

Sandra Polsky
Essential Paralegal Services
www.essentialparalegalservices@gmail.com
908-451-6758

PROFESSIONAL EXPERIENCE

Senior personal injury paralegal responsible for full work-up of plaintiffs' personal injury and medical malpractice matters, including complex catastrophic cases.

- Screen and intake potential clients
- File analysis outlining strengths and weaknesses of liability and damages issues.
- Investigate accidents, including visit accident site and interview witnesses, police, and medical personnel.
- Prepare and respond to discovery requests.
- Deposition summaries.
- Document review.
- Medical chronologies.
- Outlines for direct and cross-examinations.
- Prepare witnesses for trial and deposition testimony.
- Settlement packages, arbitration, and mediation statements
- Trial assistance.

Claims adjuster responsible for complete work-up of personal injury claims, including automobile accidents, slip/trip and falls, wrongful deaths, and product liability matters.

- Assess liability and damages and set reserves.
- Investigate accident sites.
- Obtain statements from eyewitnesses, claimants, police,
- EMS personnel, and other fact witnesses.
- Obtain and reviewed medical records.
- Maintain calendar for follow-ups, statute of limitations, and other deadlines
- Negotiate settlements.

WORK HISTORY

Essential Paralegal Services, Belvidere, New Jersey

President (July 2011 to present)

Lentz & Gengaro LLC, West Orange, New Jersey

Senior Paralegal (October 2010 to July 2011)

Wilentz, Goldman, & Spitzer, Woodbridge, New Jersey

Senior Paralegal (July 2008 to October 2010)

SANDRA POLSKY

Page 2

Sills Cummis Epstein & Gross P.C., Newark New Jersey
Senior Paralegal (February 1981 to June 2008)

Continental Insurance Company
Livingston, New Jersey
Field Claims Adjuster (1979 to 1980)

Travelers Insurance Company, Morris Plains, New Jersey
Field Claims Adjuster (1977 to 1979)

EDUCATION

Paralegal Certificate, 1981
The First School for Paralegal Studies, Passaic, New Jersey

Field Claims Adjuster Training Program, 1977
Travelers Insurance Company. Intensive five-month training program regarding all aspects of personal injury and products liability claims.

B.A. Psychology
Douglass College, Rutgers University, New Brunswick, New Jersey

PRESENTATIONS

Union County College, Cranford, New Jersey - March 26, 2015 – guest lecturer

Morris/Essex Small Firm Networking Group, Morristown, New Jersey – April 16, 2015 – guest lecturer

“Teaming up with a Paralegal to Maximize Case Results” – webinar presented through LawLine on August 31, 2015

Molloy College, Rockville Center, New York - December 8, 2016 – guest lecturer

PUBLICATIONS

Paralegal to the Rescue! Why a Personal Injury Lawyer Needs a Paralegal to Maximize Case Results (2014) – required reading for Molloy College Paralegal Studies Program

SANDRA POLSKY

Page 3

But It Makes Sense to Me! (Humor column published in *The Cranford Chronicle*, *The Messenger*, and *The Busy Peach*, and at sandypolsky.wordpress.com)

PROFICIENCIES

Word, Lexis, Excel

**COMMUNITY
AFFILIATIONS**

The Woman's Club of Belvidere

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DEPOSITION SUMMARY BY CATEGORIES (dog bite – defendant's deposition)

CATEGORY	DESCRIPTION
EXPERIENCE WITH DOGS	46:5-24 He was afraid of dogs in general.
	46:25 to 47:47 Neither he nor any family member was ever bitten by a dog. He owned a Husky and, 20 years ago, a German Shepherd.
	51:15-25 The Husky never bit anyone. He never owned a dog that had bitten/attacked anyone.
	50:20-23 He owned the Husky when the kids were little. When the dog was given to him, it was three years old and trained.
	52:1-20 Huskies and German Shepherds are large dogs. He read some basic books to assist him in training them but not a good one.
52:24 to 53:12 He took these dogs for walks on a leash.	
DOG UNCHAINED	48:6-17 The dog, Dusty, wasn't chained. He was allowed to roam. He wasn't trained.
	52:24 to 53:12 He took his dogs for walks on a leash. He agrees to having more control if they were on a leash.
TRAINING	48:6-17 He wasn't trained.
	48:18 to 49:2 They tried to teach Dusty to sit.
	49:12-24 Witness consulted Linda, a professional trainer, about training Dusty. He was the primary person who tried training the dog.
PROPENSITIES	49:6-11 Dusty was ok with people and never bit anyone.
	50:8-11 Witness was the alpha male with Dusty.

THE PROPERTY	53:13-22	They have exhausted the commercial properties he owned at the time of the dog attack. He owns property in Greece but it isn't worth anything.
	54:16-20	412 is an apartment above the commercial units.
	55:11-25	The photographs of the residential units' interior lay-out is the same as when Maria ___ was attacked by the dog. At the time of the attack, and currently there was full occupancy of the 15 residential units.
	56:5-18	He has never owned residential units other than at 412.
	57:2-25	He began as a landlord in 1981 when he bought 412. Fourteen units have leases.
	58:6-23	He does some repairs and maintenance of the units, mainly plumbing.
	59:1-24	He would do easy work, like faucets. All units have one bedroom. The layouts differ, either 3 or 4 rooms, with rents from \$400-\$850/month.
	60:3-23	An \$850 unit would have four rooms. The one without the lease is #21. _____, the owner of the Rottweiler, occupies it.

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DEPOSITION SUMMARY - PAGE & LINE *(dog bite – defendant's deposition)*

<u>Page/Line</u>	<u>Description</u>
46:5-24	He was afraid of dogs in general.
46:25 to 47:47	Neither he nor any family member was ever bitten by a dog. He owned a Husky and, 20 years ago, a German Shepherd.
48:6-17	The dog, Dusty, wasn't chained. He was allowed to roam. He wasn't trained.
48:18to 50:2	They tried to teach Dusty to sit. Dusty was kept outside; he was ok with people and never bit anyone. Witness consulted Linda, a professional trainer, about training Dusty. He was the primary person who tried training the dog.
50:8 to 51:14	Witness was the alpha male with Dusty. He owned the Husky when the kids were little. When the dog was given to him, it was three years old and trained.
51:15-25	The Husky never bit anyone. He never owned a dog that had bitten/attacked anyone.
52:1-20	Huskies and German Shepherds are large dogs. He read some basic books to assist him in training them but not a good one.
52:24 to 53:12	He took his dogs for walks on a leash. He agrees to having more control if they were on a leash.
53:13-22	They have exhausted the commercial properties he owned at the time of the dog attack. He owns property in Greece but it isn't worth anything.
54:16-20	412 is an apartment above the commercial units.

- 55:11-25 The photographs of the residential units' interior lay-out is the same as when Maria ___ was attacked by the dog. At the time of the attack, and currently there was full occupancy of the 15 residential units.
- 56:5-18 He has never owned residential units other than at 412.
57:2-25 He began as a landlord in 1981 when he bought 412. Fourteen units have leases.
- 58:6-23 He does some repairs and maintenance of the units, mainly plumbing.
- 59:1-24 He would do easy work, like faucets. All units have one bedroom. The layouts differ, either 3 or 4 rooms, with rents from \$400-\$850/month.
- 60:3-23 An \$850 unit would have four rooms. The one without the lease is #21. Manny, the owner of the Rottweiler, occupies it.

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PRELIMINARY ANALYSIS OF LIABILITY

(Tractor trailer, which had been stationary when our client started to cross street, began moving when client was in front of it.)

If Vicky walked in front of a moving vehicle, a jury may find her as much as 50% liable. But clearly the driver was inattentive. Numerous people were walking on Pacific St. If he had been in this area before, it makes the liability issue worse for him, as Vicky's co-workers always spill out of their workplace into the street and he should have known the routine. Regardless, on the D/A, he had to have seen the workers walking en mass into the street as they made their way to the bus stop.

The driver actually was given a second chance to avoid hitting Vicky. When Lisa saw the TT moving as two co-workers crossed the street (before Vicky did), she honked and the driver stopped. This should have alerted him to use great care. He showed a **reckless disregard for the safety of others** in hitting Vicky, who crossed the same path less than a minute later. He obviously was more concerned about maneuvering his TT than watching out for pedestrians or other vehicles.

And if he were on his cell phone while maneuvering, in the midst of all these people walking, this may make it **criminal act** and also subject him to punitives.

The focus of our work-up should be on the driver's training, similar to what we did in the _____ case. Perhaps we'll find additional sources of liability insurance. If the driver were an independent contractor, he should have his own liability insurance, not just through the TT company. If he were contracted by another company for the job, that company's insurance may cover him as well.

Also – isn't there an obligation by the hiring company to ensure that, even if he is an independent, he is a qualified driver? We will need to find out if the company checked his background to see if his CDL were current, if he had training, if they reviewed driver history, prior employment as a driver, prior accidents, etc. If the hiring company didn't look into these things to ensure that they were hiring a safe driver, that company should be on the hook, too.

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DEFICIENCIES IN DEFENDANT'S RESPONSES TO OUR NOTICE TO PRODUCE

(Case involved whether driver, who went to buy coffee, and possibly to review technical manuals needed to perform his job, was in the course of his employment when he struck our client.)

Request No. 4: All of Company's invoices and billing statements to the State of New Jersey for services performed by their employees for the project at the _____ ("work site"). **Defendant objects, saying info is irrelevant and proprietary.**

Comment: Since Hank was going to get coffee at the bookstore, he probably was going to review technical manuals there. There is a much closer coffee shop from the work site, if all he wanted to do was get coffee. His timecard for the D/A indicates 10 hours of "Labor." We need the records to see whether his employer billed the State for the full 10 hours. If so, it supports our argument that Hank was in the course of his employment – or it shows misrepresentation/fraud on the part of the employer if the employer denies that the breaks are part of the job.

Request No. 5: Contract between Company and State of New Jersey for the project at the work site. **Defendant objects, saying the info is irrelevant and proprietary.**

Comment: Since we are arguing that Hank was in the scope of his employment, this is completely relevant, as we need to know what the task was that he was performing for the Company.

Request No. 7: Complete personnel file of Hank _____. **Defendant said to "see attached."**

Comment: But it can't be the complete file. It contains no evaluations/performance appraisals, change in salary, bonuses, forms with personal information, his selection re health coverage, 401K, etc. Also I assume that when an employee working off-site is involved in an accident, there would be some reporting of the incident, even if the company doesn't feel it occurred in the course of his employment.

Request No. 9: Documents containing reports of or prior notice of accidents by tired or impaired workers. **Defendant objects, saying info is irrelevant.**

Comment: It clearly is relevant since the Company may have been on notice that its employees were having accidents due to fatigue from their work hours or due to medications that impaired their driving ability.

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ANALYSIS OF PLAINTIFF'S (ADVERSARY) PSYCHOLOGIST'S REPORT

(The 10-year-old plaintiff alleged emotional distress after seeing his image on billboards, tray liners, and coupons, which were displayed by our client, a fast food chain.)

Dr. _____ said that the child's initial reaction to seeing his photo on the coupon was to smile and that he seemed "alright." The child told Dr. _____ that when he saw the billboard, he was excited about it.

Comment: This was the child's initial gut reaction. It is reasonable to assume that such positive reactions don't turn negative unless something occurs to turn that excitement into fear. We can infer from Dr. _____'s report that the mother imposed her own fears about kidnapping upon her son, which probably is the origin of his anxiety and distress. It is highly unlikely that a ten-year-old child would consider that a public display of his photograph could lead to his kidnapping

Dr. _____ notes that, upon learning about the coupon, the mother had immediate fears about child abduction. She told her son that "it was wrong" that his photo was taken.

Comment: This gave the impression that the public display of his photograph was a bad thing, which would fan the flame of anxiety his mother created.

Dr. _____ states that the boy has had fears of bad men going to his house since he was 6 years old.

Comment: Although the eggshell theory enables plaintiffs to recover for pre-existing conditions under certain criteria, we will have to show that the child's anxiety was unrelated to seeing his photo or that there was no increase in his pre-existing anxiety after seeing the photo.

The child also told Dr. _____ that it was unlawful for his photo to have been taken.

Comment: I doubt that a 10-year-old would consider the legal aspects of a public display of his unauthorized photo, despite the proliferation of legal shows. I suspect that he is parroting what he has heard from the adults around him.

The fact that Dr. _____ fails to acknowledge the child's initial positive reaction or state that the mother's own anxiety about abductions could have played a part in her son's symptoms shows her bias. This will need to be played up at trial or dep.

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QUESTIONS FOR CLIENT INTERVIEW

(Tractor trailer, which had been stationary when our client started to cross street, began moving when client was in front of it.)

- Describe the exact path you took from the time you left your job and headed for the bus stop. Is this the path to the bus that you took daily?
- Were you on the sidewalk at any time or in the street the entire time? (There is a stretch of sidewalk before reaching the driveway into a local business, which is across from where driver hit her).
- With whom were you walking? Where were you when you stopped walking with them and continued alone?
- Did you see the tractor-trailer (“TT”) when you left your job for the day? Where was it? What was it doing?
- Did you see the TT maneuvering to make the left turn? Where were you at the time?
- Did you see the driver’s face in the cab? Did you make eye contact with him?
- Was he on his cell phone?
- Was he looking backward at any time? Where were you when he was looking backward?
- Were two other co-workers walking in front of you on the same side of the street? Did you see them cross?
- Did you hear Lisa honk her horn?
- Did you cross in front of Lisa’s car?
- Did you walk between two parked vehicles?
- Did you see the TT when you first stepped into the road? Where was it? Was it moving?
- As you walked in front of the TT, was it moving?
- Did you look at the driver as you walked in front of the TT? What was he doing? Did it appear that he saw you?
- What was your position relative to the TT when you were struck? How far were you from the curb on the opposite side of the street?
- Did the TT immediately stop upon striking you? Were you thrown upon impact? Were you dragged? How far? Where did you end up?
- Were you conscious the entire time? What do you recall while you were on the ground?

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SUGGESTED REVISIONS TO OUR PHYSICAL REHABILITATION EXPERT'S REPORT

(Tractor trailer, which had been stationary when our client started to cross street, began moving when client was in front of it.)

His report is reasonably good but I suggest the following changes:

State that Vicky did not lose consciousness; she was aware of every sensation when her leg was amputated at the scene;

Describe the degloving injury. A description of Vicky's skin being torn away from the bone like a glove being removed provides a powerful visual image.

He mentions Vicky's reports of pain but doesn't describe them.

He refers to "residual limb shrinking" (p. 1, last paragraph) but he doesn't say what this means, or how it affects the prosthesis fit and her ability to use it

Is the debridement performed under local or general anesthesia? Did it cause her pain? How about after the procedure?

Her limb wasn't ready for prosthetic fitting due to "edema control issues and wound healing" (p. 2, 1st paragraph). He should specify what he means by these issues, how it leads to pain, etc.

What causes her current pain? Why does she still have pain so long after the wounds have healed?

Describe phantom pain and phantom sensations;

Describe heterotopic bone formation, what it means in terms of recovery, fitting of prosthesis, ability to walk, pain, and whether it is advisable to have it surgically removed;

Describe her "skin breakdown" (p. 3, last paragraph) in terms of what causes it, how it looks, whether it causes her pain, whether this can lead to infection and other complications, etc.

In her later years, will she be confined to a wheelchair fulltime? If so, why? And what will result from this confinement?