

## **Executor may waive decedent's attorney client privilege**

**Executor may waive decedent's attorney client privilege.** Some of the children of the decedent brought an action against the executor (another child of the decedent) to include certain property in the estate, which the executor claimed was transferred to him prior to death. The New York Appellate Court (joining three other intermediate appellate courts) affirmed the trial court in holding that the executor of the estate may waive the decedent's attorney-client privilege – even though in doing so it benefits the executor personally, rather than the estate. In this case the decedent's attorney could testify that the property had in fact been gifted prior to death. In re Estate of Thomas, 113 N.Y.S.3rd 447 (App. Div. 2019).