



Powell Miller

Unbeaten Trial Record Is Impressive, But Positive Impact Is Ultimate Goal

by Elizabeth Davies

ROCHESTER — Some say 13 is an unlucky number. For E. Powell Miller, it's anything but.

Miller, of Rochester's **Miller Law**, has won 13 consecutive jury trials and recovered more than \$2 billion on behalf of his clients. Of his cases, three class-action suits resulted in the class receiving a 100 percent cash recovery.

In the more than 20 years since he opened his firm, Miller actually has never lost a trial.

He attributes that winning streak, in part, to being selective about the cases he takes on.

"We're not interested in a class action that doesn't have a lot of merit," he says. "I'm particularly good at assessing the strengths and weaknesses of a case, and being confident in that decision."

And, he never stops pressing on.

"He got a nickname as a kid — he was called Persistent Powell," recalls his father, labor union lawyer Bruce Miller. "He got the nickname because he went on a hike and he was sick and got a fever, but he insisted on wearing his backpack and still finished it. He has always stuck to his guns."

He's been called on by various Fortune 500 companies across the country due to his expertise in litigation. He repeatedly was named one of the top 10 lawyers in Michigan by Super Lawyers Magazine. Three times, he was named Lawyer of the Year by Best Lawyers.

"He's extremely creative and extremely articulate," Bruce Miller says. "He can take complex issues and make them understandable."

For Powell Miller, his role in class-action lawsuits is not just about money. He looks for cases that help people who otherwise

have no means of redress. He's proud that one of his cases indirectly led the Federal Drug Administration to ban ephedrine in dietary supplements. He's glad that 35,000 families were warned about carbon monoxide risks because of his work.

"It's a way to do my part to make the world a better place," he says.

Learning From Dad

As a kid, Powell's first paycheck came from his dad's firm. He remembers his first job, dusting the books in his dad's legal library for 25 cents an hour. He then worked as a runner and messenger for the firm, and eventually became a law clerk.

There was little doubt Miller had what it took to be a top litigator. He was a debate team star throughout high school and college, winning the Harvard University National Debate Tournament when he was just a college freshman. He also appeared in a special international debating exhibition against the Oxford Debating Union of Great Britain.

"I was very fortunate to be able to travel to different cities and compete at high levels," he says.

Perhaps surprisingly, after completing his studies at Georgetown University and graduating third in his law school class at Wayne State University, Miller did not return to the firm of his youth. Rather than take a job at his father's firm, he joined Detroit's Honigman Miller Schwartz and Cohn instead. He made partner just four years later.

"I wanted to rise or fall on my own merit," he says.

And rise he has.

Still, with an accomplished career under his belt, Miller continues to value his father's opinion and is apt to turn to him

for legal advice.

But the best lessons he learned from his father ended up having nothing to do with intricacies of the law.

"Loyalty, extremely hard work and absolute integrity" are the traits his father impressed on him, Miller says.

Those are the same virtues he tries to pass along to younger lawyers at his firm. Developing a new generation of high-performing, high-integrity lawyers is one of the most rewarding things he does.

"There's great joy in seeing young lawyers right out of law school become outstanding attorneys and people," he says, emphasizing hard work above shortcuts.

"We're going to out-work our opponent, we're going to out-think our opponent, we're going to out-strategize our opponent," he tells young lawyers. "Have an absolutely dogged determination to get the best result possible without crossing the line. We hit above the belt as hard as we can."

Starting From Scratch

In 1993, at age 32, Miller left his firm, downsized his house, sold his car and decided to forgo a salary for a year so he could build a law firm from the ground up.

"I thought he could make it," Bruce Miller says of his son. "I always had confidence in his abilities and his persistence. The kid doesn't know how to lose. With that kind of record and the personality he has...I knew it was a scary thing, but if anyone could do it, he would."

Powell Miller envisioned a place where the voiceless could find representation, where the community was a safer and healthier place because of the work he did. His goal was to make a meaningful difference. Beyond that, he wanted to enjoy his work. And somewhere further down the list, he was motivated to earn a paycheck again.

"I had a great experience, and I got an amazing education (at Honigman Miller)," he says. "But I wanted to do something more than cases that were corporation versus corporation. I wanted to bring cases that otherwise no one else might bring."

In those early years, from 1993 to 1996, Miller took on three cases that turned the tide for his young firm. One dealt with securities fraud and two were consumer class action suits. All three cases were successful.

"Going three for three on those cases gave me the capital and confidence to really go after this," he says.

Today, Miller Law employs 24 full-time and seven part-time lawyers. It recently was named a Best Law Firm for 2017 by U.S. News & World Report. And its lawyers regularly are given top legal accolades within their fields.

These days, while he focuses heavily on trials, Miller makes a point of doing a little bit of everything in his firm. He writes briefs (often the first draft), conducts intake interviews and meets with clients. In the fall, he worked on a case that settled for \$42 million just weeks before trial. He

represented more than 20,000 nurses and alleged that their employers had worked together to keep their wages down.

But the best part — the most satisfying payment for his hours of work — is the thrill of victory.

"There's nothing more exciting than a jury trial, and having the jury return their verdict," he says. "In many cases, the other side told me my case was worthless. It's very satisfying when someone doesn't believe in you and you prove them wrong."

Despite his reputation as a go-to Detroit litigator, Miller hasn't forgotten the uncertainty of his early years.

"Whenever a case ends, you have to find another case to replace it," he says. "Thankfully, as our reputation grew, our phone kept ringing. But I never take that for granted."

Off the Clock

When he's not at work, Miller enjoys spending time with his wife, Karol, an engineer and teacher. Between them, they have six children ranging in age from 20 years old down to twin 15-year-olds.

Karol has proven over the years to be a great sounding board for Miller as he prepares for trial.

"She's extremely helpful to me," he says. "She helps me with my opening statement and gives me great feedback."

Miller is co-president of the Detroit Chapter of the Federal Bar Association Antitrust Section. He is on the executive committee for the Wayne State University Law School Board of Visitors and has worked as a co-chair of the American Bar Association Procedures subcommittee on class actions and multi-district litigation. He is a regular speaker on securities litigation at the University of Michigan School of Law and speaks at continuing legal education seminars on securities fraud class actions. He is a master member of the Oakland County Bar Association Inns of Court.

In the community, Miller supports the Detroit Urban Debate League, which works to create debate programs in underserved high schools. He is also involved with the University of Detroit Jesuit High School and Academy, the Joe Niekro Foundation and Charlotte's Wings.

He's a passionate collector of sports and political memorabilia, including prized items such as an original letter from George Washington and one of Babe Ruth's baseball bats. The die-hard Detroit Tigers fan has thousands of baseball cards and a particular interest in vintage cards — some of which have million-dollar values. His office houses baseballs, bats, postcards and a signed Michael Jordan basketball.

At age 55, Miller continues to look toward the future and seek out new ways to take on cases that he believes will improve the lives of people around him.

"I want to continue to make a positive impact on the world in some way," he says. ■