

ALABAMA RULES OF PRIVILEGE IN COLLABORATIVE LAW PRACTICE

Rule 3.

Waiver and Preclusion of Privilege.

(a) A privilege under Rule 2 may be waived in a "record" or orally during a proceeding if it is expressly waived by all parties and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.

(b) A person who makes a disclosure or representation about a collaborative law communication that prejudices another person in a proceeding may not assert a privilege under Rule 2, but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.

[Adopted 2-9- 2015.]

Alabama Committee Comment

This rule is substantively identical to Section/Rule 18 of the Uniform Collaborative Law Act/Rules. This rule establishes the requirements that must be met for a waiver of a privilege under Rule 2 of the Alabama Rules of Privilege in Collaborative Law Practice.

Note from the reporter of decisions: The order adopting the Alabama Rules of Privilege in Collaborative Law Practice, including the Alabama Committee Comments, effective February 9, 2015, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.