



ChatGPT Wrote My Will. What Could Go Wrong?

Artificial intelligence can do remarkable things. Legally binding estate planning documents in Michigan is not one of them.

It was only a matter of time.

For decades, the cautionary tale in estate planning was the person who downloaded a generic will template from the internet, filled in the blanks, forgot to get it witnessed, and left their family with a document that a Michigan probate court refused to honor. The lesson was simple: estate planning requires professional guidance.

Then came artificial intelligence — and suddenly, the barrier felt even lower. Why pay an attorney when you can describe your entire family situation to an AI chatbot, watch it generate a polished, grammatically perfect, legally-sounding will in under sixty seconds, and print it out from the comfort of your kitchen?

We are not here to insult anyone who has had this thought. It is a completely rational impulse. AI tools are genuinely impressive. They write code, summarize contracts, draft emails, and explain complex medical diagnoses in plain English. They are remarkable.

But there is a specific and important reason why an AI-generated will is not just imperfect — it is potentially worthless. And understanding that reason could save your family from one of the most avoidable disasters in modern estate planning.

An AI can write words that look exactly like a will. What it cannot do is make those words legally binding in the State of Michigan — and the difference between those two things is the difference between your family being protected and your family spending eighteen months in probate court.

What AI Actually Does — And What It Doesn't Know

To understand the problem, it helps to understand what AI tools like ChatGPT actually do. They are extraordinarily sophisticated pattern-matching engines trained on enormous amounts of text. They learn to produce output that resembles the kind of text they were trained on, in this case, legal documents.

The result is a document that sounds authoritative, uses legal terminology correctly, and follows the general structure of a will. It may even include provisions you would not have thought to ask for.

Here is what it cannot do:

- **It cannot know Michigan law specifically** — AI tools generate generic legal documents that may or may not comply with the specific execution requirements of the Michigan Estates and Protected Individuals Code. Michigan has precise statutory requirements for how a will must be signed, witnessed, and in some cases notarized. A document that meets the general requirements of most states may still fail Michigan's specific standards.
- **It cannot witness or notarize your signature** — Under MCL 700.2502, a Michigan will must be signed by the testator in the presence of at least two witnesses who sign the document in the testator's presence. The AI cannot be a witness. It cannot observe your signing. It cannot verify that the proper formalities were followed. And if they were not — if you printed the document and signed it alone at your kitchen table — the will is invalid.
- **It cannot account for your specific circumstances** — AI generates documents based on the information you provide. It does not know what it does not know. It does not know that your son is in a financially vulnerable situation that calls for a spendthrift trust. It does not know that your daughter and your son-in-law have a complicated relationship that should be addressed in how her inheritance is structured. It does not know that you own a business interest whose disposition has significant tax implications. You do not know how to tell it these things because you do not know they matter.
- **It cannot update itself when the law changes** — The One Big Beautiful Bill Act of 2026 permanently changed the federal estate tax exemption to \$15 million per person. AI tools trained before that change may generate documents referencing outdated tax planning provisions. Estate plans are living documents — and an AI has no mechanism to flag when its output has become legally obsolete.
- **It cannot be held accountable** — If your Michigan attorney drafts a will that fails due to professional negligence, you have legal recourse. There is a licensing board. There is malpractice insurance. There is a profession built on accountability. ChatGPT has none of these things. When the AI-generated will fails — and it may — there is no one to call.

The Real-World Consequences: What Courts Are Already Seeing

This is not a hypothetical concern. Courts across the country — and in Michigan — are already beginning to encounter the downstream consequences of AI-generated legal documents.

In 2023, a now-infamous case in a New York federal court made national headlines when attorneys submitted a legal brief citing multiple cases that did not exist — fabricated entirely by an AI tool that had been asked to find supporting precedent. The attorneys did not check. The cases were fictional. The court was not amused.

Estate planning presents an even more dangerous version of this problem: the failure of an AI-generated will is not discovered in a courtroom during the creator's lifetime. It is discovered after death — when the person who relied on the document cannot correct it, explain it, or do anything at all to protect the family they were trying to provide for.

The specific failure modes we anticipate seeing most frequently in AI-generated wills include:

- **Improper execution** — The document was printed and signed but not properly witnessed per Michigan's two-witness requirement, rendering it legally void.

- **Missing or incorrect residuary clause** — Without a proper residuary clause, assets not specifically named in the will fall into intestacy — passing under Michigan's default rules rather than the testator's wishes.
- **Conflicting provisions** — AI tools can generate internal contradictions — a document that gives the house to one beneficiary in one section and to a different beneficiary in another, with no mechanism to resolve the conflict.
- **Unfunded or non-existent trusts** — An AI may suggest creating a trust within a will — a testamentary trust — without any mechanism for funding it or any understanding of how Michigan law governs such trusts.
- **Failure to address Michigan-specific issues** — Lady Bird deeds, Michigan's specific spousal elective share rights, the requirements of patient advocate designations, and the mechanics of the Michigan Enhanced Life Estate Deed are all Michigan-specific legal concepts that a generic AI document will not address correctly — or at all.

The cruelest part of an AI-generated will is that it looks like it worked. The person who created it feels protected. Their family feels reassured. Nobody discovers the problem until the moment it matters most — and at that point, it is irreversible.

What AI Is Actually Good for in Estate Planning

We want to be fair to technology because AI tools do have a legitimate and genuinely useful role in the estate planning process. Just not the role most people assign them.

AI is excellent at helping people think through questions they want to ask their attorney. It is useful for understanding general concepts — what a trust is, how probate works, what a power of attorney does — before walking into a professional consultation. It can help people organize their thoughts, identify assets they might have forgotten, and articulate their wishes in a way that makes the attorney's job more efficient.

What AI should never be is the endpoint. It should be the starting point — the research tool that prepares you for a real conversation with a licensed Michigan estate planning attorney who can take your specific circumstances, apply Michigan-specific law, draft documents that meet Michigan's execution requirements, and be professionally accountable for the result.

The difference in cost between an AI-generated document and a professionally drafted estate plan is real. We will not pretend otherwise. But the difference in reliability — in the certainty that your family will actually be protected when they need it — is not comparable. One is a document that looks like a will. The other is a will.

The Next Step

If you're not sure what makes sense for your situation, you're not alone. Most people start with questions.

That's why we walk clients through everything in plain English—so you can understand your options and make the right decision for your family.

You don't need to have it all figured out.

You just need to take the first step.

Schedule a consultation and get clear on what you actually need.

At John R. Tatone & Associates, we create estate plans that avoid probate, preserve family wealth, provide a fair distribution, reduce tax burdens, and 2 provide peace of mind. With 3 decades of experience in estate planning and probate, we understand the unique needs of blended families, business owners, and professionals across Macomb, Wayne, and Oakland counties. Visit www.johntatone.com or call (586) 580-8850 to schedule a free telephone consultation.

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