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Earning a living by working for free

By EJ Bernacki
Staff Writer

Eric Lifschitz, a San Francisco attorney with a penchant for science and a passion for justice, put both into practice on behalf of low-income families and became proof positive of the career mantra, "do what you love, the money will follow."



For contributing more than 175 hours in pro bono services last year, Lifschitz was the recipient of the 2003 California Young Lawyers Association Jack Berman Award for Distinguished Service to the Profession and the Public.

Lifschitz The award and personal satisfaction are not all that he gained from his experience serving the poor. In his first pro-bono eviction defense case, Lifschitz uncovered facts leading to a separate lawsuit on toxic mold exposure, a relatively unexplored and potentially lucrative area of toxic tort law, and was able to negotiate a six-figure settlement for his client. A year-and-a-half and five new cases later, Lifschitz has a thriving practice representing low-income renters in toxic mold litigation and a steady pipeline of referrals. Finding legitimate claims for tort recovery in the details of his work for the disenfranchised, Lifschitz, 31, is making a living working for free.

After graduating from University of San Francisco Law School in 2001 and becoming a member of the State Bar and the federal patent bar later that year, Lifschitz signed up as a volunteer with the Bar Association of San Francisco's Volunteer Legal Services Program (VLSP), where he received training in a number of areas, including eviction defense. It was

through the VLSP program that Lifschitz was introduced to one of his first clients, Marilyn DelMundo (not her real name), a Filipino woman struggling to provide a good home for her elderly mother and 11-year-old son, whose health was declining.

DelMundo had been laid off from her job as a reservations agent and was facing eviction from her 500-square foot in-law unit that she believed had become uninhabitable. But she couldn't afford to move.

In order to verify her claim, and because he had been practicing law for only a few months, Lifschitz agreed to meet DelMundo at her home. What he found appalled him.

Access to the apartment was through a garage where migrant workers loitered and slept on mattresses on the floor; the pungent smells of garbage and raw sewage were pervasive. Inside, he could see and smell evidence of mold he knew from his background in chemistry could be toxic to the family. And the health problems DelMundo's son was struggling with — asthma, nosebleeds and headaches — indicated the severity of the situation.

"It was outrageous that, in the face of San Francisco's Department of Building Inspection citing the property for the leakage of raw sewage across the unit's front stoop, the landlord ignored the problems," Lifschitz said. "Their single priority was to evict the DelMundos, who had withheld rent in protest of the habitability problems."

Five months later, on the day trial was to begin, Lifschitz reached an agreement with the landlord providing the DelMundos 45 days to move, a waiver of eight months' unpaid rent and a \$5,000 move-out payment.

He then filed a lawsuit against the landlord bank, which agreed to mediate the matter. Lifschitz expects to negotiate a healthy settlement for the DelMundos.

Lifshitz explained that in many eviction cases, there are legitimate claims of illegal eviction or health and safety that would work in favor of the tenant and can be the subject of separate lawsuits. He tackles the eviction and health issues first. If the situation warrants, he files a lawsuit with a

contingency fee agreement to recover damages.

"A lot of attorneys aren't willing to take on these cases," said Lifschitz, "but investing in the claims of low income clients can be rewarding in terms of personal satisfaction as well as running a profitable law practice."

Since he took on the DelMundo case, Lifschitz settled a toxic mold case for a Vietnamese family of four for \$175,000. The family now lives in their own home, and Lifschitz helped set up trust funds for the family's two children.

"Eric Lifschitz is a lawyer with the mission of the bar — to 'preserve and improve our justice system in order to assure a free and just society under law' — at the heart of his practice," said State Bar President Tony Capozzi. "He provides an outstanding example of the good things lawyers do."

With multiple toxic mold cases pending, 2004 will be a challenging year for Lifschitz. In anticipation of taking these claims to trial, he is looking to develop his cases to a point where veteran litigation attorneys will collaborate with him, combining areas of expertise on behalf of his clients.

Despite the foreseeable workload, Lifschitz seems quite content with where he is in his career. "I'm helping clients facing eviction or living with chronic health problems in toxic apartments move into healthy homes and begin the healing process," he said. "What I'm doing now is all I could have hoped to get out of this profession."

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