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Dr. Mark Polin:
New Life, New Career

Caroline West:
Innovation While Doing
the Right Thing

The Intersection of
LAW and MEDICINE

MARK POLIN: NEW LIFE, NEW CAREER

By Crystal Stryker and Dyanna Stupar

Dr. Mark S. Polin '10 has devoted his career to helping women. As an OBGYN in Wilkes-Barre, Pennsylvania, he delivered about 2,000 babies and focused his practice on treating infertility and performing advanced laparoscopic and vaginal surgery.

In the fall of 2002 his life changed forever. He burned his right hand while working at home the day before Thanksgiving. The newborn delivery he had done the day before would turn out to be his last. He endured four hand surgeries and painful skin grafts to save the tips of his fingers, and while he was able to return to full-time office practice, the scarring and nerve damage precluded his returning to the operating and delivery rooms.

Frustrated by his inability to perform surgery and provide the comprehensive care for which he trained, Dr. Polin decided to follow his eldest son, then a student at William and Mary Law School, into the legal profession. Dr. Polin graduated (again) in 2010, having earned his undergraduate degree at Penn State in 1978.

continued on page 20



Graduate School, Take Two

"For me it was the campus in State College that made it feasible for me to attend," said Dr. Polin. He credits his friends and his wife, Ellen, for encouraging him to pursue law school. The Polin family temporarily fractured; he moved to State College where his middle son was attending Penn State. Ellen remained behind with their daughter Kathryn, who was finishing high school in Dallas, Pennsylvania.

Dr. Polin was confident in his abilities to endure the rigors of law school. He graduated with honors from the University of Pittsburgh School of Medicine and typically worked 100-hour weeks as an OBGYN resident. He ran the Marine Corps Marathon ten years in a row.

Nevertheless, law school was a real challenge for Dr. Polin. "I found law school extremely difficult. I'd like to think it was a combination of age and having focused entirely on science and medicine for more than thirty years."

Despite the academic challenges and the inherent stress that come with being a law student, Dr. Polin recalls his time at Penn State with fond memories. "Being around so many bright and energetic young men and women was a wonderful experience, as was attending oral argument at the Supreme Court and having the opportunity to meet and speak with Justice Antonin Scalia. My fondest memories, though, were attending Penn State simultaneously with my son, where we would ride the LOOP together, following which my daughter attended Penn State as a freshman while I remained at State to study for the bar exam. How great is that for a dad?"

A Medical Legal Career

After graduation and taking the Pennsylvania and New Jersey bar exams in July 2010, Dr. Polin joined the Philadelphia law firm **Kline & Specter** as one of their physician-lawyers. Dr.

Polin's primary focus is on medical malpractice, but he is also involved in other aspects of personal injury, including the mass tort currently being pursued by Kline & Specter against the manufacturers of Transvaginal Mesh, a product that has caused a multitude of significant injuries following gynecologic procedures.

"Some women have horrendous injuries from this," he explained. According to Dr. Polin, the manufacturers of these products marketed them for vaginal use without adequate testing. "Unfortunately, it can be impossible to remove the mesh without causing significant injury."

Dr. Polin finds it enriching to work and interact with six other physician-lawyers. Working with a team of very talented trial lawyers, led by the firm's founding partners Tom Kline and Shanin Specter, Dr. Polin is very impressed with the intellectual ferment that comes from working in a firm with seven MD-JDs, perhaps the most of any firm in the U.S. The quality of the firm's work requires Dr. Polin to work long hours and learn quickly, and he analogizes this to the practice of medicine. "It's a real pleasure to learn from such a skilled group of lawyers while contributing my own (limited) expertise to the firm," he said. His routine as a second-year associate bears some resemblance to the rigors of practicing medicine; he wakes up at 5 a.m., runs two to four miles, and leaves home at 6:30 a.m. to take the train into Philadelphia. He typically returns home to Doylestown at 8:30 p.m.

In his first case as a member of the Kline & Specter trial team, Dr. Polin assisted Shanin Specter in a birth injury case that concluded with a \$21.6 million verdict for a brain-injured boy, a second twin whose delivery was delayed, resulting in catastrophic injuries that require 24/7 care. The award, most of which will pay for future medical expenses, was the largest-ever personal injury verdict in Erie County.



Prescriptions for Change

Dr. Polin, who has been a medical malpractice defendant himself, thinks medical malpractice litigation helps maintain the high quality of medicine. Dr. Polin explained that Kline & Specter screens rigorously for merit when choosing cases. "The best

of physicians can have poor outcomes, and this occurs because they typically handle the toughest cases. By far the majority of meritorious claims, however, involve substandard care by a team of health care providers and hospitals, not just individual physicians."

Dr. Polin thinks the medical profession needs to develop a more effective means of policing itself. "Unless and until the medical profession institutes a self-policing system that works with the legal system, instead of against it, absent litigation, substandard medical care will go unchecked and injured patients will be without adequate recourse. As a physician I experienced firsthand the code of silence embraced by the medical establishment and now as an attorney I've come to understand the extent to which it exists. Good physicians may be chastised if their support of a plaintiff's claim is discovered, and entire physician subspecialties prohibit their members from testifying on behalf of plaintiffs, yet not defendants, irrespective of the facts and merits."

Dr. Polin points out that the legal profession is not blameless. While he understands many lawyers don't realize the huge impact medical malpractice lawsuits can have on physicians and families, yet recognizes the absolute obligation attorneys have to their clients, he notes this obli-

gation is not without ethical bounds that can be violated under the guise of zealous representation.

As fond as Dr. Polin was of obstetrics and providing advanced infertility services and surgical procedures to his patients, he admits that the best part of his job was simply getting to know his patients and their families and knowing that he was having a positive impact on their lives. Many of his

former patients continue to stay in touch with him.

Just as Dr. Polin loved and dedicated himself to the practice of medicine, he now finds himself similarly engrossed and dedicated to the field of law. Dr.

Polin's own

life and recent career change is a reflection of what he did as an obstetrician for many women and many families: he delivered new life into the world, and with each, began a new and exciting opportunity for the future. ■

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