

Chapter 501

(House Bill 65)

AN ACT concerning

Estates and Trusts – Fiduciaries – Attorney–Client Privilege

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

BY adding to

Article – Estates and Trusts
Section 15–117
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

Article – Estates and Trusts

15–117.

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

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

(2) THE EXISTENCE OF A FIDUCIARY RELATIONSHIP BETWEEN A FIDUCIARY AND A BENEFICIARY DOES NOT CONSTITUTE OR GIVE RISE TO A WAIVER OF THE ATTORNEY–CLIENT PRIVILEGE FOR COMMUNICATIONS BETWEEN THE ATTORNEY AND THE FIDUCIARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.