

West's New Mexico Rules Annotated Currentness
State Court Rules
 ▣ Rules of Evidence
 ▣ Article 5. Privileges

→RULE 11-511. WAIVER OF PRIVILEGE BY VOLUNTARY DISCLOSURE

A person upon whom these rules confer a privilege against disclosure of the confidential matter or communication waives the privilege if the person or person's predecessor while holder of the privilege voluntarily discloses or consents to disclosure of any significant part of the matter or communication. This rule does not apply if the disclosure is itself a privileged communication.

CROSS REFERENCES

Waiver of privilege, generally, see § 38-6-6.

LAW REVIEW AND JOURNAL COMMENTARIES

Moore, Note: At-Issue Waiver of Attorney-Client Privilege and *Public Service Co. of New Mexico v. Lyons*: A Party Must Use Privileged Materials Offensively in Order to Waive the Privilege, 31 N.M. L. Rev. 623 (2001).

LIBRARY REFERENCES

Pretrial Procedure ↪33, 185, 356.
Witnesses ↪219.
Westlaw Key Number Searches: 307Ak33; 307Ak185; 307Ak356; 410k219.
C.J.S. Discovery §§ 29, 82, 84 to 85.
C.J.S. Witnesses §§ 378 to 389.

NOTES OF DECISIONS

In general 1
Attorney-client privilege 3
Capacity to waive privilege 6
Confidential informants 5

Marital privilege 4
Voluntary disclosure of medical and psychiatric records 2

1. In general

Confidentiality of communication is preserved when disclosure is made as part of another confidential relationship and within ambit of other privileges recognized under rules of evidence. *State v. Gonzales*, 1996, 121 N.M. 421, 912 P.2d 297. Witnesses ↪ 219(1)

When a party seeks relief from the court of law, he must be held to have waived any privilege, which he otherwise