



## Solicitor's Tip - January 2026

### WILL-DRAFTING IN THE AGE OF AI: THE POWER OF AI-ASSISTED DOCUMENT REVIEW DURING ESTATE PLANNING

While artificial intelligence (“AI”) cannot substitute a lawyer’s legal judgment, it is undeniable that AI presents “a tremendous opportunity for lawyers to offer better, faster, and more comprehensive services to … clients, who … continue to need the services of experienced counsel.”<sup>1</sup> For lawyers seeking to incorporate AI into a wills and estates practice, document review is an excellent place to start. AI document review can take many forms - reviewing and summarizing estate planning documents, comparing drafts, and even testing new estate plans - all of which ought to enhance accuracy, efficiency, and risk management during the will-drafting process.

#### Using the Right AI Tools

It merits noting at the outset that the document review strategies discussed in this Solicitor’s Tip are intended for closed AI systems that have been designed for use by legal professionals.<sup>2</sup> Lawyers can trust the outputs generated by such systems, since they operate within secure environments, plus they are designed to respect client confidentiality and lawyers’ professional obligations.

Lawyers should refrain from using open AI systems for such document review,<sup>3</sup> recognizing that sharing a client’s personal information needed to create an estate plan with open AI may breach client confidentiality and could attract professional discipline.<sup>4</sup> There is also a risk of inaccurate or “hallucinated” responses, even during document review, using open AI systems.<sup>5</sup>

#### Reviewing a Client’s Existing Estate Plan with AI

Upon being retained to create a new estate plan for a client, counsel can use AI to efficiently review the client’s current will or other estate planning documents. Historically, counsel would have likely reviewed such documents manually in order to prepare for a client meeting. Today, however, AI can summarize the client’s existing estate plan and organize the information therein in a number of helpful ways, typically in a matter of seconds. For example, AI can:

- generate a list of beneficiaries, noting each of the gifts left to them,

<sup>1</sup> Ian Hull, “The Path Forward for 2026: How Lawyers and Firms Should Navigate AI Opportunity and Risk”, (2025) 31:4 *The Probater*, online (blog): <<https://hullandhull.com/2025/12/the-probater-vol-31-no-4-december-2025-the-path-forward-for-2026-how-lawyers-and-firms-should-navigate-ai-opportunity-and-risk/>>.

<sup>2</sup> See, for example, Thomson Reuter’s *CoCounsel* or LexisNexis’s *Lexis+ AI*.

<sup>3</sup> Open AI systems include ChatGPT, Google Gemini, ClaudeAI, and Grok AI.

<sup>4</sup> See Law Society of Ontario, *Licensee use of generative artificial intelligence*, White Paper (April 2024), online: <<https://lawsocietyontario-dwd0dscmayfwh7bj.a01.azurefd.net/media/lso/media/lawyers/practice-supports-resources/white-paper-on-licensee-use-of-generative-artificial-intelligence-en.pdf>>

<sup>5</sup> See, for example, Kevin Donovan, “I asked AI to scan thousands of Barry and Honey Sherman murder case documents. Here’s what it told me I missed”, *Toronto Star* (15 Dec 2025), online: <[https://www.thestar.com/news/investigations/i-asked-ai-to-scan-thousands-of-barry-and-honey-sherman-murder-case-documents-heres/article\\_2b3677bb-1876-4020-91d0-25cdf234aed5.html](https://www.thestar.com/news/investigations/i-asked-ai-to-scan-thousands-of-barry-and-honey-sherman-murder-case-documents-heres/article_2b3677bb-1876-4020-91d0-25cdf234aed5.html)>.

- generate a list of estate assets disposed of under the will,
- identify and summarize all of the powers granted to the estate trustee under the will, and
- provide an overview of the types of clauses included in the will.

If a client also has prior wills, they too can be uploaded to AI for document review. AI can compare the client's current estate plan with their past wills, helping counsel to quickly understand how the client's estate plan has changed over time.

Using AI this way not only reduces the amount of time that counsel needs to spend reviewing prior estate planning documents, but it should also give counsel a more comprehensive understanding of the client's existing estate plan for the purpose of taking instructions for a new will.

### **Using AI to Compare Estate Plans**

Once a new will has been drafted, counsel can again use AI as a review tool. This time, the new will can be uploaded to AI for comparison against the client's prior estate planning documents. AI can be used to identify how the new will is different from the prior will, and confirm that all intended changes have been made. AI may also identify unintended drafting errors, such as:

- the misspelling of a beneficiary's name,
- errors in the value of pecuniary legacies,
- an incorrect division of a bequest left to multiple beneficiaries, or
- missing dispositive provisions.

If a client is making their first will, counsel could instead use AI to compare the draft will against a standard will template, to ensure that no clauses are missing and that template provisions have been properly customized to reflect the client's instructions.

### **Using AI to Compare a Draft Will Against the Client's Instructions**

Notes from the client intake meeting, or any other written communications that contain the client's instructions, can also be uploaded to AI for comparison against the draft will, to ensure that it is consistent with the client's instructions and covers all important contingencies raised by the client.<sup>6</sup> If AI identifies any inconsistencies, the will can simply be revised before it is executed.

### **Using AI to Review and Analyze a New Estate Plan**

AI can also be used to simply review a draft will, rather than compare it against other documents. For example, having AI prepare a summary of all clauses in a will may help counsel catch inadvertent drafting errors, such as duplicate will clauses or the disposition of one asset in multiple clauses.

Closed AI systems designed specifically for lawyers can also be used to analyze:

- hypothetical distribution scenarios, including how the estate would be distributed if a beneficiary either predeceases the testator or survives the testator; and

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<sup>6</sup> LawPRO also endorses comparing a draft will against the client's instructions before the will is executed, in order to protect against potential claims: see "LawPRO Wills and Estates Claims Fact Sheet", online: <<https://www.practicepro.ca/practice-aids/claims-fact-sheets/wills-estates-malpractice-claims-fact-sheet/>>.

- the potential impact of statutory rules, such as anti-lapse provisions.<sup>7</sup>

Taking the time to analyze how the client's estate would be distributed under a new will in a variety of scenarios can help to ensure that the document operates as the client intended, and that all contemplated contingencies have been addressed.

### **Conclusion**

When drafting a will, AI can be a valuable tool for reviewing and analyzing estate planning documents. As noted in this Solicitor's Tip, counsel can use AI to summarize the client's prior estate plan, to get up to speed on the file efficiently. AI can then be used to compare a new draft will against the client's prior wills, as well as client instructions, to ensure that the draft will is comprehensive and free of errors and omissions. Lastly, AI can be used to analyze how the client's estate would be distributed in a variety of scenarios, to ensure that the will takes all contingencies into account. When used responsibly, AI is a powerful tool that counsel can harness to craft better estate plans while preserving their central role in the estate planning process.

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<sup>7</sup> In Ontario, see the *Succession Law Reform Act*, RSO 1990, c S.26, s 31.