CoxCastleNicholson

John S. (Rocky) Miller Jr.

Partner

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Rocky Miller leads the Labor and Employee Benefits Group of Cox, Castle & Nicholson LLP. He counsels and represents trade associations, owners, employers, public agencies and labor-management trust funds in traditional labor relations, employment law, and ERISA matters and litigation.

Mr. Miller has been involved extensively in State and Federal prevailing wage law interpretation, litigation and legislation for over twenty years. He is active in wage and hour, public works, prevailing wage and other labor-related legislative issues before the California Legislature, including the drafting and negotiation of proposed legislation and of amendments to legislation proposed by others. He regularly represents developer, contractor and property owner trade associations and individual developers and contractors before the Department of Industrial Relations and in the courts, challenging administrative interpretations of the prevailing wage and wage and hour laws of California and providing commentary and otherwise participating on behalf of the real estate and construction industry in the development of administrative regulations.

Mr. Miller represents owners, public agencies, developers, contractor trade associations and employers in traditional labor relations. He counsels contractor associations and participates in their industry-wide master labor agreement negotiations. On behalf of public agencies, owners, and developers, he negotiates project labor agreements. He provides ongoing representation for owners, developers, and contractors and contractor trade associations in managing relationships and resolving disputes with individual unions and building trades union councils, including those involving strikes, jobsite violence, picketing, leafleting, boycotts, corporate responsibility campaigns, demands for card checks and neutrality agreements, and responsible contractor policies.

Mr. Miller regularly handles federal and state court class action and individual litigation matters involving unsettled areas of the law in terms of prevailing wage coverage and liability, wage and hour and Industrial Welfare Commission orders, unfair competition, anti-trust and federal labor law, injunctive relief, alter ego liability, race, sex and disability discrimination, trade secret protection, interference with economic advantage, RICO, withdrawal liability, pension and medical benefit denial, other ERISA issues and other statutory interpretation and federal preemption of state law issues. He has appeared before the U.S. Supreme Court and in numerous cases before the United States and California Courts of Appeal. He has successfully prosecuted several “test cases” establishing legal principles important to industry groups. He has authored many “friend of

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the Court" briefs addressing issues of importance to industry clients in numerous other cases before the U.S. Supreme Court, the Supreme Court of the State of California and the Federal and State appellate courts and in regulatory appeals to the California Department of Industrial Relations.

Mr. Miller is management general counsel to industry-wide, labor-management, multiemployer employee benefit plans. He provides fiduciary counsel to them and to professional investment managers who have assumed fiduciary responsibility for portions of privately-funded benefit plan investment portfolios. He was appointed by Secretary of Labor Chao to the ERISA Advisory Council of the U.S. Department of Labor and has testified before Congress on needed reforms in ERISA regarding multiemployer pension plan funding.
Rocky lives in Manhattan Beach with his wife, Victoria. They have two adult children and two grandchildren.

COMMUNITY ACTIVITIES

Director: Associated General Contractors of California, 1990; 1992-2005; National Coordinating Committee for Multiemployer Plans, 1991 to present. Commissioner, City of Manhattan Beach, Library Commission, 2004 to 2007; Parking & Public Improvements Commission, 1997-2004; Board of Public Works, 1996-97; Board of Parking Place Commissioners, 1995-96; Board of Handicapped Appeals, 1992-1995. Member: Los Angeles County Bar Association; State Bar of California. Director: Civic Light Opera of the South Bay Cities, 1995 to present. Member, U.S. Department of Labor, Advisory Council on Employee Welfare and Pension Benefit Plans, 2002-03.

EDUCATION AND PERSONAL BACKGROUND

Born Austin, Texas, admitted to bar: 1977, California; 1978, U.S. District Court, Eastern, Southern and Central Districts of California and U.S. Court of Appeals, Ninth Circuit; 1981, U.S. Supreme Court, Education: University of California at Los Angeles (J.D., 1977); University of California at Davis, University of Nevada at Las Vegas and California State University at Long Beach (B.S., 1974). Member: The Order of Barristers; Moot Court Executive Court. Contributing Author: Construction Contracts and Disputes, CEB, 2007; Employee Benefits Law, ABA Section of Labor and Employment Law, BNA, 1991; The Developing Labor Law, ABA Section of Labor and Employment Law, BNA, 1982.

Education

- J.D., University of California at Los Angeles, 1977
- B.S., California State University at Long Beach, 1974

Recent Publications

- "California Supreme Court Issues Brinker Decision, Providing Much-Anticipated Guidance on Meal and Rest Period Requirements", *California Centers Magazine* (05.09.12)
- "New Employment Laws and Requirements for 2012", *CCN Client Alert* (12.15.11)
- "A Watershed Expansion of California's Prevailing Wage Law Places Privately-Funded Developments and

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Construction at Risk", (September 2011)

- "Court of Appeal Expands Reach of California's Prevailing Wage Law to Cover Privately-Financed Construction", *CCN Client Alert* (01.04.11)
- "NLRB's Ruling on Owner Mandated PLAs Expected to Have Huge Ripple Effect", *California Constructor* (09.01.07)
- "Public Works Prevailing Wage Requirements on Private Developments", *Perspectives* (Winter 2004)

Recent Speaking Engagements

Past Events

- AGC Chapters Labor Conference - (02.13.13)
- Free AGC Webinar on Multi-Employer Pension Plan Reform - (01.29.13)
- AEIP/MEBCO/NCCMP Transatlantic Conference - (06.27.12)
- Associated General Contractors of Minnesota 1st Annual Professional Development Conference - (02.23.12)
- An US/Canadian perspective on Healthcare - *2nd Annual Transatlantic Conference* - (06.10.10)
- Debate: Proposal for an EU-US Joint Study Group/ Committee on Pension Income Security Issues - *2nd Annual Transatlantic Conference* - (06.09.10)
- Minimizing the Impact of Prevailing Wage Requirements - *CA State Bar's 27th Annual Real Property Retreat* - (05.04.08)
- Prevailing Wage Requirements - Basics and Beyond - *Building Industry Legal Defense Foundation* - (09.28.06)
- Prevailing Wage Requirements for Redevelopment Agency Land Sales - *California Redevelopment Association* - (08.10.06)
- Select Conference - *Industry Litigation* - (04.29.06)

Other Notable Publications and Speaking Engagements

- "Construction Contracts and Disputes" *CEB* (2007)
- "Employee Benefits Law" *ABA Section of Labor and Employment Law, BNA* (1991)
- "The Developing Labor Law" *ABA Section of Labor and Employment Law, BNA* (1982)

Professional Affiliations

- State Bar of California
- Los Angeles County Bar Association

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