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Certified in Personal
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Death Litigation by the
Arizona Board of
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May 17, 2007

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Justices of the Supreme Court of Arizona
State of Arizona
1501 West Washington
Phoenix, AZ 85007

MAY 18 2007

R V M

Re: Comment to Proposed Amendment to Rule 75(a),
Arizona Rules of Civil Procedure

Dear Justices:

I have been a licensed attorney in Arizona since 1977. For the last 20 years, I limit my practice to representing claimants in personal injury and wrongful death claims. I oppose the proposed amendment to Rule 75(a), Arizona Rules of Civil Procedure, which require a mandatory HIPAA compliant medical authorization signed by the plaintiff. I agree with the detailed analyses presented by Amy Langerman and Scott Palumbo. The concern expressed in many of the comments, that defense attorneys would be permitted to review and use unrelated medical records, is not an imagined complaint. For example, the rule would allow defense attorneys to obtain records related to a prescription for an anti-depressant given to a patient experiencing a traumatic divorce. That record has nothing to do with a shoulder or back injury suffered by that same patient in an accident several years after the divorce. Yet the record is fair game for a defense attorney cross-examining the Plaintiff. The rule precludes a plaintiff from protecting his or her privacy and eliminates a "gatekeeper," in the nature of an

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arbitrator or a Superior Court judge, to review the relevance of remote medical records.

This provision of Rule 75(a) should be stricken from the proposed rule.

Very truly yours,

GOLDBERG & OSBORNE



William C. Bacon
Attorney at Law

WCB/gv