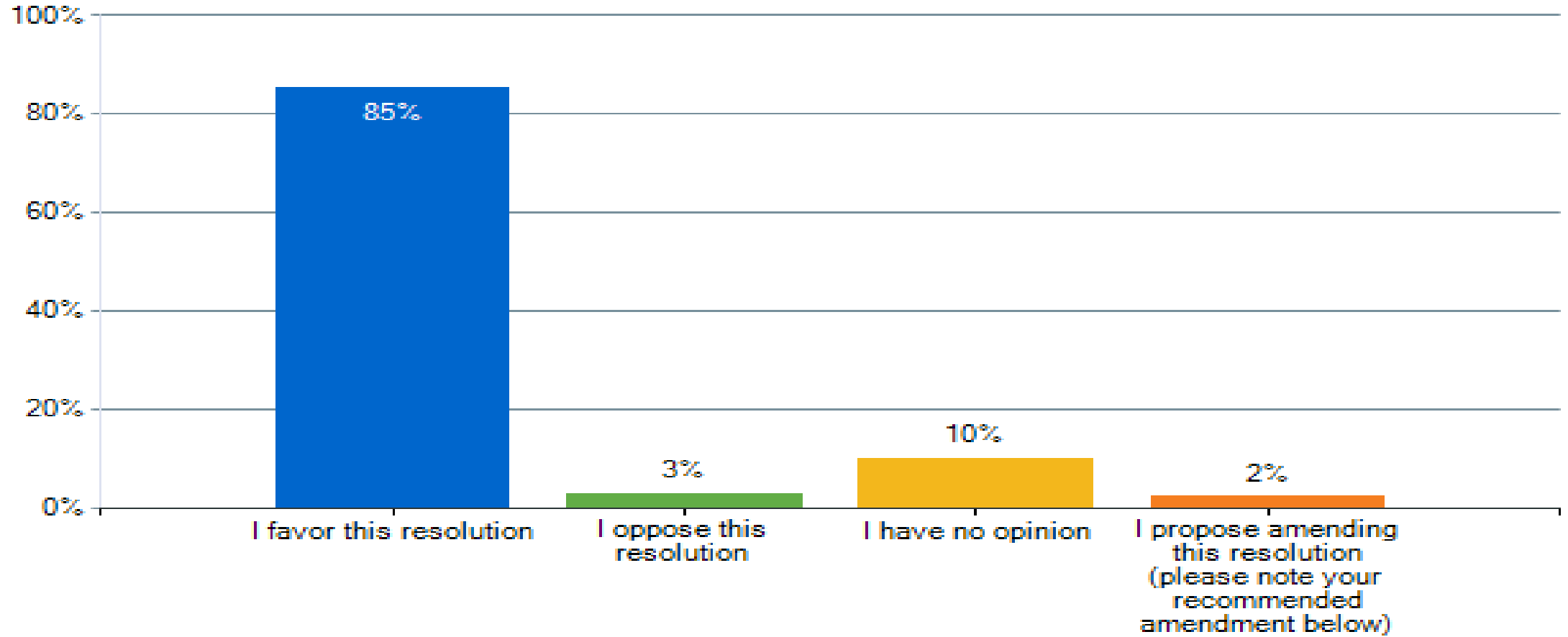
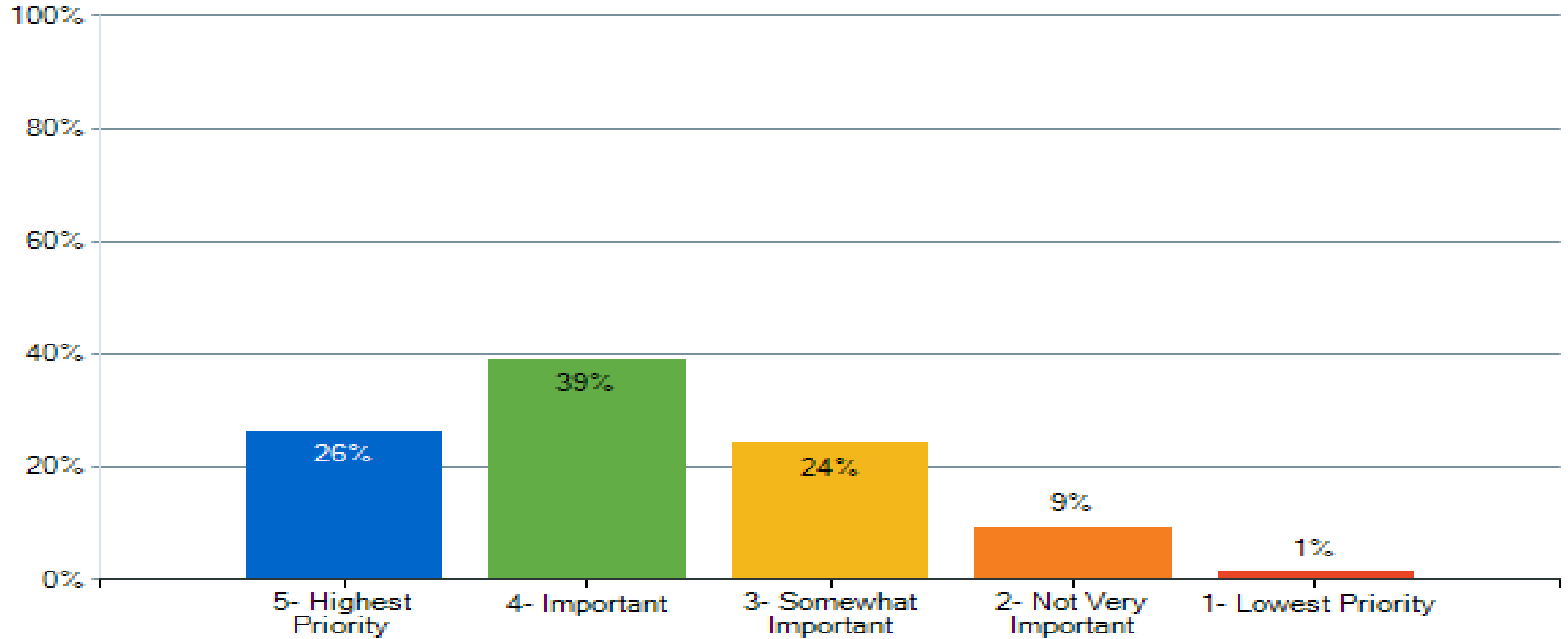


# Attorneys' Retention of Confidential Medical Records and Controlled Medical Expert's Tax Returns After Case Adjudication



141 responses

Please indicate your view of this resolution as an ISMS priority.



141 responses

## Comments

### Response Text

unclear at to term "controlled expert", and the resolutions conflate two issues, one of which has been already decided upon by the courts

Medical records will be destroyed to comply with the Supreme Court ruling within 60 days from resolution of the case. 1099 Div is not really relevant. Disclosure of 1099 actually helps defense by exposing career experts hired by plaintiffs.

Seems reasonable

Agreed.

Yes!

This is a complex resolution.

Well written not enough evidence as to who this effects and why this is relevant. Seems like one person had a bad experience with one lawyer. Not sure the impact of this resolution.

The first resolved should be amended by addition by inserting after the word Resolved "that the ISMS advocate" that attorney...

Agree with the resolutions as presented..

Concur. Personal information disclosure should be limited to that which is absolutely necessary for the circumstance. When that purpose is satisfied, there is no longer a justification for one party, an certainly a potential adversarial party to retain another's personal information

Shared income is shared income. People can choose to final separately and not expose their spouse's information in this way.

Personal tax records should not be available to the bar.....fair game would be what a witness earns for providing review and testimony but what charities a witness supports as well as other business interests have no bearing on testimony and attorneys should have no right to review documents such as those.....I comment as one who has reviewed cases and provided opinions and testimony for 30 years

Some typos in the WHEREAS clause sections; these should be corrected.

I favor the resolution. Having reviewed cases in the past as an expert witness, I have found that the law firm does not always indicate when the case is closed. Perhaps an addition to the resolution is a statement that representative law firms have the obligation to disclose to the expert witnesses when the cases is concluded for better tracking of the 60 day process to destroy the records.

I do a fair amount of medical expert work and I have never had to submit a tax return to an attorney. To allow the attorney to hold the tax return after case adjudication is completely wrong.

I see no sense to ISMS trying to ease the burden of any physicians who puts themselves forward as expert witness in medical liability litigation.

This is an area of great concern and should be as important as protecting patient's Health information.

Beyond me, but sounds like a potentially reasonable addition.

Totally agree.

Although perhaps relevant, ISMS may have other more encompassing work to pursue

Agree

I am not aware of this, and I am a forensic psychiatrist. Asking about income derived, billing statements on the case and percentage of forensic income of your total is standard. No one has asked me for my tax returns. Is this enforceable? Limiting it to 1099-Miscellaneous also missed the point. A couple could have many of those from different sources unrelated to the case.

Nothing to add. I support this.

Privacy should be the default, not a right for which one must fight to obtain.