



FALL 2026 E-NEWSLETTER

At Digital Mountain, we assist our clients with their electronic discovery, digital forensics, cybersecurity, and data analytics needs. For this Halloween E-Newsletter, we explore the digital afterlife including the accounts and AI agents that persist, as well as the griefbots that promise one more conversation with a deceased loved one. Additionally, we discuss the courts deciding whether the dead can testify through words they never said. What is digital evidence relating to this other realm?

Are Griefbots and Digital Afterlife Programs: Comfort or Creepy?

Almost everyone knows someone who has kept a voicemail long after the person who left it passed. It isn't the message that matters. It's the voice, the proof that they were here, and the chance to hear them one more time. Griefbots and digital afterlife platforms build on that same desire, offering ways to see, hear, and even talk with representations of people we've lost. While a recording is evidence that someone said something, a griefbot is a prediction of what they might have said. Digital afterlife platforms sit on the line between those two things, and knowing where a given tool sits is the first step to understanding what digital artifact it produces.



Retrieval vs. Generation

At their simplest, these platforms let people interact with a digital representation of someone who has died. Most run on ordinary smartphones or computers. Some also support interactive avatars or holographic displays. The most important difference between these tools is whether they *retrieve* what a person said or *generate* what they might say.

- **StoryFile Life** sits at the retrieval end. Individuals record video answers to questions during their lifetimes. Family members can later ask questions, and the system matches each one to the closest recorded answer. Every response is something the person actually said.
- **MemoAgent** sits at the generation end. Families upload photographs, voice recordings, WhatsApp conversations, and personal memories. Generative AI uses that material to simulate new conversations in the person's communication style.

- **Afterlife AI** falls in between. Individuals build their own digital persona while they are alive, contributing their memories, voice, and experiences, and set preferences for how and by whom it can be accessed later.

The same word, “griefbot” covers all three. What they produce is very different.

Where the Data Lives

Most digital afterlife platforms store uploaded files, account information, and conversation history on provider-managed cloud servers. The app on a phone or a computer is a window into the stored data, not the data itself. Local devices may hold screenshots, downloads, or cached files, and holographic displays typically pull everything from the cloud.

That arrangement has consequences:

- **If the provider shuts down, the replica may go with it.** Whether families can download or transfer the underlying material depends entirely on the provider’s policies and technical capabilities. That should be checked before anything is uploaded, not after.
- **Uploaded data rarely belongs to just one person.** A deceased person’s message history includes the words of everyone they talked to. Uploading it to build a replica puts those people’s messages on a third-party server as well.
- **Interactions may become discoverable.** Once created, the artifacts and the prompts used to create them may become digital evidence discoverable as part of a litigation or criminal process. Privileges, including spousal privilege and attorney-client privilege, may be suspended when a third party, such as a Generative AI platform communicating with the surviving loved one, is given information normally covered under privilege.

Who Controls the Replica?

Control is usually shared. The account holder decides what goes in, and the provider decides how it is stored, processed, and used. The provider’s terms of service govern the rest, including whether uploaded material can be used to train or improve its systems.

With generative tools, the people uploading content also shape the replica itself. A family using MemoAgent might contribute memories, messages, and descriptions of personality, and the AI builds its responses from that material. Over time, the replica reflects what the family chose to share as much as who the person was.

Afterlife AI changes that balance because the person being represented sets the boundaries while alive.

Whose Words Are They?

A retrieval system can only repeat statements the person actually made. A generative system can produce entirely new ones.

The 2025 Arizona sentencing in the death of Christopher Pelkey shows how much that difference can matter. Pelkey’s family created an AI-generated video that recreated his face and voice to deliver a victim impact statement. The words were written by his sister, not taken from anything Pelkey said. That video was not an interactive griefbot. It was scripted for the purpose of presenting in court, not generated in conversation.

Griefbot technology can now do more than preserve someone’s memory. This technology can generate speech that sounds like your loved one’s voice, but may not truly reflect their personality.

As more of these digital reincarnations are created, the debate over whose words they're speaking undoubtedly will move from family rooms to courtrooms. An AI-generated video made from your dad's voicemail congratulating you on a new job is one thing. A system that animates thoughts he may or may never have had is something else, and families deserve to know which one they're getting. Understanding which version of your father's afterlife communications is coming through your mobile device may be the key to determining whether this Generative AI use is comforting or just downright creepy.

Please direct questions and inquiries about electronic discovery, digital forensics, cybersecurity, and data analytics to info@digitalmountain.com.

UPCOMING INDUSTRY EVENTS

EVERLAW SUMMIT 2026
San Francisco, CA: October 27-29, 2026

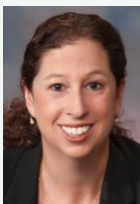
THE SEDONA CONFERENCE WORKING GROUP 13 MIDYEAR MEETING
2026
Vancouver, BC, CA: November 5-6, 2026

IAM LIVE TRADE SECRET STRATEGY USA 2026
San Jose, CA: November 10, 2026

USD CYBER LAW & RISK SYMPOSIUM 2026
San Diego, CA: November 12, 2026

GEORGETOWN LAW ADVANCED EDISCOVERY (AEDI) 2026
Washington, DC: November 19-20, 2026

[Click here to see more upcoming events and links.](#)



Digital Mountain, Inc. Founder and CEO, Julie Lewis, will be presenting at various upcoming industry events. Please send requests for speaker or panel participation for her to marketing@digitalmountain.com.

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