

2025 -- H 5365

LC001312

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: Representatives Craven, Caldwell, and McEntee

Date Introduced: February 07, 2025

Referred To: House 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
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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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