



## Consensus Builder

**4th District Court of Appeal Justice Douglas P. Miller has won over even one-time adversaries with his professionalism and impartiality.**

**By Ciarán McEvoy**

Daily Journal Staff Writer

RIVERSIDE - Even his one-time adversaries praise Douglas P. Miller, a justice on the 4th District Court of Appeal, as a leader and consensus builder.

In 2004, Murrieta attorney Richard D. Ackerman sued Miller, then the presiding judge of Riverside County Superior Court, in a well-publicized case involving religious-type displays in courtrooms.

Ackerman filed the complaint against Miller, the Anti-Defamation League and Riverside County because of Miller's plan to place a piece of mahogany over a Theodore Roosevelt quote - "The true Christian is the true citizen." - that had been displayed inside a local courthouse. The case was settled when the Riverside County Board of Supervisors allowed the display to remain uncovered.

While Ackerman was concerned he would earn the lasting enmity of the Riverside County Superior Court, which recused itself in the case, he said that his later dealings with Miller have left him impressed.

"He has never shown anything but absolute professionalism and the impartiality that you'd expect from a judge," said Ackerman of Ackerman, Cowles & Associates. "There's a part of me that hopes he'll be on the panel because at least I know I'll be heard."

Another one-time Miller opponent, Michael J. Marlatt, a partner at Thompson & Colgate in Riverside, faced off against him, back when the justice was a plaintiffs' attorney, in medical malpractice and personal injury cases. During his 17 years as a plaintiffs' lawyer, Miller won some of the largest awards ever given in the Inland Empire.

Marlatt, who now calls Miller a personal friend, said Miller made his points in a congenial and non-adversarial manner, yet he still produced results for his clients.

"We paid his clients some money, a reasonable sum," Marlatt said.

"The bench's gain was the practicing bar's loss," Marlatt added.

For his part, Miller, 56, said that while he misses being an attorney, he feels he is better suited to being a judge.

"As good an advocate as I was, I still enjoy seeing both sides of the issue of the case," he said.

Throughout his career, Miller has been active in numerous legal and community outreach groups, listing 37 organizations he has been involved in since 1996. While he was presiding judge, Miller helped start a pro bono program in Riverside County's outlying desert areas, which exists to this day.

Charlene Nelson, director of the Public Service Law Corp. at the Riverside County Bar Association, said a 2002 letter signed by Miller was a "powerful" tool to get attorneys to participate in the program. An avid outdoorsman and fly fisherman, Miller and his second wife, Phyllis, have six children between them. He owns a Honda Civic hybrid, which he uses to make the 140-mile, round-trip commute to work from his desert home.

Miller was born in Whittier in 1952, while his father, a Navy serviceman, was stationed in nearby Long Beach. After his father was discharged, he moved the family to Utah, where many of Miller's relatives lived. Later, the family returned to Southern California, where Miller's father worked as an elementary school principal.

After Miller graduated from Glendora High School, he returned to Utah, where he earned a degree in economics in 1975 from Brigham Young University.

Miller, who would become the first member of his family to become a lawyer, said his decision to attend law school was a practical one.

"I didn't have dreams as a kid or in college of going to law school," he said. "I just knew when I graduated I wasn't ready or mature enough to go out and work in the business or hold down a job."

After applying to several schools, he chose Pepperdine University School of Law, then located in a temporary building in Anaheim, because it was the first school to accept him.

"I took that as an omen. I may have been rejected from every single other law school and every single other program I applied to," he said.

Miller said he adjusted well to Pepperdine's laid-back atmosphere.

"I really didn't feel like I had that traditional education in law school that you hear about, where you're scared to death of the professors, and you're scared to death in class, and you're afraid to go talk to them," he said. "I had just the opposite feeling."

After receiving his law degree in 1978, Miller landed a job at the Law Offices of Thomas T. Anderson, a plaintiffs' personal injury, wrongful death and medical malpractice firm in Indio. He worked there for the next 17 years.

Anderson described his former colleague as "a trustworthy, honorable and caring lawyer and now an excellent judge."

"He cared for his clients, and he cared for his work, and he did an exemplary job," Anderson said, noting that Miller handled many multimillion-dollar cases.

Miller said he was particularly interested in cases involving faulty highway design. But what he enjoyed most was watching his clients win benefits, including one Orange County teenager, who received a cash settlement after suffering severe spinal and brain injuries from being rear-ended in a car accident.

"Yes, it was just money," he said of the outcome. "But it provided life-long care for someone who now didn't have the ability to support himself. It justified the time and the work and the energy that you put into it."

After Gov. Pete Wilson appointed him to Riverside County Superior Court in 1995, Miller heard both criminal and civil cases. In 2003, he became the court's presiding judge, handling primarily administrative matters.

"You deal with budgetary issues, assignment issues - pretty much anything you think of that comes through the court comes through the presiding judge's office," he said.

By contrast to the bustle of Superior Court, Miller said that when Gov. Arnold Schwarzenegger elevated him to the appellate bench in 2006, he was struck by how quiet it was.

He said the ability to make precedent-setting law brings different pressures and challenges than presiding over a trial, but he has been impressed with the quality of attorneys before the bench, as well as the collegiality among his fellow justices.

"I couldn't be happier in that regard," he said.

**Career Highlights:** Appointed by Gov. Arnold Schwarzenegger to the 4th District Court of Appeal, Div. 2, June 2006; appointed by Gov. Pete Wilson to the Riverside County Superior Court, 1995; attorney, Law Offices of Thomas T. Anderson, Indio, 1978-95 Law School: Pepperdine University School of Law, 1978 Age: 56

*Here are some of Justice Miller's recent cases and the lawyers involved:*

*City of Corona v. Ronald Naulls*, 2008 Cal.App. Unpub. LEXIS 6305 (Cal.App. 4th Dist. 2008) - medical marijuana, nuisance

For the plaintiff: Jeffrey V. Dunn, Dean Derlith and Marc S. Ehrlich, Best, Best & Krieger, Irvine

For the defendants: Richard D. Ackerman, Michael W. Sands, Ackerman, Cowles & Associates, Murrieta; James Anthony, Law Offices of James Anthony, Oakland  
*Villanueva v. City of Colton*, 160 Cal.App. 4th 1188 (Cal. App. 4th Dist. 2008) - employment law, discrimination

For the plaintiff: William N. Woodson, formerly of Woodson & Allen, now with Faunce Singer Oatman & Woodson, Fallbrook

For the defendant: John D. Higginbotham, Best, Best & Krieger, Riverside  
*Gerard Ste. Marie v. Riverside County Regional Park and Open Space District*, 156 Cal. App. 4th (Cal. App. 4th Dist. 2007) - contract dispute

For the plaintiff: Gerard Ste. Marie, in propria persona

For the defendant: Joseph S. Rank, county counsel; Patricia F. Smith, deputy county counsel; and Anita C. Willis, Riverside  
*City of Riverside v. Ken Stansbury*, 155 Cal. App. 4th 1582 (Cal. App. 4th Dist. 2007) - eminent domain; constitutionality of ballot initiative

For the plaintiff: Kevin K. Randolph, Gresham Savage Nolan & Tilden, San Bernardino; Kevin T. Collins, Greenberg Traurig, Sacramento; Daniel M. Fuchs, Office of the attorney general, Sacramento; and Howard B. Golds, Best, Best & Krieger, Riverside

For the defendant: Richard Brent Reed, sole practitioner, Riverside  
*People v. Paredes, et al.*, 158 Cal. App. 4th 1516 (Cal. App. 4th Dist. 2008) - right to counsel

For the plaintiffs: Steven T. Oetting and Lise S. Jacobson, Office of the attorney general, San Diego  
For the defendants: Mark L. Christiansen, sole practitioner, Palm Desert; Steven Schorr, sole practitioner, San Diego

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