

Attention To Detail Builds Defect Expert's Reputation

Los Angeles Times

February 23, 1996

Name: Thomas E. Miller

Name of Firm: The Miller Law Firm

Education: Hastings College of Law (J.D., 1973); California State University, Long Beach (B.A. Speech Communication, 1970)

Affiliations: Consumer Attorneys of California; Orange County Bar Association; San Diego County Bar Association; Consumer Attorneys of San Diego and Orange County; President's Associates of California State University, Long Beach; Hastings College of the Law 1066 Foundation Board; Community Association Attorneys; Chief Executive Round Table, University of California, Irvine; and California Association Community Managers (founding member)

Publications: Miller authored "California Construction Defect Litigation", Wiley, 1986; and "California Construction Defect Litigation, Residential and Commercial", Wiley, 1994

Length of Time Practicing Law: 23 years

Types of Cases: Construction defect litigation

Background: Born in Pittsburgh as the son of a naval attache, Miller grew up in a number of East Coast and South American cities before his parents retired to Long Beach when he was in the seventh grade. Miller currently lives on Balboa Island. Miller started his career defending builders, subcontractors, design professionals and their insurance carriers. After the Court of Appeal extended strict liability to common interest developments (condominium associations) in *Del Mar Beach Club v. Imperial Contracting Company* (1981), Miller was convinced it was time to move on. He began representing homeowners associations in construction defect disputes. Midway through his career, Miller wrote "California Construction Defect Litigation". In 1994, his second book, "California Construction Defect Litigation, Residential and Commercial", was published.

Keys to Success: Miller credits his success to his ability to remain focused, work hard, take an early offensive, perform early case evaluation and selection, and specialize in construction defect cases. In a time when most attorneys are screaming "diversify", Miller has been able to use specialization to build his practice. He believes that not diversifying has allowed the firm to be the best it can be. They have "found that if [they] do one thing, they do it well". Miller also believes that good case management skills have contributed to his success. "You need to make sure a case is properly set up and that you stay focused on

the case management order and meet the dates so that you don't give the defendants any opportunity to stray from the purpose." Finally, Miller credits his credibility with clients, opposing counsel and the courts for his success. He says, "This is an industry where getting your next case is based on the reputation you achieve".

Favorite Trial Moment: Miller's favorite moment is always changing because each has "has interesting twists and turns" to it. If a case can be resolved without taking any depositions or having to go through a lengthy trial as is the case with most construction trials, Miller feels the case has been successful. Four weeks into his first construction defect trial, the judge called him into chambers and said the defendants wanted to put \$7 million on the table to settle the case. Prior to that, the settlement offer was \$1.25 million

Personal: Miller spends his free time with his family and on fund-raising for his alma maters. He has been married for 28 years to Christine ("Kiki"). He has two children Matthew, a 23-year-old law student, and Rachel, a 26-year-old law graduate who is studying for the bar examination and intends to work with Miller upon passing the bar. Miller's fund-raising work with Hastings and Cal State Long Beach is time consuming but enjoyable; he sees it as a way to contribute to the schools where the state funds leave off. As the president of the Orange County Pyramid Club, Miller helped obtain the funds that were used to build Cal State Long Beach's new athletic facility. Through Hastings' 1066 Foundation, Miller has raised funds to support professor emeritus and clinical programs. He also teaches a construction defect class at Cal State Long Beach's extension program and through the California Association Community Managers. Miller also spends time working out with a personal trainer and traveling in Mexico.

What Other Lawyers Say About This Attorney: Phil Woog of Cooksey, Howard, Martin & Toolen, Costa Mesa, credited Miller as being "one of the top plaintiffs' lawyers in the construction defect arena". Woog added that he "always enjoyed working with Tom. We tend to get to the bottom line with each other because each of us knows where the other is going". "Tom is an effective representative of his clients", said Michael Duckor of Duckor, Spradling & Metzger, San Diego. "He will evaluate his cases reasonably. He will cut to the bottom line with respect to settling a case." Tom J. Lincoln of Lincoln, Gustafson & Cercos, San Diego, said "He has the great ability to market himself and his firm to prospective clients and associations. He has been able to do that better than any attorney I know."