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From: J Klein <justinklein@hcdattorneys.com>
Sent: Friday, October 18, 2019 12:59 PM
To: Comments Mailbox
Subject: [External]Comment in support of Proposed Amendment to Rule 1:38

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Dear Your Honors:

As an attorney focusing on personal injury matters, I am in full agreement with the proposed amendment to Rule 1:38 to shield medical, psychiatric, psychological and drug and alcohol records from public access. The widespread availability of Court filings to the general public through eCourts requires this reasonable step to avoid the undue publicity of records that, while relevant to litigation, remain highly private and sensitive in nature.

For the purpose of clarifying the day to day treatment of such records by attorneys, I respectfully propose that the Court consider promulgating language in the Rule or in a Notice to the Bar indicating that when medical, psychiatric, psychological or drug and alcohol treatment records are being attached to a pleading, motion or other filing, said records are not to be uploaded onto eCourts, but that copies of said records should be included with the paper courtesy copy to the Court as well as the courtesy copies sent to counsel and parties involved in the litigation. That way the sensitive attachments will not be available on eCourts, but the Court and the parties will have the records to refer to for hearings, arguments, or proceedings in the case. Another option may be to add a function to eCourts that would allow attorneys to designate certain exhibits as non-public.

Since medical records and reports are frequently submitted to the Court in the context of motions in personal injury cases, it may be helpful for the Court to clearly advise practitioners as to the mechanics of how they should treat these records with regard to e-filing and courtesy copies.

Thank you for the Court's consideration in this matter.

Respectfully submitted,

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