

Property Law. *Robinson v. Delfino*, 710 A.2d 154 (R.I. 1998). Under Rhode Island law, the surviving named holder of a joint bank account is entitled to receive the remaining funds in that account absent fraud, undue influence, duress, or lack of mental capacity.

In *Robinson v. Delfino*,¹ the Rhode Island Supreme Court sought to set out a rigid rule concerning survivorship rights in jointly held bank accounts.² Accordingly, the court determined that the named surviving holder of the joint account shall receive the funds contained therein absent a showing of fraud, undue influence, duress, or lack of mental capacity.³

FACTS AND TRAVEL

Florence A. Izzi (decedent) died intestate on December 27, 1993, leaving two siblings: John Izzi (Izzi) and Elisa Delfino (Delfino).⁴ Decedent maintained several joint bank accounts with both Delfino and her husband, Donald Rich (Rich).⁵ Each of these accounts were funded entirely with decedent's money.⁶ Neither Delfino nor Rich ever had possession of any of the passbooks, statements, or certificates of deposit for any of the accounts.⁷ After decedent's death, both Delfino and Rich withdrew all the money contained in the respective joint accounts maintained by the deceased.⁸ Decedent's brother, Izzi, sought to have those joint accounts treated as if they were established solely for convenience, therefore adding the proceeds into decedent's estate.⁹

The defendants, Delfino and Rich, appealed this case to the Rhode Island Supreme Court from an order of trial justice di-

1. 710 A.2d 154 (R.I. 1998).

2. *Id.* at 156.

3. *See id.* at 160-61.

4. *See id.* at 155.

5. *See id.* at 155-56. On February 5, 1993, decedent opened three joint bank accounts in her and Rich's names. *See id.* at 155. Decedent also maintained seven joint bank accounts with Delfino. *See id.* Additionally, decedent also maintained two safe-deposit boxes, one as a joint tenant with Delfino, the other as a joint tenant with Rich. *See id.*

6. *See id.* at 155.

7. *See id.*

8. *See id.*

9. *See id.*

recting them to return money which had previously been contained in joint bank accounts with decedent.¹⁰

BACKGROUND

The trial justice's decision was based, in great part, upon the Rhode Island Supreme Court's holding in *Nocera v. Lembo*.¹¹ In *Nocera*, the court stated that a joint bank account's form "constitutes prima facie evidence of ownership in the survivor upon the death of the other joint owner."¹² However, the court noted in *Nocera* that this presumption is not controlling.¹³ Evidence may be introduced to show that the original owner of the joint account added the survivor's name for convenience sake, not intending to make a gift of the account to the named survivor.¹⁴

ANALYSIS AND HOLDING

In *Robinson v. Delfino*, the Rhode Island Supreme Court sought to clarify, once and for all, Rhode Island's law on survivorship rights in joint bank accounts.¹⁵ Noting that the current law was not only "both unpredictable and inconsistent," but also "frustrat[ed] the public's common understanding of what it always believed that a joint bank account was intended to accomplish," the court established a rigid rule concerning joint bank accounts.¹⁶

This new law concerning survivorship rights in joint bank accounts was set forth by the court to make the law predictable and reliable to those people who establish joint bank accounts.¹⁷ Therefore, the court concluded that:

the opening of a joint bank account wherein survivorship rights are specifically provided for is conclusive evidence of the intention to transfer to the survivor an immediate *in praesenti* joint beneficial possessory ownership right in the

10. See *id.* at 154-55.

11. See *id.* at 156 (citing *Nocera v. Lembo*, 397 A.2d 524 (1979)).

12. *Nocera*, 397 A.2d at 525.

13. See *id.* at 526.

14. See *id.*

15. *Robinson*, 710 A.2d at 156-57. The court "facetiously noted" that, in Rhode Island, there are two ways to start a civil suit: first, is to file a complaint pursuant to Superior Court Rule of Civil Procedure 3, and second, to open a joint bank account with the right of survivorship. *Id.* at 156-57 n.8.

16. *Id.* at 156.

17. See *id.* at 160.

balance of the account remaining after the death of the depositor, absent evidence of fraud, undue influence, duress, or lack of mental capacity.¹⁸

This reasoning, according to the court, is based upon the current trend among courts to treat joint bank accounts in the way in which the majority of the public actually perceive joint bank accounts.¹⁹

The court determined that "the absolute common understanding of the vast majority of people establishing joint bank accounts nowadays is that they create immediate possessory as well as survivorship rights."²⁰ Therefore, to permit the introduction of extrinsic evidence to analyze the depositor's intent is, according to the court, denying individuals their rights under such joint bank accounts.²¹

In formulating its opinion, the Rhode Island Supreme Court relied heavily on *Wright v. Bloom*,²² an Ohio court case.²³ In *Wright*, the Ohio Supreme Court reasoned that survivorship rights in a joint bank account should not be defeated through use of extrinsic evidence of the depositor's intent.²⁴ Because the "need for uniformity" in this area of law is essential, the Ohio Supreme Court noted that permitting extrinsic evidence of the depositor's intent served only to perpetuate confusion and encourage "the very evils of misinformation and litigation sought to be avoided."²⁵ The Rhode Island Supreme Court based its opinion on similar grounds, namely, that:

[a] surviving named joint account holder should be entitled to obtain funds remaining on deposit in a joint account without the necessity of first having to travel through several court systems and to have lawyers, trial judges, juries, and appel-

18. *Id.* at 160-61.

19. *See id.* at 158.

20. *Id.* at 160.

21. *See id.*

22. 635 N.E.2d 31 (Ohio 1994).

23. *See Robinson*, 710 A.2d at 158-60.

24. *Wright*, 635 N.E.2d at 38. The Rhode Island Supreme Court expressly adopts the Ohio court's conclusion that "the depositor's intent to transfer a present interest in a joint and survivorship account to be irrelevant in a controversy involving the rights of a surviving party to the sums remaining in such account at the death of the depositor." *Robinson*, 710 A.2d at 159 (quoting *Wright*, 635 N.E.2d at 36).

25. *Robinson*, 710 A.2d at 159 (quoting *Wright*, 635 N.E.2d at 37).

late judges perform post mortem cerebral autopsies and examinations in order to determine and second-guess what the subjective intent of the deceased joint owner of the account was at the time the account was created.²⁶

Thus, in order to implement this reasoning, the court was forced to issue a rigid decision, basically stating that a surviving holder takes absent fraud, duress, undue influence, or lack of mental capacity.²⁷

CONCLUSION

In *Robinson v. Delfino*, the Rhode Island Supreme Court clarified the law concerning survivorship rights in joint bank accounts, at least for the time being.²⁸ By eliminating the convenience account exception to joint bank accounts, the court's holding mandates that the named surviving holder receive any remaining funds in the joint account absent a showing of fraud, undue influence, duress, or lack of mental capacity.

Christopher E. Friel

26. *Id.* at 160.

27. *See id.* at 161.

28. *See Bielecki v. Boissel*, 715 A.2d 571 (R.I. 1998).