

Penelope M. Deihl

Member

Penny Deihl is an effective litigator and negotiator with more than 25 years of experience representing individuals, corporations and other entities in a range of commercial and civil disputes. Focused on developing and pursuing legal strategies that work, Penny's extensive trial experience is unique among her peers. On behalf of her clients, she has argued and won numerous jury awards and judicial decisions in open court.

Penny has developed a significant practice defending professional-services providers against allegations of professional liability and malpractice. She fully understands the financial, reputational and other impacts of such claims, and brings her full knowledge and experience to bear on behalf of real estate and mortgage brokers, accountants, financial managers, estate planners, insurance brokers, business planners, and other consultants and advisors such as architects and engineers. She provides effective counsel at every step, from helping clients better understand the circumstances that led to the dispute and assess the costs and benefits of various responses, to aggressively pursuing strategies that offer the greatest likelihood of achieving their objectives.

A fierce advocate, Penny regularly appears in federal and state courts, in settlement negotiations, and in arbitration and mediation, as well as before state and national licensing boards and certification entities, helping clients preserve the credentials necessary to pursue their line of work. She also draws on her experience to develop effective litigation-avoidance strategies that help prevent future conflicts.

In her general litigation practice, Penny has successfully represented Fortune 500 companies, governmental entities, mid-size businesses, startups, business owners and entrepreneurs in an array of industries — including government tort liability, construction, real estate, engineering, architecture, insurance and financial services — in multimillion-dollar disputes. Recent client victories include winning favorable jury verdicts while serving as first-chair trial counsel, winning summary judgment on numerous motions, and achieving favorable outcomes in binding arbitration.

A legal and industry thought-leader, Penny is an active member of the Defense Research Institute, for which she has helped identify and secure speakers for a number of conferences and events. She herself speaks regularly before legal and industry groups and has drafted numerous articles on issues ranging from cyber-bullying and sovereign immunity, to indemnity agreements and trends in mediation and claims litigation. She is also a sought-after commentator on emerging legal issues, and has been quoted in publications such as the *Daily Journal*. Penny is also a licensed real estate broker. She currently serves as the Co-Chair of Clark Hill BOLD – Los Angeles, the firm's strategy to promote women within the firm, the legal profession, and the business community.

Publications/Presentations

- "This Case Is Killing Me," *For The Defense* DRI Newsletter, April 2020
- Quoted in "Judge tosses suit alleging discrimination in LA market," *Daily Journal*, September 12, 2017
- "What You Didn't Learn In Law School," *The Voice* DRI Newsletter, Volume 6, Issue 3, September 23, 2014
- Sovereign Immunity, North American Contingency Association (NACA) Annual Conference, May, 2012
- Bullying & Cyber-Bullying: Preventing & Mitigating Legal Issues, conference for educational institutions co-sponsored by WRM America and Morris Polich & Purdy LLP, San Francisco, April, 2012 (this conference was covered by the *San Francisco Chronicle* on April 26, 2012 and by the *Daily Journal* on April 27, 2012)
- "Indemnity Agreements: Transferring the Risk," AIA K-Talk video from *Risk Management Best Practices*, aecKnowledge continuing education course
- Trends in Mediation, Claims & Litigation Management Alliance (CLM) Annual Conference, April, 2012
- "Top Ten Mistakes Made By Real Estate Brokers/Agents," presented to Keller Williams Coastal Properties, Inc., August 2012 and January 2013
- Guest Presenter at UCLA School of Architecture on Building Information Management Systems
- Guest Presenter at USC School of Architecture on Legal Issues Confronting New Architects
- Multiple Presentations on Express and Equitable Indemnity
- Employee versus Independent Contractor Status
- Evaluation of Construction Contracts
- Transferring the Risk
- California Law Update



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Education

University of Arizona, Tucson,
Arizona, 1993

Arizona State University, Tempe,
Arizona, 1989

State Bar Licenses

California

Court Admissions

U.S. District Ct., C.D. of California

Supreme Court of California

Practices, Industries & Services

Construction
Construction Law
Litigation
Real Estate

Memberships

- Defense Research Institute (DRI) Professional Liability Committee: Seminar Planning Committee (2014); Annual Meeting Chair (2014); Substantive Law Group Vice Chair for Real Estate Professionals (2013-2014) ; Annual Meeting Co-Chair (2013)
- Claims & Litigation Management Alliance (CLM): Women's Forum Steering Committee (2012); Women's Forum for Annual Conference (2013)
- Los Angeles County Bar Association
- California Association of Realtors
- Building Owners and Managers Association (BOMA) International
- Venice Chamber of Commerce (2011-2013)
- Federation of Defense & Corporate Counsel

Honors

- AV® Preeminent™ Peer Review Rated – Martindale-Hubbell
- Real Estate Broker, 2004