

13-2405. Duty of confidentiality; definition.

A lawyer has a duty to preserve a client's confidential information. Confidential information is information relating to the lawyer's representation of the client that is not generally known. [This duty applies to former clients.]

[A lawyer may reveal confidential information if

1. the client gives consent after consulting with the lawyer[;] [or]
2. the New Mexico Rules of Professional Conduct permit the disclosure of the information.]

USE NOTES

This instruction should be given when the plaintiff claims that a lawyer breached a duty to the client by revealing confidential information. The bracketed paragraph should be omitted unless the lawyer claims that an exception applies regarding the disclosure of confidential information. If the bracketed paragraph regarding the New Mexico Rules of Professional Conduct is given, the jury should also be instructed on the Rules of Professional Conduct. See UJI 13-2411 NMRA.

[Adopted by Supreme Court Order No. 17-8300-013, effective for all cases pending or filed on or after December 31, 2017.]