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Profile: Shawn Miller

From working on the landmark FedEx case to the San Bruno explosion, he's compiled big results in employment and mass torts

BY STEPHEN ELLISON

How many people can say a blue-collar upbringing and a tech background paved their way into the law profession? In a way, that was the very formula that punched Shawn Miller's ticket to a career as a plaintiff's lawyer.

Miller, a trial attorney with Danko Meredith, came from a family of farmers and auto mechanics in a small rural town in Pennsylvania, he said. His parents were big believers in education for their children, and that education, it turned out, was not confined to school grounds as Miller remembers learning quite a bit away from the traditional classroom.

"I grew up with a family that were in unions, and I remember being on picket lines," he said. "And I remember having watched the other kids while my mom or my dad and their co-workers were striking."

He may not have known it at the time, but the young Miller was indeed getting some indirect exposure to the world of employment law, which would become the starting point in his law career. After trying his hand at software consulting, he attended law school at University of San Francisco, where he initially kept his options open – until one course opened his eyes.

"I was pretty wide open to pursuing different things, but I had an employment discrimination course there, and I was hooked right away," Miller recalled. "I was thinking this is what I want to do. ... I just remember thinking, like, wow, I could represent employees striking back at injustice in the workplace."

"I remember I did a search for lawyers who were practicing employment law," he continued. "I went to USE, and I just started reaching out and contacting some of them to talk about what it was like to practice law. That's what ended up landing me a position as a law clerk while I was in law school, and eventually a job as an attorney working for the first



Miller

firm out of law school."

The Dolan Firm and the FedEx case

That first job just happened to be with one of the top plaintiffs' firms around – the Dolan Firm, where he said he was "really lucky" to be working with

Rachel Pusey, though it ended up a baptism-by-fire scenario. Miller had been an attorney for only about five months when Pusey was selected for jury duty. He couldn't recall whether she came back to the office to tell him in person or called from the courthouse, but he sure remembered what she said that fateful day.

"She got picked (for the jury), and she said, 'You're gonna have to go to trial with Dolan in 10 days.' Ten days!" he repeated for emphasis. "I got the second chair in a fantastic trial five months into my practice, and it was one of the largest plaintiffs' verdicts, non-class-action verdicts, that had happened in Oakland. ... It was just an incredible experience, a six-week trial, employment harassment, discrimination, retaliation case. So, yeah, the stress of it, the excitement of it; it just was really big."

The case was a landmark \$61 million verdict against FedEx Ground in which Dolan's clients, two Lebanese-American workers, endured countless acts of racism, discrimination, harassment and unfair labor practices, as well as retaliatory incidents. At the time, it was one of the highest verdicts for an employment case in California history.

After that debut, Miller spent nearly eight years with the Dolan Firm before opening a private practice for a couple of years. He was then brought on at Danko Meredith to essentially work on mass torts. Each year since 2014, it has become

busier, doing catastrophic injury cases, aviation cases and a multitude of mass torts representing wildfire victims, he said.

San Bruno explosion and now, wildfires

The mass torts business at Danko Meredith started with one of the most infamous fires in Bay Area history: the San Bruno gas pipeline explosion in September 2010. Miller helped represent about 20 families that lost homes, suffered injuries or both. The explosion and resulting fire, caused by a faulty, 30-inch Pacific Gas & Electric natural gas pipeline, killed eight people and leveled an entire neighborhood.

These days, that San Bruno case may seem miniscule compared to what Miller and the firm have been dealing with the past few years, with the massive, deadly and destructive wildfires across Northern California. Miller has helped hold PG&E accountable for victims harmed in the 960,000-acre Dixie Fire, which killed one person and destroyed more than 1,300 structures across five Northern California counties in 2021; the 153,000-acre Camp Fire, which killed 85 people, destroyed nearly 19,000 structures and leveled the town of Paradise in Butte County in 2018; and the 70,000-acre Butte Fire, which killed two people and destroyed 877 structures in Calaveras County in 2015.

"We get so many wildfire clients, we've partnered up with two other firms on a lot of mass torts," Miller said.

Small town to big city

Raised in rural Pennsylvania, Miller attended Georgetown University's School of Foreign Service, which boasts many prestigious alumni, including President Bill Clinton. After graduation, he went to work as a software consultant for a couple of years, a job that took him to all parts of the U.S., he said. But he grew bored of the work rather quickly and found himself at a crossroads.

"I had a couple of years and thought if I was going to go back to grad school,



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I better make that jump, and then September 11 happens,” Miller recalled. “I remember that being a big motivating factor with some concern about the eroding of civil liberties that was likely to occur; people were worried. (Law) was something I had a long interest in, and I finally got around to it just before I turned 30.”

Miller attended University of San Francisco Law School, where he got that first nibble of employment law. He chose the Bay Area after seeing it for the first time on one of his consulting stops in nearby Sacramento. Having discovered surfing on the Sonoma Coast and comparing that to his next stop in Houston – well, let’s just say the coast versus the plains amounted to no contest.

“I hated flat places, I decided,” he said. “Our (software) clients were paying us to fly home on the weekends, and I decided: Why was I still flying to rural Pennsylvania? So, I got myself an apartment in San Francisco. Consulting was a good game for a while; there were some clients that didn’t care where we went on the weekends, as long as it wasn’t more expensive than flying home to our home city. I think I went to Europe like 18 times for a long weekend. That was fun.”

While still at USF law, Miller got a shot with the Dolan Firm and impressed them enough to stay on after graduating. Then the landmark case against FedEx came not only with that bit of luck but also a side order of confidence, courtesy of the judge. Miller and the associate counsel for FedEx were called into chambers at the same time, and the judge told both they were doing a great job keeping everything organized and being on top of everything. Then, according to Miller, the judge asked a question: How long have you both been in practice?

“For both of us it was our first trial, and the other associate had been an attorney for six years,” Miller recalled. “And I was like, ‘Five months.’ It was just striking to me that the other associate was practicing for six years before he got to go to trial. And I was really cognizant of the fact that (I) get to do the real stuff much quicker and earlier.”

Settling in

These days, trials are few and far between for Miller. He works alongside his boss, Mike Danko, quite a bit on the mass torts, and the nature of those cases leads to settlements. But preparing for cases, Miller said, probably is close to a standard most plaintiffs’ lawyers adhere to – which means going back to jury instruction to see what elements must be proved from the start. And getting the case structured: Miller said he likes to nail down most of the discovery and most of the evidence he needs before he even files a complaint.

Another key, Miller said, is really getting to know the client, something that’s been tricky during the pandemic, where much of the communication has been remote.

“It’s hard to form a connection and really understand their story on a video call,” he said. “But I’ve done a lot of backyard meetings with clients, where I can sit outside and talk to them, and hopefully everyone feels comfortable with it. But you’ve got to have that face to face. You’ve got to see the interaction they’re having with family members or the facial expressions. You’ve got to know when to follow up with certain comments, how to develop their story and about what the situation means to them.

“Even with a lot of these fire clients, I’ve spent probably five or six months walking burned down properties in the mountains of California,” Miller continued. “I really like to get out to a client’s property and walk the property, even if it’s without them. For whatever reason, my brain remembers geography much better than it remembers names.”

Expanding family

When Miller is not working, he likes to spend time in the water, whether it’s surfing or sailing – more so the latter as he’s aged, he said. More recently, he welcomed an unexpected addition to his household – a stray puppy he found wandering on an East Bay hiking trail in January.

“I’ve taken him in, and I thought it would be for a short period because I thought somebody would come looking for him,” he said. “He’s a really beautiful dog. He was a puppy at that time and is still kind of a puppy. ... He’s about 75 pounds now; he’s gotten big. And he’s got some challenges that we’re working through. So, he’s taking up a lot of my time now.”

Miller also has two children as a sperm donor and has had the opportunity to spend some time with them, he said. His son lives with his mother in New Jersey and recently came to the Bay Area to visit – his first time in California – and his nine-year-old daughter lives in San Francisco.

“I get to babysit them from time to time,” he said. “I was asked to be a donor twice. And, yeah, it blows my mind. ... I went to law school with one of the moms. It’s crazy, with my life taking these surprising turns that I don’t see coming, and then there’s something there.”

When it comes to the law profession, Miller said young lawyers or law students should consider all the ways one can use a law degree to make a living. Just because their first job may not work out doesn’t mean they’ve failed and certainly doesn’t call for them to suddenly change careers.

“Just be open to understanding that there are so many different ways to use your law degree to practice law,” he said. “I feel like too many people think of using their law degree in a very narrow or in one particular way. And I think it’s important to stay open to different areas of practice or different ways of using your degree. Because when (young lawyers) become disenchanted with a particular area of law they thought they wanted to practice, too often they just give up on practicing law altogether. Try to stay open, explore as many areas of law as you possibly can.”

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