

John S. (Rocky) Miller, Jr.

PARTNER

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Overview

Rocky 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.

Rocky 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.

Rocky 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

Practice Areas

Labor & Employment

Litigation & Counseling

Real Estate

campaigns, demands for card checks and neutrality agreements, and responsible contractor policies.

Rocky 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 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, the federal and state appellate courts, and in regulatory appeals to the California Department of Industrial Relations.

Rocky 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.

Bar & Court Admissions

State Bar of California

United States Supreme Court

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central, Southern, and Eastern Districts of California

Education

J.D., University of California, Los Angeles School of Law, 1977

B.S., California State University, Long Beach, 1974

Insights

News

Employment Defense California lawyers companies turn to first
News, *Daily Journal Labor & Employment Supplement*, 7.14.10

Transit Village Developers Appeal Prevailing-Wage Requirement
News, 05.17.06

Speaking Engagements

The 2017 Annual NCCMP Conference
Conference, The Diplomat Beach Resort, Hollywood, Florida, 9.23.17

AGC's Webinar on New Multiemployer Pension Plan Law
Webinar, 1.20.15

CBIA's 45th Select Conference On Industry Litigation
Conference, Ojai Valley Inn & Spa , La Quinta, California, 11.16.13

AGC Chapters Labor Conference
Conference, The Drake Hotel, Chicago, Illinois, 2.13.13

Free AGC Webinar on Multi-Employer Pension Plan Reform
Webinar, Online, 1.29.13

AEIP/MEBCO/NCCMP Transatlantic Conference
Conference, Paris, France, 6.27.12

Associated General Contractors of Minnesota 1st Annual Professional Development Conference
Conference, 2.23.12

An US/Canadian perspective on Healthcare
2nd Annual Transatlantic Conference
Conference, Belgium, 6.10.10

Debate: Proposal for an EU-US Joint Study Group/ Committee on Pension Income Security Issues
2nd Annual Transatlantic Conference
Conference, Belgium, 6.9.10

Minimizing the Impact of Prevailing Wage Requirements
CA State Bar's 27th Annual Real Property Retreat
Conference, Hilton La Jolla Torrey Pines, La Jolla, California, 5.4.08

Prevailing Wage Requirements - Basics and Beyond
9.28.06

Prevailing Wage Requirements for Redevelopment Agency Land Sales
8.10.06

Select Conference

4.29.06

Publications

New Employment Laws and Requirements for 2014

Client Alert, *CCN Alert*, 12.4.13

Recent Legislation Ensures Further Expansion And Enforcement Of California's Prevailing Wage Law

Client Alert, *CCN Client Alert*, 11/21/2013

California Supreme Court Issues Brinker Decision, Providing Much-Anticipated Guidance on Meal and Rest Period Requirements

Article, *California Centers Magazine*, 5.9.12

New Employment Laws and Requirements for 2012

Client Alert, *CCN Client Alert*, 12.15.11

A Watershed Expansion of California's Prevailing Wage Law Places Privately-Funded Developments and Construction at Risk

Article, *Law Journal Newsletters: Commercial Leasing Law & Strategy (Volume 24, Number 3)*, September 2011

Court of Appeal Expands Reach of California's Prevailing Wage Law to Cover Privately-Financed Construction

Client Alert, *CCN Client Alert*, 1.4.11

NLRB's Ruling on Owner Mandated PLAs Expected to Have Huge Ripple Effect

Article, 09.01.07