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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

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Court filings and privacy-a double edged sword

Eric Turkewitz at the [New York Personal Injury Law Blog](#) recently noted that a New York court wisely banned the use of social security numbers in subpoenas:

(Y)esterday, in the New York Law Journal, (no link) comes the story of Supreme Court Justice F. Dana Winslow of Nassau County refusing to sign subpoenas in a medical malpractice case because the social security numbers were on it.

In an interview with the NYLJ, the judge said that he gets papers with Social Security numbers on a weekly basis but this was "the first time I had a chance to do anything about it" because ordering the subpoena would have placed it in the public record.

Eric Turkewitz has [blogged](#) about client privacy and court records in the past and raises a very valid concern in regard to social security numbers. This is an issue that all lawyers should keep in mind when filing papers with the court on behalf of their clients.

This also touches on a broader issue: Any information contained in documents filed with the court has the potential to haunt clients down the road. When clients choose to file a lawsuit, they must understand that they are putting themselves out there in the public record.

For example, a client who alleged in a Complaint in a personal injury case that he suffered from severe back injuries as a result of a car accident might later find that a future employer learned of his injury after reviewing the court filings.

Likewise, in divorce proceedings, court records likely contain all sorts



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of sensitive, private information and potentially embarrassing information that is readily available to the public, should anyone care to obtain the records. And, in Cook County, Illinois, judges refuse to seal divorce records unless the case involves a minor.

In this modern world, where public records can be easily accessed and quickly distributed using the Internet, it is important that both attorneys and their clients keep these risks in mind and be wary of unnecessarily including sensitive and confidential information in documents filed with the court.