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TOP BOUTIQUES IN CALIFORNIA 2022

EHRlich LAW FIRM

CLAREMONT
APPEALS

Jeffrey I. Ehrlich, who got his bar card in 1985, has handled appeals for decades. In the early 1990s, he was among the first certified by the State Bar as an appellate specialist. This year, he was admitted to the California Academy of Appellate Lawyers.

He opened the doors of his current self-named firm in 2006; he and a paralegal staffed the shop. After graduating from Harvard Law School, Ehrlich clerked for the late U.S. District Judge Judith N. Keep of San Diego — and when she was designated to sit on a federal appellate panel hearing cases in Guam and Saipan, Ehrlich was hooked.

“I like the self-contained nature of appeals,” he said. Later, he tried his hand at a writ petition that worked. Then came an appellate litigation job with the Resolution Trust Corp. during the savings and loan crisis; there were so many cases that Ehrlich ended up arguing in six of the federal appellate circuits. “I got a ton of experience there,” he said.

In 1999 Ehrlich made a successful appearance before the highest court



JEFFREY I. EHRlich

in the land. The outcome in *UNUM Life Ins. Co. of Am. v. Ward* — limiting preemption claims under ERISA — came in handy on the day a few months later that he applied for a job with Michael J. Bidart of Shernoff Bidart Echeverria LLP. “How are you,” Bidart said in Ehrlich’s retelling. “I said, ‘Quite well, thanks. I just won a case unanimously in the U.S. Supreme Court.’ It turns out that was a very good way to start a job interview.” Ehrlich still handles many of Shernoff Bidart’s appeals.

This year, Ehrlich won affirmance of a trial court ruling that an arbitration agreement was unconscionable and could not be enforced, clearing the way for a lawsuit by the parents of a man who hung himself at a residential

treatment facility despite his need for 24-hour supervision for symptoms of psychosis. *Nelson et al., v. Dual Diagnosis Treatment Center Inc.*, CO59565 (4th DCA, op. filed April 19, 2022).

“The Supreme Court has privileged arbitration,” Ehrlich said. “But this was an extreme example of an arbitration enforcement effort.” The appellate panel also clarified that when there is ambiguity in an arbitration agreement, the trial court decides on its enforceability, not the arbitrator, as Dual Diagnosis argued.

Last year Ehrlich prevailed at the 2nd District Court of Appeal, which affirmed a \$3.46 million jury award for a truck driver who suffered spinal injuries when

his vehicle was rear-ended by another heavy truck. *Qaadir v. Figueroa et al.*, B306011 (2nd DCA, op. filed Aug. 11, 2021).

The outcome was significant because it took the plaintiff's side in a long-running battle between the personal injury bar and insurance companies over the compensation due to an injured party who chooses to receive treatment from providers outside of the party's insurance plan. Insurance companies have long argued that in

such cases damages should be capped at the policy limit.

The Qaadir court said otherwise, quoting from and reinforcing an earlier Ehrlich win in *Pebley v. Santa Clara Organics LLC* (2018) that explained why it is unfair to limit insurers' liability in such cases. "Indeed, precluding Pebley from recovering the reasonable value of the services for which he is liable would result in both under-compensation for Pebley and a windfall for defendants," the court wrote.

"The defense in Qaadir tried to reverse Pebley and failed," Ehrlich said. The state Supreme Court denied review.

"I love what I do," Ehrlich said. "The pandemic was difficult for trial lawyers, but it worked for me as a lagging indicator. Only recently was there a brief falling off of appeals, and that has now passed."

— JOHN ROEMER