



Marilyn Klinger ,Esq.
Los Angeles, California



Primary Areas of Expertise

Construction Law
Surety Law
Contract Disputes
Defaults & Termination
Delay and Acceleration Claims
Indemnity & Fraud

[View Video](#)

Professional Summary

Experienced trial attorney and neutral specializing in construction and surety law. Proficient in virtually all aspects of construction surety, including contract preparation and negotiation, delay claims, mechanics liens, project workouts, financing, and indemnity.

Current Employer-Title

SMTD Law LLP - Office Managing Partner

Profession

Attorney, Arbitrator, Mediator

Work History

Office Managing Partner, SMTD Law LLP, 2018-Present; Commercial Division Chair, Sedgwick LLP, 2016-2017; Construction Practices Group Chair/Chair Emeritus, Sedgwick LLP, 1996-2015; Partner, Sedgwick LLP, 1989-1995; Associate, Sedgwick Detert Moran & Arnold LLP, 1983-1988; Associate, Steefel Levitt & Weiss LLP, 1981-1982; Associate, Chickering & Gregory LLP, 1978-1980.

Construction Industry Experience

Practiced construction law for over 45 years, representing the myriad of players in the construction industry, including owners, design professionals, prime contractors, specialty trade contractors, suppliers, and sureties. Top Attorney of the Year in Construction Law by the International Association of Top Professionals (IAOTP), 2020; Chambers USA — individually recognized and ranked for Construction Law, 2013-2016, 2019-2020; Best Lawyers in America, Construction Law, 2018; Martin J. Andrew Award for Lifetime Achievement in Fidelity and Surety Law, 2017; Sedgwick Law 2015 Ernest “Bud” Arnold Mentor Award for Commitment in Expertise in Mentoring and Counseling; “Who’s Who in Law: Angelenos to Know in Real Estate Law,” Los Angeles Business Journal, 2013; Los Angeles

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Neutral ID: 5500495

The AAA’s Rules provide the AAA with the authority to administer an arbitration including, arbitrator appointment and challenges, general oversight, and billing. Accordingly, arbitrations that proceed without AAA administration are not considered AAA arbitrations, even when the parties select an arbitrator who is on the AAA’s Roster.

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Experience

Over 45 years of construction law experience, involved in all aspects of construction law on a state and national level, representing the full spectrum of the construction industry, from owners, contractors, subcontractors and sureties. Practice includes time-related claims and litigation (e.g., delay/impact), legal advice and counsel regarding the contracting process (e.g., bidding and contract disputes/performance bond claims), payment enforcement/defense (e.g. payment bonds/mechanics liens/stop payment notices), administrative and scope claims and litigation (e.g., differing site conditions, change and extra work orders/inadequate plans and specifications and subcontractor substitutions) and counseling and transactional services to the construction industry (e.g., general advice and counsel, including contract preparation, evaluation and negotiation). In addition, extensive experience in dispute resolution including litigation, trial, appeals, arbitration and mediation. Pride in being a hard-working “straight shooter.” Early in career, became a pioneer in construction law, being one of the first women attorneys to practice in the primarily male-dominated field. Through passion and unique intelligence, established a vital, nationwide practice involved in all aspects of construction law and a career marked by increasingly prominent leadership positions. Recognized as an innovator in legal problem-solving and as a thought leader who is a frequently published author and sought-after speaker for professional legal, construction and educational publications and organizations. Loves humor and thinks everyone is way too serious. Using all of the above to focus on serving as a neutral (arbitration, judicial reference, and mediation).

Alternative Dispute Resolution Experience

Volunteer Arbitrator for Los Angeles County Superior Court, 2005-2010. Attended week-long mediation training at Pepperdine School of Law, Straus Institute of Dispute Resolution, October 2022. Conducted, as sole arbitrator, construction matter between project owner and design professional. Appointed sole arbitrator and panel member arbitrator on numerous construction-related arbitrations in various stages leading up to arbitration hearings. Conducted full day mediations involving indemnity action by surety against bond principal and individual indemnitors and hospital against elevator company regarding elevator maintenance and payment dispute.

Technology Proficiency

Available for In-Person or Zoom Arbitrations and Mediations

Successfully completed Clearbrief Academy, May 2025.

Education

University of California, College of the Law, San Francisco (formerly Hastings) (JD, Order of the Coif, Thurston Society - 1978); Santa Clara University (BS, Magna Cum Laude - 1975).

Professional Licenses

Admitted to the Bar: California (1978).

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Professional Associations

American Bar Association, Forum on Construction Law (1983-Present), Marketing Committee Chair (2017-2020), Governing Committee (2014-2017), Chair - Law Student Writing Competition (2010-2021), Trial Academy Faculty (2018-Present), Fidelity & Surety Law Committee, TIPS - Chair (2003-2004); Associated General Contractors of California, 2008-Present; AGC of CA Legal Advisory Committee (2008-Present), Chair (2013); AGC of America Contract Documents Forum Member (2015-Present); U.C. Hastings College of the Law Alumni Board of Governors, Past President (2015-2019).

Recent Publications & Speaking Engagements

Panelist re Mediation (Western States Surety Conference 2025); Panelist re Mediation and Arbitration (ABA FSLC Spring Meeting 2024); Co-Editor: The Construction Project: Phases People Terms Paperwork Processes (ABA FSLC 2023); Co-Editor: The Surety's Indemnity Agreement: Law and Practice, 3rd ed. (ABA FSLC 2022); Speaker and Article: Protecting Your Company's Rights to Performance and Payment in the Bankruptcy Context (ABA Forum on the Construction Law 2022); Panelist: "OCBA Construction Law", Orange County Bar Association Construction Law section webinar (2021); Speaker: "Contract Solutions", Arcadis webinar (2021); Speaker: "7th Annual California Construction Law", The Seminar Group live webcast conference (2021); Speaker: "Nightmare on Tender Street – Ethics Problems and Solutions for Tendered Defenses;" Surety Claims Institute (2018); Panelist: "Contract Interpretation: Insights Into Conflicts Arising From Drawings & Specifications," WPL webinar, 2021; Panelist: "Differing Site Conditions: The Big Game of Shifting Risk." WPL webinar, 2017 and 2021; Speaker: "Maze or Labyrinth: All of the Ways to Recover Attorney's Fees in California Construction Litigation," AGC of CA Legal Advisory Committee. 2017 and 2021 Panelist: "Construction Law," Orange County Bar Association Construction Law section webinar, 2021; Speaker: "Contract Solutions," Arcadis webinar, 2021, Speaker: "7th Annual California Construction Law," The Seminar Group live webcast conference, 2021; Speaker: "Nightmare on Tender Street – Ethics Problems and Solutions for Tendered Defenses." Surety Claims Institute, 2018; Speaker: "Ten Commandments to Avoid Project Failures," National Association of Women in Construction, Los Angeles Chapter, 2017; Panelist at Women in Construction, West Coast Conference, "Contractors' Business Partners: Surety, Insurance, Accounting, Banking & Law," 2017; Contributing author: "Differing Site Conditions," Chapter 3 of Construction Contract Claims, Changes, and Dispute Resolution, American Society of Civil Engineers, Third Edition, 2016; Speaker: "Ten Commandments to Avoid Project Failures," Sedgwick Construction Law Webinar Series, 2016; Speaker: Construction Financial Management Association Annual Conference, San Antonio, TX, "Women in Construction," 2016; Speaker: "Bankruptcy, Abandonment and Surety Remedies," California Construction Law Seminar, Santa Monica, CA, 2014; Faculty Member: "Construction Law Seminars," Certified Senior Project Manager Series, SDC Associates, Los Angeles, CA and San Diego, CA, 2013; Speaker: "Hard Hats and High Heels: Women in Construction," CFMA, San Diego, CA; Co-author: "Fundamentals of Construction Law, Second Edition," ABA Forum on the

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Construction Industry. 2013; Co-author: “Termination for Convenience, It’s All About ‘Good Faith,’” Modern Contractor Solutions (2012); Speaker: “AIA A201 vs. ConsensusDOCS: A 10-Round Bout to Determine Which Is the Fairest Contract of Them All?” Construction SuperConference, San Francisco, CA, 2011; Speaker: “Hammers, Nails and Lipstick,” AGC-CFMA, Las Vegas, NV, 2011; Speaker: “Contract Litigation Insurance: A Game Changer or Not,” AGC of California Legal Advisory Committee, Dana Point, CA and WSSC, Seattle, WA, 2011; Speaker: “Curve Ball Issues Affecting the Surety,” Pearlman, Seattle, WA, 2011; Co-author: “Termination for Convenience: How Enforceable Is It?” The Voice, 2011; Speaker: “Killer Bond Forms,” HCC Surety Underwriters, Los Angeles, CA, 2011; Moderator: “Differing Site Conditions: The Big Game of Shifting Risk,” CMAA, Southern California Chapter, Long Beach, CA, 2011; Co-author: “FAR Business Ethics: The Basics,” Construction Executive, 2010.

Locations Where Parties Will Not be Charged for Travel Expenses

California

Citizenship

United States of America

Languages

English

Compensation:

Hearing:	\$500.00 per hour
Study:	\$500.00 per hour
Cancellation Period:	10 days

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