

## Sealing the Deal - Condo Honcho - Litigator Profile

By Christina Landers, Los Angeles Daily Journal

**Attorney Thomas E. Miller, who specializes in construction defect law, recently settled a case for close to \$1 million, awarding each owner of a 20-unit condominium building about \$48,000.**

**November 21, 2001** - It was a senior partner's lack of knowledge and expertise in construction litigation that nudged Thomas E. Miller into his life's work as a construction defect attorney.

"I worked for a senior partner who had a number of insurance-company clients," Miller says. "In the late '70s, the developers that were insured by these companies started to become subject to lawsuits for construction defects as a result of revised building code."

And that was the beginning of a long road that has led Miller to his specialty, construction defect law. "This senior partner didn't know anything about construction law and didn't want to, so he handed the cases over to me," Miller says. "I was forced to become an expert, and fast."

That fact learning led Miller to his own law firm specializing in construction defect and land subsidence claims. According to Miller, Newport Beach's The Miller Law Firm has recovered more than \$400 million for associations and homeowners throughout the western United States.

Miller says it was not surprising that the board of directors of the Selby Regency Homeowners Association approached him for advice and an evaluation of their construction defect complaints against the condominium complex's contractors and developer.

"These people were encountering some serious problems with their fairly new, high-end condominiums," Miller says. "They had water leaking, wood rotting and the ground settling unevenly beneath them in some cases, causing the floor to tilt to one side."

These owners needed experienced legal representation, Miller says.

These were not the type of problems a property owner should be responsible for fixing. They were construction defects," he says.

Miller leaned on the opinions of technical experts to help prove the extent of the damage and support a claim for nearly \$1 million, necessary to repair the construction defects, for the owners of 20 condominium units.

Despite Miller's success as a construction defect lawyer, he did not always know that he

wanted to be an attorney.

"A number of college seniors in my fraternity were just shooting the breeze about life after graduation and just decided we'd take the LSAT," he says. "Almost all of us did well on the test."

In one of the first construction cases he tackled, Miller represented a condominium complex built on ocean bluffs near San Diego.

"The bluffs were eroding and exposing the foundations of the condos closest to the beach," Miller says. "We thought the court should expand a strict liability theory so condominium builders are liable to construction."

Miller successionaly moved for the court's new application of the doctrine.

"Based on our motion, the court imposes the doctrine of strict liability on the builders," Miller says.

In 1981, 52 year old Miller struck out on his own and since has been joined at his 20 year old firm by his daughter, Rachel Miller, now a partner. The father-daughter team co-wrote a third edition of Miller's book, "Home and Condo Defects: A Guide to Faulty Construction," in 1999.

Mike Duckor, senior partner at San Diego's Duckor, Spradling & Metzger, also mediates construction cases throughout Southern California and has known Miller far 25 years.

"Miller is a very engaging individual who you tend to like immediately," Duckor says. "He's quite a personality. He has the ability to make all those around him want to be near him ad listen to what he has to say."

But clients should not think of Miller's personableness as a professional weakness.

According to Duckor, Miller has a flair for the construction defect work.

"The cases he handles are a unique type of practice of law that has a lot to do with staying power, tenacity, and pushing cases to settlement or trial," Ducker says.

And not every lawyer or firm can manage the seemingly endless processes.

"They are long, hard-fought, and expensive battles, and Tom and his firm have proved to have staying power over the years," Duckor says.