

Are the Machines in Charge?

Using AI to Review Trusts and Other Things

Mason Clark · National Conference on Special Needs Trusts · October 22, 2026

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FLUENCY ≠ ACCURACY

Is there an analogy?

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Determinism and Outputs

Predict the
next words



An accurate summary of Article IV

A fabricated subsection of the
POMS

The model draws no internal distinction between recalling and inventing.

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Know which one you are using

1 Chat

Training data only.
No grounding.

HIGHEST RISK

2 Research tool

Constrained to a
curated database.

LOWER RISK

3 Your document

The corpus is the
instrument you
uploaded.

LOWEST RISK

Vendor marketing blurs these.

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SORTING BY TASK (NOT TOOL)



FIRST PASS

Summaries · extraction · chronologies · plain-language translation · version compare



FULL REVIEW REQUIRED

Cross-document consistency · missing provisions · issue-spotting · client questions



HIGH RISK

SSI / Medicaid conclusions · POMS · payback mechanics · early termination · tax

The tiers track one variable: how far the answer sits from the text in front of it.

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CONVENTIONS AND MISTAKES

ORDINARY TRUST

Ascertainable standard

Health, education, maintenance, support.
The dominant pattern in the training data.

MAJORITY PATTERN

SPECIAL NEEDS TRUST

Sole and absolute discretion

No enforceable right to compel.
The provision doing the work.

READS AS A DEFECT

The model offers to “cure” it. That recommendation can defeat the trust.

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The provisions it flags as defects are frequently the nuanced provisions that matter most.

The instinct to improve the document is a hazard.

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Three dates the model may not have

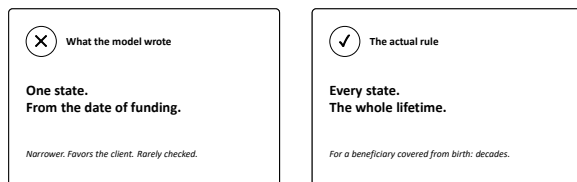


*A model reports the law as of some point in the past—and will not tell you which point.
(And mid-2010s gaps!)*

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Reasonable Outputs



We scrutinize favorable answers least.

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What a fabricated citation looks like

Hoffman v. Dep't of Health Servs., 2019 WL 4478812 (E.D. Wis. Sept. 18, 2019)

Real court

Plausible WL number

Plausible date

Fits the argument

It does not exist

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The hardest one to catch

"Texas requires court approval for any distribution exceeding \$5,000."

No citation

Nothing to pull

Out-of-state

Cannot evaluate it

In-state

Assume you forgot

An uncited assertion is an unfalsifiable one.

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Protocols

1 Open every citation yourself

2 Make it quote the Instrument

3 Re-run it and compare

4 Ask it to attack its own answer

5 Second reader, never first

6 Note what you verified

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Framing

AI FIRST

Model → You

You inherit its framing.
Anchoring is substantial.

AI SECOND

You → Model

It catches your misses.
Your judgment stays yours.

Generate your own work before you read the model's.

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Critiques of Protocol

Never mentioned in a review of a trust funded by an \$840,000 settlement:

Medicare Set-Aside

Lien allocation

Irrevocability

Agency approval

Capacity

Trustee bonding

Successor trustee

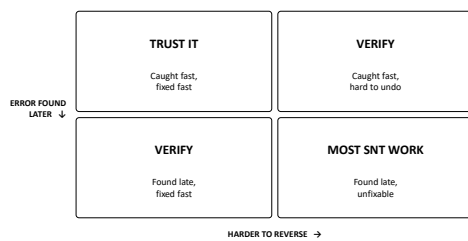
The beneficiary's wishes

Every verification step checks what it said.
None of them checks what it never raised.

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Trusting the Machine



Trust it where errors are cheap to detect and cheap to reverse.

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Navigating AI's Wild West
2:25 – 3:15 p.m. (breakout session)

Ethics, bias, and backlash