

## Father-Daughter Legal Team Battles Construction Defects

By Jennifer Hieger, © Orlando Sentinel

**July 22, 2001** - In the past 25 years, Thomas Miller estimates he's won more than \$400 million suing home builders for leaky roofs and cracking stucco.

As Orange County, Calif.'s, most prominent champion of construction-defect lawsuits, he's sometimes blamed for escalating home prices -- the cost, home builders say, of endless and sometimes frivolous lawsuits.

Whatever his impact on the market, he is one of the industry's biggest tormentors.

And he has reinforcements. Since 1994, Miller's daughter Rachel has worked at his Newport Beach, Calif., law firm.

In 1999, the father-daughter team published a book to guide lawyers through the process of filing a construction-defect suit. Now they've written a handbook for consumers titled Home and Condo Defects: A Consumer Guide to Faulty Construction (Seven Locks Pr, \$9.95).

Here, Thomas and Rachel Miller talk about their practice.

**Question:** How many calls does your office receive in a week from people wanting to talk about a problem with their home?

**Rachel:** About a dozen calls a week, and five to 10 e-mails a day.

**Q:** How many cases do you take?

**Thomas:** Our Newport Beach office, which basically covers Southern California, is working on 20 cases. We settle about one a month. They each take about two years to resolve.

**Q:** How do you determine whether a homeowner's problem is worth further investigation? Are you able to rule out a lot of people based just on a phone call?

**Thomas:** It doesn't make sense to represent just one owner. We look for multiple owners with similar problems. Say we're talking about a development with 100 homes; we would hope to represent about half of the owners. But generally the more expensive the homes, the fewer we need.

**Rachel:** When people call, we complete a one-page form that briefly describes the problem, who the builder was and how old the home is. Knowing the builder's identity can be particularly helpful if we've sued the company before.

**Thomas:** We see some builders time and again.

**Q:** Sometimes cases drag on for years. How do you keep clients from having a nervous breakdown?

**Thomas:** We have a contractor who takes care of immediate problems. We also provide monthly status reports and quarterly disclosure statements, which owners need if they decide to sell or refinance. And we periodically hold meetings with the homeowners.

**Rachel:** I frequently field calls on the weekend. I'm basically available 24 hours a day.