



**SB 131 – Estates and Trusts – Fiduciaries – Attorney–Client Privilege**

**Committee:** Senate Judicial Proceedings Committee

**Date:** January 22, 2026

**Position:** Favorable

The Maryland Bankers Association (MBA) **STRONGLY SUPPORTS** SB 131. This legislation provides clarity that communication between an attorney and a fiduciary is subject to attorney-client privilege, even if fiduciary funds are used to compensate the attorney for legal services. This clarifying piece of legislation provides assurance that fiduciaries, including banks administering estates and trusts, can obtain legal advice without compromising client confidentiality.

Maryland banks routinely serve Maryland residents in fiduciary capacities—acting as trustees, personal representatives, custodians, and agents. In these roles, institutions seek timely and confidential legal guidance to ensure their actions comply with state law, fulfill fiduciary duties, and protect beneficiaries’ interests.

Without clear statutory protection, fiduciaries may hesitate to consult an attorney and may face uncertainty over whether beneficiaries could later demand access to privileged legal advice simply because such advice was paid for using trust or estate assets. Removing ambiguity around this attorney-client relationship ensures fiduciaries can confidently consult legal counsel, and that beneficiaries receive accurate fiduciary administration.

SB 131 strengthens Maryland’s fiduciary framework and allows financial institutions to better serve their clients while administering estates and trusts. Accordingly, MBA urges the issuance of a **FAVORABLE** report on SB 131.

*The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing thousands of Marylanders and holding \$194.8 billion in deposits in over 1,100 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.*