

## Miller guides clients through bankruptcy maze

By: MaryBeth Matzek, Special to the Wisconsin Law Journal May 4, 2016 9:26 am



James Miller (Staff photo by Kevin Harnack)

James Miller knows firsthand what it's like to go through bankruptcy. While in his early 20s, his family's business in Ohio ran into financial woes and needed to file for bankruptcy.

"Since my father was ill, a lot fell on me to deal with," said Miller, who now owns Miller & Miller Law, a Milwaukee firm that focuses on bankruptcy. "I was really engaged in the process and learned a lot. I befriended the judge and he got me enthused about the law, and from there it seemed natural to go to law school."

When it came time to pick a specialty, Miller — who later clerked for the judge who sparked his interest in the legal field — naturally picked bankruptcy. The specialty allows him to give clients a lot of firm answers from the offset.

"It's one of the few fields of the law that when a client comes in with a problem that you can diagnose it and tell them that in a certain frame of time what things will look like," Miller said. "You can paint a picture for them of what will happen, which clients appreciate."

Miller said most clients are fearful and anxious and that he "gives them a path to the future that calms their fears. People come in to us at their lowest point and we do our magic, which stops the creditors from calling. We tell them bankruptcy doesn't need to be an adversarial process and we try to make it as easy as possible for the client."

Clients usually have misconceptions about bankruptcy and worry about losing an asset, such as a car or home.

"I tell them we can work through it so they don't lose that home," Miller said. "The process takes about 90 days and most clients report later it's not as embarrassing as they thought it would be."

He handles both small business bankruptcies and personal bankruptcies. A lot of times, the two are intertwined since business owners have given a personal guarantee regarding a debt.

The 2005 bankruptcy law changes made the practice more interesting to navigate, Miller said. He now needs to think through the process more thoroughly and determine if clients qualify for Chapter 7 or Chapter 13, he added.

"The means test really changed and there's more pre-planning done now. A client comes in and thinks they're headed for bankruptcy and we talk about liquidating assets and doing what we can to make the process less painful," Miller said.

Miller doesn't normally bring up his personal bankruptcy experience with clients, but he doesn't hide it either. It's posted online in his biography and he also mentions it in a book about the process he gives to clients.

"I'll talk about the experience with clients if it helps calm their fears. I share the story so they can see that this guy went through it and he's still here. I can do the same."

**Wisconsin Law Journal:** Why is your work important to you?

**James Miller:** Work is important to me because it is very gratifying to solve clients' complex problems in a way that exceeds their expectations.

**WLJ:** Who is your hero in the legal field?

**Miller:** Justice Louis D. Brandeis for his constant fight for social justice through the practice of law and for overcoming anti-Semitism and other obstacles to become the first Jewish Supreme Court Justice.

**WLJ:** What do you do outside of work to deal with stress from the office?

**Miller:** Running and exercise are the best ways for me to relieve stress. I run or exercise every day.

**WLJ:** What's one thing many people get wrong about what you do?

**Miller:** I often hear that those that file bankruptcy are taking the easy way out. I have represented hundreds of clients over the years and each one of them has tried and explored every other option before they resort to a bankruptcy filing.

**WLJ:** What's your favorite memory from law school?

**Miller:** There were 10 people in my negotiation's class. At the final exam, the professor came in and said there will be two As, four Bs and six Cs, you have two hours, figure it out!

**WLJ:** Is there a certain case that stands out to you?

**Miller:** Early in my career I tried a personal-injury case. The jury came back in my client's favor. After the trial, the judge released the jury and said to me, 'Miller, glad you tried this to a jury because I wouldn't have given your client a dime.'

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