

Jon G. Miller

Office Managing Shareholder

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Focus Areas

Discrimination and Harassment

Leaves of Absence and Disability Accommodation

Wage and Hour

Unfair Competition and Trade Secrets

Training - Compliance, Ethics, Leadership

Overview

Jon Miller represents and counsels employers of all sizes in a range of employment and labor matters, often defending employers against lawsuits filed by former or current employees. He represents clients in the construction, retail, and technology industries before federal and state administrative agencies, including the California Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, the California Division of Labor Standards Enforcement, the Department of Labor, and the National Labor Relations Board, among others. He has specific knowledge of matters involving:

- Title VII of the Civil Rights Act
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The California Fair Employment and Housing Act
- California Family Rights Act
- California Industrial Welfare Commission Wage Orders
- California's Trade Secrets Act
- Business and Professions Code section 17200

Jon also has experience in all facets of the litigation process, from the initial investigation and filing through trial and appeal. His successes include obtaining:

- A defense jury verdict in a federal case against a national manufacturing company that originally asserted the employer had engaged in age discrimination, wrongful termination, and fraud in the hiring process
- A defense jury verdict in a lawsuit alleging disability discrimination and failure to provide reasonable accommodation
- A defense arbitration award in a lawsuit alleging an employer had engaged in pregnancy discrimination and retaliation
- An arbitration award in favor of the defendant, in which the plaintiff was ordered to pay more than \$80,000 in attorneys' fees and costs
- A bench trial decision in favor of an employer for unlawful tape recording of conversations
- An appellate court opinion ruling that a strike was an "economic strike" rather than an "unfair labor practice strike," thereby relieving the employer of significant potential back pay exposure

In addition to defending employers, Jon works closely with human resources departments, in house counsel, and key managers and business owners to prevent employment litigation. He also provides effective day-to-day advice and strategic counsel on a variety of workplace issues, such as:

- Hiring and firing
- Discipline of personnel
- Sexual harassment claims
- Workplace investigations
- The interplay between family and medical leave and the interactive process
- Unlawful discrimination
- Reductions-in-force planning
- Employment and confidentiality agreements

He regularly prepares and reviews employee handbooks, personnel policies, and employment contracts and is skilled at auditing employment policies and practices to ensure compliance with state and federal employment laws.

Jon is a frequent author and regularly provides expert commentary for leading business publications. He also speaks to employers; offers training on employment and labor law compliance; and conducts presentations on sexual harassment prevention, discrimination, hiring practices and risk management. Additionally, he has taught a course as part of the University of California at Irvine human resources certificate curriculum.

Professional and Community Affiliations

- Member, Labor and Employment Law Section, State Bar of California
- Member, Labor and Employment Law Section, Orange County Bar Association
- Member, Board of Directors, Orange County Child Abuse Prevention Center, 2008-2019
- Chair, Board of Directors, Orange County Child Abuse Prevention Center, 2011 and 2012
- Co-Chair, Board of Directors, Orange County Child Abuse Prevention Center, 2010 and 2011

Recognition

- Named, Super Lawyer, Southern California, *Super Lawyers*, 2010-2021
- Named, The Best Lawyers in America©, 2013-2022
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*

Education

J.D., Loyola Law School, Los Angeles, 1990

B.A., University of California, Berkeley, 1986

Bar Admissions

California

Courts

U.S. Court of Appeals, 9th Circuit

U.S. District Court, Northern District of California

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

Publications & Press

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Littler Press Release

September 7, 2012

Officer and Director Liability: A Growing Risk in California Wage and Hour Litigation

Orange County Lawyer Magazine

December 2010

Another Federal District Court Weighs in on the Unsettled Question of Whether California Employers Need Only "Provide" Employees with Meal Periods or Must "Ensure" Meal Breaks Are Taken

Littler Insight

June 13, 2008

Speaking Engagements

Trends In Personal Liability for Corporate Officers, Directors and Managers in Employment Litigation

Irvine, CA

July 17, 2018

The Value of Employment Contracts for all California Employees

Professionals in Human Resources Association (PIHRA)

August 28, 2013

Trends Related to Personal Liability of Corporate Directors and Officers on Employment-Related Matters

Orange County Bar Association

Human Resources and the Law

UC Irvine