CLARION AI PARTNERS

# AI in the Estate Planning Practice

**Key Takeaways · Monday-Morning Checklist**

Salt Lake Estate Planning Council
Fall Institute · November 5, 2026

## WHAT TO REMEMBER

**01 Iron Man, not the Terminator.**
AI augments professionals; it does not replace them. Humans own judgment, and AI does the volume.

**02 Verify everything.**
Models can be confidently out of date. Some still warn about the 2026 estate tax "sunset," which the 2025 tax law removed. Check every number, cite, and rule.

**03 Confidentiality has many rulebooks.**
Rule 1.6 and ABA Formal Op. 512 · IRC §7216 · FTC Safeguards Rule · amended Reg S-P · interagency third-party risk guidance · and the AI tool's own terms.

**04 Your clients' AI chats are not privileged.**
*Heppner* (S.D.N.Y. 2026): a client's solo use of a public AI tool is neither privileged nor work product. A testator's chats can surface in a will contest.

**05 Deepfakes target your clients' money.**
Call back on known numbers, require two approvals for distributions and wire changes, and protect signings with live witnesses (FinCEN Alert FIN-2024-Alert004).

**06 Likeness and voice are now Utah estate assets.**
SB 256 (effective May 6, 2026) creates a right to consent to use of likeness and voice, including AI simulations. It descends at death and lasts 70 years.

**07 Delegating to AI is still delegating.**
Trustees should select the tool carefully, define its scope, monitor it, and document reviews, consistent with the Uniform Prudent Investor Act.

## MONDAY-MORNING CHECKLIST

### In your firm

- ☐ Name one owner for AI decisions.
- ☐ Adopt a one-page AI policy: approved tools and a never-paste list.
- ☐ Use business or enterprise AI terms only: no training, limited retention, U.S. data.
- ☐ Add AI language to engagement letters; get §7216 consents where needed.
- ☐ Require human review of every client-facing AI output.

### In your clients' plans

- ☐ Add AI accounts, chat histories, and AI-generated IP to intake.
- ☐ Include fiduciary access language under Utah's RUFADAA (Utah Code Title 75, Ch. 11).
- ☐ Address likeness and voice: license, limit, or prohibit digital replicas.
- ☐ Suggest a family code word and a call-back rule for money requests.
- ☐ Tell clients to bring AI drafts to you, and not to paste your advice into AI.

**Use AI — but direct it, paper it, verify it, and govern it.**

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