

MICHAEL ABRAHAM AND STEVE STEINBERG AUTHOR ARTICLE FOR CALIFORNIA HEALTH LAW NEWS

Publications

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[Michael D. Abraham](#) and [Stephen C. Steinberg](#), Partners at Bartko Pavia LLP and Co-Chairs of the firm's Privacy Practice, authored an article in the Summer 2026 issue of *California Health Law News*, *How J.M. v. Illuminate Education Rewrote the CMIA Playbook*, examining a California Supreme Court decision that quietly reset the rules for medical privacy litigation in this state.

For more than a decade, claims under the California Confidentiality of Medical Information Act rarely survived the first stage of a lawsuit. A patient had to allege that an unauthorized person had actually looked at their records; losing a laptop or a hard drive, without more, was not enough. That standard gave health care defendants a reliable early exit.

On May 14, 2026, the California Supreme Court replaced it. In *J.M. v. Illuminate Education, Inc.*, the Court held that a patient need only allege that an organization's negligence exposed their medical information to a "significant risk" of unauthorized access or use. With statutory damages of \$1,000 per person available without any proof of harm, that change can turn a single breach into class exposure in the millions or billions. In the same opinion, the Court also narrowed which businesses CMIA covers at all.

Michael and Steve call *Illuminate* a sea change — and one that may have slipped under the radar of many health care systems and providers.

In the article, Michael and Steve address:

- Why the decision expands exposure for traditional health care providers while narrowing it for some technology and data-handling vendors — and how to tell which side of the line an organization falls on

- What courts will now weigh in deciding whether a breach created a “significant risk,” and why an organization’s response to an incident has become part of that analysis
- The defense arguments that survive the decision, including where Justice Groban’s concurrence offers a roadmap
- The questions the Court left open on duty, causation, and class certification — and how those are likely to be fought in the next wave of CMIA cases
- An argument about the Legislature’s broader statutory scheme that was never presented to the Court, and why it may matter going forward

Strong defenses to CMIA claims continue to exist. The article explains what they are and how to preserve them.

Download an electronic copy to read the full article, [here](#).

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