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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO FIDUCIARIES -- APPLICATION OF LAWS TO TRUSTS

Introduced By: Senators LaMountain, and McKenney

Date Introduced: February 21, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Chapter 18-1 of the General Laws entitled "Application of Laws to Trusts"
- 2 is hereby amended by adding thereto the following section:
- 3 **18-1-5. Confidential communications.**
- 4 (a) A communication between an attorney and a client acting as a trustee or other fiduciary,
- 5 is privileged and protected from disclosure to the same extent as if the client was acting in the
- 6 client's individual capacity and not acting as a trustee or other fiduciary.
- 7 (b) The privilege is not waived by:
- 8 (1) A fiduciary relationship between the trustee or other fiduciary, and a beneficiary of the
- 9 trust; or
- 10 (2) The use of trust property to compensate the attorney for legal services rendered to the
- 11 trustee or other fiduciary.
- 12 (c) If an attorney's client is a trustee or other fiduciary, then the attorney's client is only the
- 13 person acting as trustee or other fiduciary. A successor trustee or other fiduciary is not the attorney's
- 14 client solely by reason of succeeding the person with whom the attorney had an attorney-client
- 15 relationship.
- 16 (d) A trustee or other fiduciary, and their successor may agree to share privileged
- 17 communications relating to some or all matters involving the trust. The disclosure of privileged
- 18 communications under the agreement does not waive the disclosing party's privilege. Unless the
- 19 agreement provides otherwise, privileged communications disclosed under the agreement shall not

- 1 be disclosed to a third party without the disclosing party's consent or a court order.
- 2 (e) This section shall not impair or abridge the law governing exceptions to the attorney-
- 3 client privilege relative to claimants through the same deceased.
- 4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FIDUCIARIES -- APPLICATION OF LAWS TO TRUSTS

- 1 This act would provide that a communication between an attorney and client acting as a
2 trustee or other fiduciary, is privileged and protected from disclosure to the same extent as if the
3 client was acting in his, her, or its individual capacity.
4 This act would take effect upon passage.

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