

# Release of injured worker data to law firm angers NH officials

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CONCORD, N.H. (AP) — Business and insurance leaders are upset that a New England lawyer who specializes in representing accident victims contacted workers injured in New Hampshire after getting their names from the state.

Attorney James Sokolove sent thousands of letters seeking to represent employees injured on the job in New Hampshire.

“We’ll negotiate hard for you,” wrote Sokolove in a June 24 letter to one injured worker. “Oftentimes, insurance companies try to settle quickly and cheaply. Without an attorney to look out for your best interest, you may not get the best deal.”

Robert Sculley, president of the New Hampshire Motor Transport Association said he’s “livid” that the state Labor Department released the names and addresses to Sokolove.

“I’ve got employees who are thinking my employers gave out this personal information and come to find out state government has given it to this ambulance chaser,” said Sculley.

Senate Majority Leader Robert Clegg, R-Hudson, said he’ll back legislation that would tighten the state’s Right-to-Know Law to restrict access to all records regarding workers compensation claims.

“I still can’t believe it’s legal to have given this out. It’s an absolute invasion of privacy and a shameless attempt to try and get workers to fight with their employers,” Clegg said.

State Labor Commissioner Jim Casey said the department researched the law and concluded there was no choice but to give this information to Sokolove.

“We felt uncomfortable supplying the information, but we wanted to be in compliance with the law,” Casey said last week.

House Finance Committee Chairman Neal Kurk, R-Weare, said he’s working on legislation to restrict public access to these records and will offer it for the 2004 legislative session.

“This isn’t the kind of information that should be in the public domain,” said Kurk, a leading privacy rights advocate in the Legislature. “Identifying the name of someone who has been injured is part of a medical record and I believe that clearly should be out of bounds.”

Currently, the public can only find out that an injury report has been filed, at least until the department decides to hold a hearing. The hearing is open to the public, but testimony about medical injuries is closed unless all parties agree to open that proceeding, Caron said.

Medical information on the case cannot be released to anyone other than the parties, their lawyers and the insurance company, Caron added.

The state Supreme Court already decided in a recent case involving Nashua that a government agency could not deny access to records based upon the suspected motive of those who sought the information.

Casey said no accident victims have complained directly to his agency, but legislators as well as insurance and business executives have. □