Paul Sanders

Partner

Rochester
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Education

- University at Buffalo School of Law, *Summa Cum Laude*; *Human Rights Law Review*, Publications Editor, JD
- Oxford University, Commercial Law and Contract Program
- State University of New York at Albany, *Cum Laude*, BA

Practices & Industries

- Commercial Litigation
- Professional Liability
- Torts & Products Liability Defense

Admitted to Practice

- New York

Court Admissions

- US Bankruptcy Court for the Western District of New York
- US Court of Appeals for the Federal Circuit
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Paul is an experienced civil litigator who focuses his practice on protecting professional-liability clients, including medical professionals, municipalities and municipal officials, attorneys, debt-collection companies, accounting professionals, and law-enforcement professionals. He handles all kinds of malpractice claims, inadequate-medical-treatment claims, legal-malpractice claims, Fair Debt Collection Practices Act (FDCPA) and Telephone Consumer Protection Act (TCPA) claims, accounting malpractice and fraud claims, and claims for violations of US Constitutional provisions. He is also experienced in defending standard-tort, toxic-tort and personal-injury claims.

Paul also focuses his practice on products-liability claims, handling cases in New York State and throughout the country. He additionally has extensive experience representing clients ranging from individuals and small businesses to publicly traded companies in commercial litigation matters, including simple and complex commercial disputes such as contract and transactional disputes, disputes among business partners, real estate and commercial-leasing disputes, and employment-related disputes.

Paul represents clients in federal and state courts at both the trial and appellate levels as well as in alternative-resolution forums. He is proficient in settlement negotiation and regularly achieves beneficial results and resolutions.

In addition to his legal practice, Paul serves as the diversity partner in the firm's Rochester office.

Bar Associations

- American Bar Association, Litigation Section
- Monroe County Bar Association
- New York State Bar Association

Representative Experience

- Obtained summary judgment and dismissal of inmate's 14th Amendment claims against health care providers based on inmate's failure to establish an objective serious medical need.
- Represents municipalities and prison health care providers throughout New York State in lawsuits brought by prison inmates alleging inadequate medical treatment, medical malpractice, and violations of various US Constitution provisions.
- Frequently achieves pre-answer dismissals of federal lawsuits alleging inadequate medical care and US Constitutional liability against municipalities throughout New York State.
- Represents a large manufacturing company in products-liability lawsuits involving material-handling products in jurisdictions throughout the United States.
- Represents debt-collection companies and collection law firms in federal class-action litigations alleging violations of the Fair Debt Collection Practices Act and Telephone Consumer Protection Act.
- Successfully represents and guides debt-collection companies through court-ordered federal Fair Debt Collection Practices Act, state, and national class-action settlements involving onerous regulatory requirements.
- Successfully defended a class-action suit alleging fraud under the Securities and Exchange Commission Law against an independent auditor accounting firm for professional services it provided to a publicly traded company.
- Obtained a beneficial resolution in a complex dispute between partners who owned an accounting firm, a payroll agency, and commercial real estate and sought to part ways.
- Successfully defended a major international seed producer in a lawsuit alleging defective seed products that resulted in substantial crop loss.
- Successfully represented a large publicly traded company in complex breach of manufacturing contract action brought by a vendor, resulting in summary dismissal of the lawsuit.
- Successfully assists prison health care contractors and providers in navigating regulatory investigations and associated governmental proceedings.
- Represents individuals, municipalities, and companies in federal and NYS lawsuits alleging malicious prosecution, false arrest and imprisonment, and other intentional-torts claims.
- Successfully obtained a no-cause judgment in a trial on behalf of a real estate agency in a lawsuit where it was alleged that the defendant breached its contract with its client.

- Represents individuals and clients in catastrophic wrongful-death actions involving premise liability, violations of the Dram Shop Act, and medical malpractice.
- Obtained a favorable settlement for a client sued in Florida in a complex accounting malpractice case arising from criminal fraud perpetrated by the CEO of a national telecommunications company.
- Obtained a favorable settlement in a legal malpractice action against a law firm and individual attorney alleging malpractice related to representation in an underlying commercial transaction.
- Obtained multiple dismissals of claims from inmates against health care providers for deliberate indifference to medical needs and violating the US Constitution.
- Obtained dismissal of an inmate's deliberate indifference claims against health care providers based on the inmate's failure to exhaust his administrative remedies under the Prison Litigation Reform Act.
- Secured dismissal of an inmate's deliberate indifference claims against health care providers based on the inmate's failure to allege any municipal policy regarding a defendant-entity and failure to allege any personal involvement of an individual-defendant.
- Obtained summary judgment and dismissal of inmate's Eighth Amendment claims against health care providers based on failure to exhaust administrative remedies under the Prison Litigation Reform Act and failure to otherwise establish any undue delay or subjective deliberate indifference.
- Secured dismissal of an inmate's Fourteenth Amendment claims against health care providers based on failure to allege the requisite elements of deliberate indifference and failure to set forth a Monell claim.
- Secured the dismissal of an inmate's Fourteenth Amendment claims against health care providers based on failure to allege deliberate indifference to dental needs.
- Obtained the dismissal of an inmate's Fourteenth Amendment claims against health care providers based on the inmate's failure to allege municipal liability and failure to state a claim for deliberate indifference.
- Obtained dismissal of an inmate's Fourteenth Amendment claims against health care providers based on the inmate's failure to allege deliberate indifference against individual providers and failure to set forth a Monell claim against the health care entity.
- Secured the dismissal of an inmate's Fourteenth Amendment claims against a health care provider based on the inmate's failure to state a claim for subjective deliberate indifference.
- Successfully obtained dismissal of the complaint and denial of a motion for leave amend in a matter against a health services provider and individual administrator concerning an

alleged delay of medical treatment where the complaint asserted claims under 42 USC 1983, Article 26 of the Massachusetts Declaration of Right, and the Massachusetts Tort Claim Act.

Prior Experience

- Hiscock & Barclay, LLP, Counsel
- Hiscock & Barclay, LLP, Associate

Selected Community Activities

- Leadership Rochester, Class of 2007
- Solar Liberty Foundation, Board Member

Selected Honors

- *The Best Lawyers in America®:* Commercial Litigation, 2024
- New York State Bar Association, Empire State Counsel Honoree, 2018

Selected Media

- *AIG Legal Insights*, "New York Court of Appeals Considers Viability of Medical Monitoring Claims"

Selected Alerts & Blog Posts

- NYS Courts to Implement Early Mandatory Mediation
- Informed Intermediary Doctrine Not Applicable to Industrial Employer and Its Employees
- General Release Failed to Prevent Future Third-Party Personal Injury Claim For Contribution and Indemnification
- Fourth Department Signals Expansion of Sole Proximate Cause Defense
- Attorney Disqualification Not Warranted For Failure To Work For The Best Interest Of Corporate Principals