

FROM THE COURTS

Lawyers Demand More Info About Calif. Bar Data Breach



AMANDA BRONSTADT

The California state bar concedes officials with the agency never contacted law enforcement as they originally claimed.

by Cheryl Miller

An association representing legal discipline defense counsel is calling on the California State Bar to quickly notify lawyers, complainants, witnesses and others whose information may have been publicly exposed in a data breach that exposed some 260,000 confidential attorney discipline case records.

Jean Cha, president of the Association of Discipline Defense Counsel, said in an interview that the bar needs to comply with a 2020 opinion from its own Committee on Professional Responsibility and Conduct. That opinion, which applies to lawyers and not the state bar as an agency, said lawyers whose client information is breached must “conduct a reasonable inquiry” into the leak and notify any of those clients who have a “reasonable possibility” of being negatively impacted by the disclosure.

Cha said she hasn’t heard of the bar contacting any lawyer directly about the breach. She said she and other defense lawyers are worried that accusations about lawyers—sustained or not—and personal information, including witness phone numbers, emails and addresses may have been public for months.

“It’s deeply concerning,” said Cha, a former prosecutor with the bar’s Office of Chief Trial Counsel. “The state bar should be responsible for following its own guidelines.”

The bar announced on Saturday, Feb. 26, that a third-party website, judyrecords.com, had posted approximately 260,000 confidential attorney discipline records and another 60,000 state bar court filings. A statement posted on judyrecords on Feb. 27 said the unidentified operator had gathered the records from a publicly accessible portal on the state bar’s website. The statement said that judyrecords removed the documents in question after the bar complained.

In its original press release, state bar executive director Leah Wilson called the judyrecords posting “unlawful” and said the agency had contacted law enforcement. The bar has since walked back both those statements and now blames the breach on a “system vulnerability” in its own case management system, not a hack. On March 2, the bar acknowledged that its leaders never contacted police.

“The state bar did not ultimately alert law enforcement, as originally stated,” bar officials said in an updated press release

issued Wednesday. “Based on limited information available at the time, which suggested that an unlawful access of the state bar system may have occurred, we had intended to prepare a law enforcement referral. ... When it then appeared that the site owner’s access to confidential records was inadvertent, we held off on making the law enforcement report.”

Asked Monday what the bar has done or plans to do to notify individuals whose information may have been exposed, state bar public information Rick Coca said “We are investigating, and we will let you know when we have more to report.”

State bar officials say the records in question appear to have been available for viewing on judyrecords between Oct. 15, 2021, and Feb. 26.

Cynthia Cole, a Baker Botts partner and data privacy specialist, said bar leaders may find themselves “in a whole mess of trouble. This is not a good fact pattern,” she said.

State law requires state agencies to contact all Californians whose records containing unencrypted personal information were breached or were “reasonably believed to have been” breached “without unreasonable delay.” The law also mandates that agencies notify the attorney general’s office if more than 500 California residents were affected.

A state bar spokesman said the exposed records did not appear to include financial information about individuals. But lawyers said the files could include other sensitive identifiers, including names, addresses, phone numbers and emails, as well as allegations about lawyer misconduct and investigation findings.

“If I were an attorney who had a discipline case record, I would say even beyond any personal information being released, what if the case was ultimately closed?” Cole said. “That information was leaked and that’s known going forward. ... That could impact somebody’s ability to practice law. I would watch for those kinds of lawsuits to trickle in.”

While financial and health data have long been treated with special legal protections, California’s Consumer Privacy Act of 2018 and the subsequent California Privacy Rights Act significantly expanded information protection law, Cole said.

Cheryl Miller covers the California Legislature and emerging industries, including autonomous vehicles and marijuana. Contact her at cmiller@alm.com. On Twitter: @CapitalAccounts.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of **COUNCIL ZONING MEETING** on **March 23, 2022 beginning at 6:00 PM** to consider a small-scale land use amendment to the City’s Comprehensive Plan, Future Land Use Map (FLUM) designation on the Property from Industrial to Business. The City Council will consider this item for **SECOND READING**. The meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2022-06

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A SMALL-SCALE LAND USE AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN FUTURE LAND USE MAP, BY CHANGING THE LAND USE DESIGNATION FROM INDUSTRIAL (I) TO BUSINESS (B) FOR ±0.30 ACRES FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF NW 87 AVENUE AND NW 27 STREET INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 22-03-DOR-10

APPLICANT: National Express Wash, LLC d/b/a El Car Wash (the “Applicant”)

LOCATION: Northeast corner of NW 87 Avenue and NW 27 Street intersection

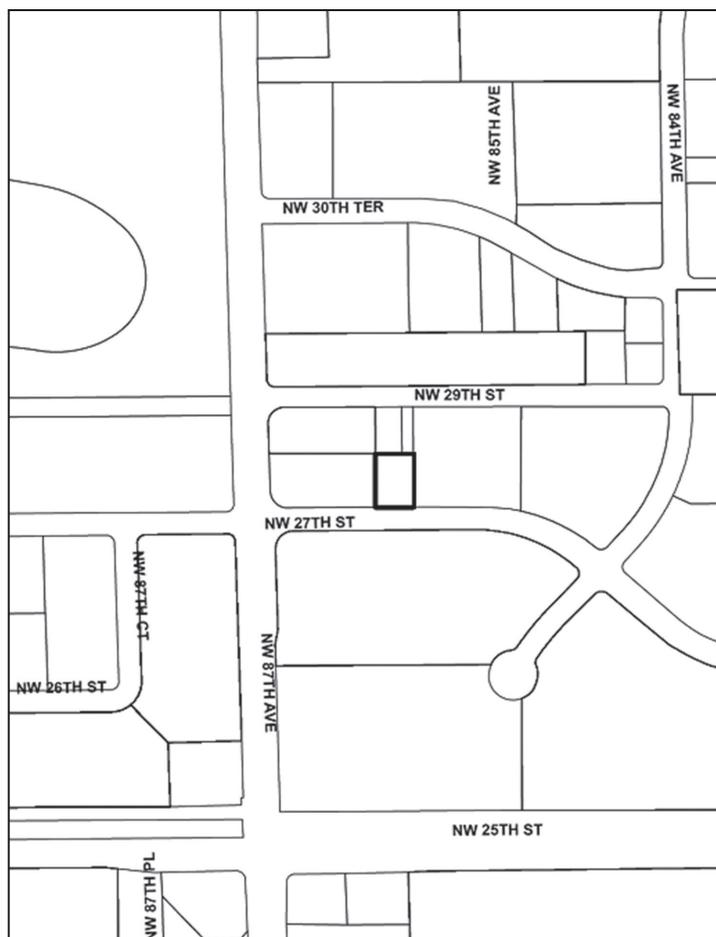
FOLIO NUMBER: Portion of 35-3027-051-0035

SIZE: ±0.30 acres

REQUEST: National Express Wash, LLC (the “Applicant”) is seeking a small-scale land use amendment to the City’s Comprehensive Plan, Future Land Use Map (FLUM) designation on the Property from Industrial to Business in order to develop the Property as part of an enhanced and improved commercial and retail development.

LEGAL DESCRIPTION: The East 80 feet of the West 129 feet of Tract “I” of “TRANSAL CORPORATE PARK AMENDED”, according to the plat thereof, as recorded in Plat Book 149, at Page 64, of the Public Records of Miami-Dade County, Florida, LESS the North 145 feet thereof.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral