Lozano Smith
ATTORNEYS AT LAW

Wiley R. Driskill

Partner

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Overview

Wiley R. Driskill is a Partner in Lozano Smith's Fresno Office, with a focus on the Labor & Employment and Litigation aspects of public agency law. He was named a Northern California "Rising Star" by Super Lawyers for six consecutive years.

Experience

Mr. Driskill has nearly twenty years of litigation experience focused in the areas of civil litigation, business litigation, public agency and entity law, the Ralph M. Brown Act, defending public entities, and defending employment discrimination and FEHA claims. He also has extensive experience representing law enforcement agencies and public safety officers, and is an expert in both the Public Safety Officers and Firefighters Procedural Bill of Rights Acts.

In addition to numerous administrative hearings and arbitrations, Mr. Driskill has successfully tried court and jury trials to decision and verdict in state and federal court. He also has extensive experience drafting and arguing complex legal briefs and motions, and has successfully argued appeals before the state district courts of appeal and the federal Ninth Circuit Court of Appeals.

Significant Cases

- Recovered 95% of an approximate $1.1 million claim on behalf of an unsecured creditor against a failed firm and its senior secured creditor after obtaining judgment against the debtor in federal court.
- Obtained summary judgment on behalf of a defendant land developer which removed 90% of the plaintiff's claims and reduced the plaintiff's potential recovery from $1.1 million to approximately $100,000. Successfully defended the summary judgment ruling on appeal. Plaintiff dismiss its action.
- *Fidelity Nat. Title Co. v. Schroeder* (2009) 179 Cal.App.4th 834 – Prevailed on appeal for judgment creditor on legal theory that the fraudulent transferor of real property retained an equitable interest in the property.
- *Flam v. Flam* (9th Cir. 2015) 788 F.3d 1043 – Prevailed in defeating plaintiff's remand motion. Established for the first time in the Ninth Circuit that magistrate judges lack authority to remand cases from federal court to state courts.

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California

Practices

Labor & Employment
Litigation
Municipal

Education

J.D., Santa Clara University School of Law
M.A., San Francisco State University
B.A., Santa Clara University

Admissions

California

Education

Mr. Driskill earned his J.D. degree from Santa Clara University School of Law. He graduated in the top 15% of his class, and was a recipient of the Witkin and CALI Awards. He received an M.A. in History from San Francisco State University and a B.A. in History from Santa Clara University.