link relationships among entities and individuals (00:01:57–00:02:22).

This includes recovery of information such as:

- Expunged arrest records (00:01:58–00:02:15).
- Prior iterations of websites via AI-enhanced “wayback” functions (00:02:15–00:02:22).
- Relationship-mapping between the client and persons with adverse histories (00:02:16–00:02:29).

Given that manual review could take “5 or 6 hours,” while AI produces comparable or better results “in 10 minutes... two minutes” (00:04:32–00:04:40), failing to use AI is increasingly indefensible from a professional-responsibility perspective.

## **B. Multi-Engine AI Review Reduces Hallucinations**

EstateView deploys a layered process: Gemini, Claude, and ChatGPT analyze the record sequentially, with each AI validating or contradicting the prior one (00:02:36–00:03:01; 00:22:48–00:23:18).

This multi-model triangulation materially reduces hallucinations—an important concern for practitioners.

## **C. A Real-World Example: Identifying Disqualifying Criminal Exposure**

A critical case study involved a Florida prospect seeking complex asset-protection planning. He asserted repeatedly that “nothing has happened” and that no litigation or exposure existed (00:08:01–00:08:12).

Within ninety seconds, EstateView revealed a **recent arrest for serious non-financial criminal conduct** (00:08:31–00:08:40).

This allowed the attorneys to decline representation immediately (00:08:45–00:08:51), avoiding potential involvement in fraudulent transfer planning and reputational harm.

This illustrates why **intake is the optimal ethical moment** to decline representation: no engagement has yet formed, and therefore the practitioner avoids complicated termination obligations that arise once representation commences (00:05:30–00:06:03).

## **D. Benefits Even When the Client Has a Clean Record**

AI background checks are not merely defensive. In another example, the AI identified:

- All real estate holdings
- Entity ownerships
- Estimated net worth  
(00:10:30–00:11:04)

This enabled a more informed and productive initial meeting, saved staff time, and signaled respect and professionalism to the client (00:11:04–00:11:25).

## **E. AI Helps Identify Privacy Concerns**

Estate planners can use the AI report to show clients the extent of their public exposure—addresses, entities, business interests—and discuss whether privacy structuring should be part of their planning (00:11:37–00:12:02).

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### III. AI-Enhanced Due Diligence for Large Transfers and Fraudulent-Conveyance Mitigation

#### A. Incorporating AI Into Transaction Checklists

For major transfers—especially gifts or sales of large percentages of net worth—Shenkman & Tietz now include AI background checks as a standard due-diligence item (00:12:19–00:12:33).

This is integrated into comprehensive transaction binders (“the black closing binder”) (00:12:49–00:13:11).

#### B. Establishing Optics Against Fraudulent Transfer Claims

The background check:

- Confirms whether there were known claims (00:13:32–00:14:00).
- Helps document that the client and advisors exercised diligence.
- Provides contemporaneous evidence that no red flags existed at the time of transfer (00:14:00–00:14:10).

When combined with:

- Signed financial statements (00:14:11–00:14:31),
- Solvency affidavits—even when not statutorily mandated (00:14:31–00:15:03),
- Liens, judgment searches, and optional private investigator reports (00:15:03–00:15:12),

...the AI report becomes **a powerful protective layer** demonstrating good-faith conduct and advisor diligence.

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### IV. AI as a Conflict-Check Engine: A Quantum Leap Forward

Traditional conflicts checks involve searching billing databases or client directories (00:20:48–00:20:52).

By contrast, Microsoft Copilot searched:

- 350,000+ digital documents (00:19:18–00:19:36),
- Entire email archives (after prompting the user to include email—AI “was smarter than me”) (00:20:04–00:20:21),

- Calendars and other Office 365 data sources (00:20:21–00:20:35),

and reported results in minutes—not the 10–12 days a large firm required for a conventional conflict review (00:21:04–00:21:07).

This level of search capability can locate:

- Prospective-client emails from years ago (00:21:27–00:21:46),
- Indirect references in archived documents,
- Prior adverse-party connections.

The conclusion: **legacy conflict-check procedures are no longer adequate** (00:21:47–00:21:56).

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## V. Training, Adoption, and Overcoming Barriers

Many attorneys use AI only when embedded inside research tools they already understand (00:23:18–00:23:42). Fear of hallucination or the perceived startup burden suppresses adoption.

But with trained systems—like EstateView for background checks and Copilot for conflict searches—startup time is *virtually zero* (00:23:42–00:24:09).

The practitioner simply enters the data and clicks “Background Check” (00:23:58–00:24:09).

This is not only *more efficient*; it frees staff for higher-value tasks and improves profitability (00:24:17–00:24:34).

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## VI. Conclusion: AI as the New Professional Standard of Care

AI is not a “nice to have.” It is rapidly becoming the expected standard for:

- Prospect screening
- Fraudulent transfer protection
- Comprehensive due diligence
- Conflict checks
- Client-privacy evaluation

As Gassman concluded, “Almost anything you do can be put into AI and improved” (00:17:18–00:17:33).

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If you'd like, I can also prepare:

- ◆ A **client-facing explanation** of AI background checks
- ◆ A **model intake procedure** incorporating AI
- ◆ A **fraudulent-transfer defense checklist** with integrated AI protocols
- ◆ A **sample solvency affidavit** or **asset-protection memo**

Just tell me what you'd prefer next.