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Henry Miller, Former State Bar President and 'Trial Lawyer of the Old School,' Dies at 89 Due to Coronavirus

Miller, widely known throughout New York state's bar as a gifted orator in front of juries and as a mentor and teacher of the art of trial lawyering, who for years wrote a column on trial techniques for the New York Law Journal, died April 17 at a rehabilitation center in Mamaroneck, New York.

By Jason Grant (https://www.law.com/newyorklawjournal/author/profile/Jason-Grant/) | April 20, 2020 at 06:56 PM

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Henry Miller. Photo: Rick Kopstein/ALM

Henry Miller, an 89-year-old renowned trial lawyer for some 40 years, and a former New York State Bar Association president, International Academy of Trial Lawyers director and New York State Trial Lawyers Association director, has died of

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complications due to the novel coronavirus, according to his son-in-law and private law practice partner, John Rand.

Miller, widely known throughout New York state's bar as a gifted orator in front of juries and as a mentor and teacher of the art of trial lawyering, who for years wrote a column on trial techniques for the New York Law Journal, died April 16 at a rehabilitation center in Mamaroneck.

He had been there, getting inpatient rehabilitation for back pain and problems, for several weeks, said Rand in a phone interview Monday. And when he left his home in White Plains to go to the center for treatment, he did not have any signs of COVID-19, the infection caused by the coronavirus, Rand added.

But the rehabilitation center, in which Miller was staying on an upper floor, shared space on a bottom floor with a nursing home, said Rand, and the family believes that he contracted the coronavirus while there.

After being diagnosed early last week with COVID-19, said Rand, Miller died just five days later, while receiving care at the center in Mamaroneck.

For Rand, his wife and Miller's daughter, Jennifer, and the entire Miller family—Miller had five children and 10 grandchildren—the loss of Miller came as a shock that they are still trying to process.

"We are surprised at this turn of events, and saddened by it," said Rand in quiet tones over the phone. "And we share in the disquiet of everybody in the community who have been touched by this virus," he added.

While living and taking on life fully, for which he was known, Miller loved the challenge of high-stakes and important civil trials, said both Rand and veteran New York litigator Mark Zauderer. They both also explained that he pursued his other passion, the theater, vigorously as well: He was a playwright and actor who performed off-Broadway and in Westchester, including with his one-man show called "All Too Human," about the life of Clarence Darrow.

In the courtroom, said Zauderer on Monday, there was little equal in front of a judge or a jury.

"I would place his name in the roster of great trial lawyers of the last century," said Zauderer, adding that "it was always clear to me that his playwright and acting skills made him a great trial lawyer as well. He really connected with juries."

"He was a civil litigator, and a trial lawyer of the old school," Zauderer also said. "I can recall him agreeing to try cases that were definitely losing cases, but he would always look for cases that he would enjoy trying."

Rand said that his father-in-law and law partner had tried so many cases through the decades that he was reticent to guess at how many—but certainly more than 100, he said.

He said that Miller kept coming into their boutique personal injury law firm—where Miller tried commercial cases, personal injury cases and other kinds of matters—until he recently went to the rehabilitation center for his back troubles.

He'd tried his last case just a couple years ago, Rand added.

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Zauderer said that Miller, like “all the great trial lawyers, of which he was one, had personality that combined skill and humility” before juries.

“I’ve watched many of his presentations to audiences as he taught trial lawyering at bar associations and elsewhere,” he added. “He not only performed theatrically—but he gave lectures on trial practice that were very entertaining as well as informative.”

In a statement Monday, the New York State Bar Association said that it was “saddened” by Miller’s passing.

“Henry was a brilliant advocate, a larger-than-life personality and a giant in the profession,” the bar association said. “For decades he was one of the state’s preeminent trial lawyers, and as a teacher, he shared those skills with generations of lawyers,” the group added, before saying that “he was gentle and kind and patient.”

According to an obituary posted by Edwin L. Bennett Funeral Homes in Scarsdale, Miller, who was born in 1931 in Brooklyn, is predeceased by a former wife, Helena McCarty Miller. He is survived, the funeral home said, by five children and 10 grandchildren: Jennifer and John Rand and their children, Michelle, Steven, Paul and Lucas; Henry and Elizabeth Miller and Henry’s children, Emmet and Healey; Matthew and Julie Miller and their children, Michael, Tyler, Ryan and Kayla; Margaret Miller; and Anna Miller and her mother, Dawn Baker Miller. His brother, Robert Miller, also survives him.

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DiFiore said reopening decisions would be "calibrated to the evolving nature of the COVID-19 pandemic," along with the scientific data and guidance they receive from public health experts and other authorities.

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