

BIENERT, MILLER & KATZMAN

A Professional Law Corporation

Kenneth M. Miller

Ken has successfully litigated complex criminal and civil cases in both federal and state courts, argued more than 30 cases before the United States Court of Appeal for the Ninth Circuit and has obtained numerous reversals and dismissals. Ken has also guided numerous witness-clients through criminal, SEC and internal investigations.

Representative trial-court matters include:

- On behalf of government contractor, Ken convinced the government not to charge his client, settled a related Qui Tam case and convinced the Department of Navy to not “debar” his client from business with government.
- Successfully representing numerous witnesses in massive federal investigation of “off-label promotion” by a large, publicly-traded pharmaceutical company.
- Ken’s aggressive investigation and litigation helped secure a favorable settlement for corporate executive charged with violations of the Foreign Corrupt Practices Act (FCPA), the Travel Act and conspiracy. The client initially faced over 100 years in prison but the case was settled with no admission of intentional misconduct and a sentence of home confinement.
- Where client indicted for conspiracy to defraud the FDA and wire fraud, Ken’s aggressive investigation and litigation helped secure the dismissal of the felony charges. The client pled to a one-count misdemeanor and was sentenced to probation.
- Ken helped try the first Economic Espionage case in United States District Court for the Central District of California.
- Tried and secured a sentence of home confinement for real estate investor facing up to 40 years in prison in a high profile condominium conversion scheme.
- Pro bono representation of Coptic Christian from Sudan seeking political asylum. Ken obtained order vacating deportation and client eventually obtained permanent residence in the U.S.
- Defense of \$100 million fraud case brought by the SEC and parallel criminal proceedings to earn a favorable settlement.

- Successfully prosecuted and settled the case of a former city manager who was terminated in violation of his right to freedom of speech. See *Vasquez v. City of Bell Gardens*, 938 F.Supp. 1487 (C.D. Cal. 1996).
- Defense verdict for client charged with stealing government funds.
- Dismissal of kidnapping charges, after trial had begun, for client charged with kidnapping DEA and Customs agents.
- Obtained defense verdict for former San Bernardino Sheriff Deputy sued under Section 1983 for abusing an inmate.

Representative appellate-court matters include:

- Reversal of client's manslaughter conviction. *United States v. Anderson*, 201 F.3d 1145 (9th Cir. 2000).
- Reversal of life sentence and habeas relief for client. *Caliendo v. Warden*, 365 F.3d 691 (9th Cir. 2004).
- After reversing district court twice for client serving life sentence, Ken negotiated a 12-year sentence that resulted in client's release from prison. See *United States v. Sanchez*, 2010 WL 1936272 and 2008 WL 313187.
- Obtained reversal of client's lengthy sentence and negotiated her release for "time served." See *United States v. Woods*, 335 F.3d 993 (9th Cir. 2003).

Ken was selected to be a lawyer-delegate to the Ninth Circuit Judicial Conference from 2010-2014. His high ethical standards and legal ability also earned him recognition as a "Super Lawyer" from 2010-2016 and an "AV Preeminent" Peer Review Rating from Martindale-Hubbell from 2011-2016. Ken is an author and speaker on various legal topics and he was an Adjunct Professor at Chapman Law School for the Spring of 2013.