



Richard D. Barton, Of Counsel

Practice Areas	Health Care Litigation, Corporate and Commercial Native American Law Public Agency Privacy and Cybersecurity
Admissions	California
Address	12544 High Bluff Drive, Suite 400 San Diego, CA 92130
Direct Phone	619.515.3299
Direct Fax	619.744.5499
Email	rick.barton@procopio.com

Professional Summary

Richard D. Barton has represented healthcare providers and health systems for more than 30 years. Richard's consulting and litigation practice focuses on health systems, hospitals, health associations, physician groups and individual healthcare providers. He is experienced in assisting provider organizations with their quality oversight compliance obligations and governance. He also serves as an Adjunct Professor of Law for the University of San Diego School of Law teaching Health Law and Policy.

Recognitions

- 2019 West Coast Top Rated Lawyers, ALM
- *Best Lawyers*® 2017 (Medical Malpractice Law – Personal Injury Litigation), San Diego, CA
- *The Best Lawyers in America*® 2007-Present (Medical Malpractice Law-Defendants, Personal Injury Litigation-Defendants)
- *Martindale-Hubbell*® AV Preeminent Rating
- *San Diego Super Lawyers*® 2007-2021 (Health Care)
- *San Diego Magazine*'s Best Lawyers



- ADL Torch of Liberty Award
- “Top Lawyers,” *San Diego Magazine*, 2013-present
- “Southern California Super Lawyers,” *Super Lawyers Magazine*, Southern California 2014

Community

- University of California President’s Advisory Council on Campus Climate, Culture, and Inclusion (2010-2012)
- American Board of Trial Advocates
- Anti-Defamation League - San Diego Regional Advisory Board Chairman (1998-2002), ADL National Commissioner (2000 to present), National Executive Committee (2002 to present), Vice Chair of International Affairs (2003-2006), National Chair of Leadership (2006-2009), National Chair of Education (2009-2012), Chair Education Equity Task Force (2012 to present)
- Litigation Counsel of America – Fellow
- San Diego County Bar Association and San Diego County Medical Society – Co-Founder Joint Medical Legal Committee
- National Immigrant Women’s Advocacy Project – Board Member
- International Association of Judicial Independence and World Peace International Project of Judicial Independence – Member

Education

- JD, University of Southern California Gould School of Law, 1981
- BA, University of California, Los Angeles, 1977

News Coverage

- Clark, Cheryl. "Out to Pasture: Age-Based Personnel Policies Rankle With Docs," *MedPage Today*, July 30, 2015.



Seminars

Rick has been a guest lecturer at the University of San Diego Law School, California Western School of Law, University of Vermont School of Law, Dartmouth College, San Diego State University and is a regular guest speaker on health care issues at venues around the country. He has lectured and is a regular speaker on the conflict in the Middle East, Anti-Semitism, Holocaust, Religious Freedom in the U.S. and Church-State issues.

- Co-Presenter, "Hot Button Topics Affecting Medical Staffs in 2021," CAMSS 50th Annual Education Forum, July 1, 2021.
- Presenter. "Medical Staff Investigations: How to Complete a Thorough Investigation That Will Hold Up In a Judicial Review Hearing," CAMSS 48th Annual Education Forum, Los Angeles, CA, May 23, 2019.
- Speaker. "Lawyers Without Rights: Jewish Lawyers in Germany Under the Third Reich," The San Diego Law Library and the Anti-Defamation League (ADL) San Diego, San Diego, CA, May 2, 2019.
- Co-presenter, "Challenges in Navigating Disability Discrimination and Privacy Laws in Addressing Physician Health," Federation of State Health Programs 2019 Annual Education Conference, Fort Worth, TX, April 25, 2019.
- Co-presenter, "Telehealth Credentialing and Privileging: Minimizing Liability, Protecting Patient Privacy, Ensuring Quality Care," Strafford Live Webinar, December 19, 2018.
- Co-presenter, "Are You Ready for Your Judicial Review Hearing?" CAMSS 47th Annual Education Forum, San Francisco, CA, May 25-26, 2018.
- Presenter, "Aging Practitioners: Issues and Legal Aspects," San Antonio Regional Hospital Annual Retreat, Carlsbad, CA, April 22, 2018.
- Co-presenter, "2018 Legal Update: NPDB Reporting, Retaliation, Physician Well-Being and Medical Staff Litigation – Preparing for a Successful Judicial Review Hearing," CAMSS Orange County and San Diego County Chapters 2018 Joint Education Conference, Oceanside, CA, February 23, 2018.
- Co-presenter, "Patient Safety, Peer Review and Credentialing – Navigating Sovereign Immunity and Balancing State and Federal Law in Your Quality Department," 8th Annual Native American Healthcare Conference, Cabazon, CA, November 5-7, 2017.
- Presenter, "The Dilemma of the Aging Physician," 2017 NAMSS Conference, Colorado Springs, CO, October 21-25, 2017.

- Presenter, “CPPPH Guidelines: Late-Career Physicians,” 2017 CMA-OMSS Annual Assembly, Anaheim, CA, October 20, 2017.
- Presenter, “Physician Well Being and the Effects of Aging on Practitioners,” Kindred Hospital, Rancho, Rancho Cucamonga, CA, October 18, 2017.
- Presenter, “CPPPH and Physician Health and Wellness in California,” CAMSS Mid-Valley Chapter 2017 Medical Staff Legal and Regulatory Seminar, Sacramento, CA. October 6, 2017.
- Co-presenter, “Medical Staff Bylaws: Impact of Recent Regulatory Changes and Best Practices – Complying with CMS and Updating Hospital Governance Documents,” Strafford Live Webinar, September 13, 2017.
- Co-presenter. “Telehealth Credentialing and Privileging: Minimizing Liability, Protecting Patient Privacy, Ensuring Quality Care,” Strafford Live CLE Webinars, June 21, 2017.
- Presenter. “Late Career Practitioners or Difficult Behavior: How Medical Staff Policies and Procedures Can Help You or Hurt You,” San Diego, CA, May 5, 2017.
- Presenter. “Medical Malpractice,” Scripps Clinic Sports Medicine Fellows, San Diego, CA, May 4, 2017.
- Presenter. “Defending A Whistleblower Retaliation Case At Trial,” CSHA, Annual Spring Seminar, Huntington Beach, CA, April 22, 2017.
- Presenter. “Issues With Aging Practitioners: What To Do If You Identify A Problem,” CAMSS Desert Chapter, 8th Annual Legal Conference, Riverside, CA, March 24, 2017.
- Presenter. “BYLAWS: How to Deal with Difficult Staff Situation,” SBCMS Annual Medical Staff Leadership Forum, San Bernardino, CA, March 18, 2017.
- Presenter, “The Role of the Physician Well-Being Committee,” St. Bernadine Medical Center, December 1, 2016.
- Co-Presenter, “Patient Safety, Peer Review and Credentialing – Navigating Sovereign Immunity and Balancing State and Federal Law in Your Quality Department,” Seventh Annual Native American Healthcare Conference, November 14, 2016.
- Co-presenter. "Telemedicine: The Doctor is In (Your Computer)," ACC-SD, San Diego, CA, June 9, 2016.
- Presenter. "Retaliation and Healthcare Providers: Navigating Health and Safety Code Section 1278.5," CAMSS 45th Annual Education Forum, Anaheim, CA, May 19-20, 2016.

- Co-presenter. "Confidentiality and Reporting Requirements for Physician Well-Being Committees," CPPPH, San Diego, CA, May 7, 2016.
- Panelist. "When Age Becomes Impairment: Issues Involving Older Physicians," Administrators in Medicine 2016 Annual Meeting, San Diego, CA, April 27, 2016.
- Co-presenter. "Impact of Recent Regulatory Changes on Medical Staff Bylaws: Proposed Amendments and Best Practices," Strafford Productions, San Diego, CA, March 3, 2016.
- Sharp Healthcare Medical Staff Leadership Retreat, January 22, 2016.
- Co-presenter - "Navigating Health and Safety Code Section 1278.5," ACC-SD, San Diego, CA, August 26, 2015.
- "Managing the Multiple Layers of Physician Oversight," CAMSS Desert Chapter, 16th Annual Educational Conference, August 14, 2015.
- "Legal Aspects of Assessing the Aging Physician", Federation of State Physician Health Programs, Inc. - Annual Education Conference & Business Meeting - April 25, 2015.
- Medical Staff Boot Camp - Sharp Memorial Hospital - New Department Chair Orientation, February 10, 2015.
- "Managing the Multiple Layers of Physician Oversight," 2015 CAMSS 44th Annual Education Forum, Universal City, CA, May 20, 2015.
- "Legal Aspects of Assessing the Aging Physician," CMA OMSS Assembly, San Diego, CA, December 4, 2014.
- "Legal Aspects of Assessing the Aging Physician," CSHA Annual Fall Seminar, Los Angeles, CA, November 7, 2014.
- "Medical Staff Bootcamp – Representing Healthcare Clients," California Western School of Law, San Diego, CA, October 20, 2014.
- Co-presenter. "SD Health Law Roundtable: To Report or Not Report - Ending Relationships with the Employed or Contract Providers," ACC-SD, San Diego, CA, September 30, 2014.
- "Legal Aspects of Assessing the Aging Physician," SCCMA Workshop, San Jose, CA, September 27, 2014.
- Co-presenter. "Dismantling the School-to-Prison Pipeline," KPBS, San Diego, CA, September 16, 2014.

- Co-presenter. “Medical Staff Bylaws: Meeting New Medicare Conditions of Participation and Joint Commission Requirements,” Strafford, Webinar, September 11, 2014.
- “Medical Records Training” Southern Indian Health Council, Alpine, CA, July 29 and August 14, 2014
- “Assessing the Aging Physician – Legal Aspects,” CPPPH, Los Angeles, CA, July 26, 2014.
- Co-presenter. “Meet Your Counterpart: Landmark Healthcare Legislation – Revealing the Real Impact of the ACA – 2014 Update,” Association of Corporate Counsel, San Diego, CA, June 19, 2014.
- “Assessing the Aging Physician – Legal Aspects,” CPPPH, Oakland, CA, June 7, 2014.
- “The Dilemma of the Aging Physician: Legal and Practical Challenges,” 43rd Annual CAMSS Education Forum, Sacramento, CA, May 9, 2014.
- “Assessing the Aging Physician – Legal Aspects,” CPPPH, Sacramento, CA, May 3, 2014.
- “Medical Staff Boot Camp,” Sharp Chula Vista Medical Center, Chula Vista, CA, February 27, 2014.
- “The Dilemma of the Aging Physician: Legal and Practical Challenges,” Association of Corporate Counsel, San Diego, CA, February 20, 2014.
- “Age-Based Policies for Physician Faculty: Legal and Practical Challenges,” Legal Issues Affecting Academic Medical Centers and Other Teaching Institutions Conference, Washington, DC, January, 23, 2014.
- “Legal Aspects of Assessing the Aging Physician,” CPPPH, San Diego, CA, November 16, 2013.
- “Pursuing Quality Through Medical Staff and Physician Oversight: A Report from the Trenches,” September 12, 2013.
- “Pursuing Quality through Medical Staff and Physician Oversight,” Tri-City Board Training, San Diego, CA, July 10, 2013.
- “Promoting Quality Medical Management in Multi-Hospital Systems: A View from the Front Lines,” CSHA Annual Meeting and Spring Seminar, Newport Beach, CA, April 13, 2013.
- “Pursuing Quality Through Medical Staff and Physician Oversight - A Report from the Trenches,” ACC-SD/Procopio Health Law Roundtable, San Diego, CA, January 31, 2013.



Publications

Rick served as the primary author of an Amicus Curiae brief to the California Supreme Court on behalf of Jewish and Islamic medical ethics scholars in *Benitez vs. North Coast Women's Group* in a nationally publicized matter involving the right of a physician to refuse treatment on religious grounds on the basis of a patient's sexual orientation. In his role in the Anti-Defamation League, Rick has traveled to the Middle East and Europe for meetings with officials of the Israeli Government, the Palestinian Authority, the United Nations and European Governments. He has served as a contributor to the San Diego Union Tribune on the Israeli Palestinian conflict and Anti-Semitism.

- Contributor. "[Assessing Late Career Practitioners: Policies and Procedures for Age-based Screening](#)," California Public Protection and Physician Health, Inc., 2015.
- "Whistleblowers and the California Supreme Court's Decision in *Fahlen v. Sutter Central Valley* – Toward a Workable Balance for Promoting Advocacy for Patient Care," *The Legal Secretary*, February 2015.
- Co-author with Jamie D. Quient. "The Single Shared Governing Body in Multi-Hospital Systems – CMS Revisions to 42 CFR 482.12 in a Climate of Change," *The American Health Lawyers Association - MedStaff News*, April 2013.