

SENATE BILL 135

N2

(PRE-FILED)

5lr1286
CF HB 310

By: **Senator West**

Requested: October 19, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Fiduciaries – Attorney–Client Privilege**

3 FOR the purpose of clarifying that a communication between an attorney and a client that
4 acts as a fiduciary is subject to the attorney–client privilege even if fiduciary funds
5 are used to compensate the attorney for services rendered to the client; and generally
6 relating to fiduciaries and the attorney–client privilege.

7 BY adding to

8 Article – Estates and Trusts

9 Section 15–117

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2024 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Estates and Trusts**

15 **15–117.**

16 **(A) IN THIS SECTION, “FIDUCIARY” INCLUDES AN AGENT, AS DEFINED IN §**
17 **17–101 OF THIS ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(B) (1) UNLESS WAIVED BY THE CLIENT, A COMMUNICATION BETWEEN**
 2 **AN ATTORNEY AND A CLIENT THAT ACTS AS A FIDUCIARY IS SUBJECT TO THE**
 3 **ATTORNEY-CLIENT PRIVILEGE EVEN IF FIDUCIARY FUNDS ARE USED TO**
 4 **COMPENSATE THE ATTORNEY FOR LEGAL SERVICES RENDERED TO THE CLIENT.**

5 **(2) THE EXISTENCE OF A FIDUCIARY RELATIONSHIP BETWEEN A**
 6 **FIDUCIARY AND A BENEFICIARY DOES NOT CONSTITUTE OR GIVE RISE TO A WAIVER**
 7 **OF THE ATTORNEY-CLIENT PRIVILEGE FOR COMMUNICATIONS BETWEEN THE**
 8 **ATTORNEY AND THE FIDUCIARY.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 10 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.