

## Vanessa L. Miller

### Partner

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Vanessa Miller is a litigation partner with Foley & Lardner LLP and Chair of Manufacturing Sector – Automotive, as well as on the advisory committee of the firm's Manufacturing Sector. She served as a former chair of the Detroit office's Litigation Department. Vanessa's practice focuses on a wide array of supply chain disputes, including breach of contract and warranty claims, automotive supply chain issues and maintaining continuity of supply, defending manufacturers against class actions, trade secret misappropriation claims and business torts.

Vanessa has successfully managed, litigated and tried cases in state and federal courts, as well as handled appellate proceedings. She has significant experience handling complex international arbitrations in various venues, including the Court of Arbitration of the International Chamber of Commerce (ICC), the American Arbitration Association (AAA), the Judicial Arbitration and Mediation Services Inc. (JAMS) and the Singapore International Arbitration Centre (SIAC). Vanessa also has represented clients in commercial mediations, which have resulted in the early resolution of legal disputes and creative business solutions for parties continuing to do business together.

In addition to her litigation, international arbitration and mediation experience, Vanessa regularly counsels clients on various commercial contracts, supply chain agreements, supply chain shortages and related negotiations. Vanessa is the author of the executive handbook *Law of the Automotive and Manufacturing Supply Chain: A Handbook for Success* published in October 2023.

Prior to joining Foley, Vanessa was a law clerk to the Honorable Patrick J. Duggan, U.S. District Court for the Eastern District of Michigan.

### Representative Experience

- Served as the Interim General Counsel for approximately one year for Tier 1 supplier with annual sales of \$1 billion, handling all aspects of in-house legal duties and commercial counseling.

- Obtained dismissal of high-profile Jeep cyber-hacking class action lawsuit after five years of discovery and motion practice where class plaintiffs were claiming hundreds of millions of dollars in damages against vehicle and infotainment system manufacturers.
- Obtained favorable resolution of Department of Justice (DOJ) False Claims Act investigation for automotive supplier.
- Daily supply chain and commercial transactional counseling to U.S. motorcycle manufacturer.
- Regularly litigates and arbitrates global supply chain warranty/recall disputes spanning complex discovery and technical issues across Asia, Europe and North America.
- Routinely involved in obtaining or defending against temporary restraining orders and preliminary injunctions for manufacturers (over 60 cases).
- Arbitrating complex breach of contract claim and misappropriation of trade secrets claim against Korean supplier before the Singapore International Arbitration Centre (SIAC), resulting in award of millions of dollars in damages and future royalties.
- Arbitrating massive warranty claim against Japanese supplier and leading international discovery that involved over 150 employees across three continents.
- Prevailing on motion for summary judgment and obtaining dismissal of tens of millions of dollars in breach of warranty claims brought by original equipment manufacturer (OEM) for allegedly defective parts supplied by Tier 1 supplier.
- Prevailing on motion for summary judgment and winning appeal on novel issues of law in six million dollar consignee liability and breach of contract claim brought against supplier by shipping company.
- Obtaining summary judgment and award of costs for engine manufacturer in breach of warranty dispute; handling appeal before the Sixth Circuit, which affirmed the dismissal and award of costs.
- Managing international electronic discovery and translation efforts in large-scale complex litigations and arbitrations involving over one million documents.

## Awards and Recognition

- Named “2024 Notable Women in Law” by *Crain’s Detroit*
- Recognized in *Chambers USA: America’s Leading Lawyers for Business* – Litigation: General Commercial in Michigan in 2023
- Named “Top Women Attorneys” in Michigan by *Super Lawyers*® in 2019
- Awarded the Detroit Metropolitan Bar Association Barristers “One to Watch” Award 2011-2012
- Selected for inclusion in the *Michigan Super Lawyers*® – *Rising Stars* lists in 2013 and 2014
- Received the 2014 *Michigan Lawyers Weekly* Woman in the Law Award

## Affiliations

- General Counsel, Board of Directors for the Automotive Women’s Alliance Foundation (AWAF)
- Member, Federal Bar Association

## Presentations and Publications

- “Simultaneous Obstructions to the Suez and Panama Canals Threaten the Global Supply Chain,” *Foley Insights* (February 21, 2024)
- Law of the Automotive and Manufacturing Supply Chain: A Handbook for Success (2023)
- Presenter, “Six Future Supply Chain Obstacles on the Horizon and What You Should Be Doing About Them Now,” Association of Corporate Counsel (ACC) – Michigan (November 9, 2023)
- Panelist, “The Future of Automotive Recall,” Vehicle Service & Warranty Lifecycle Summit (October 24, 2023)
- Panelist, “Supply Chain Resiliency Discussion: Last Call to Place Your Bets—Where is the EV Automotive Supply Chain Betting and Why?,” Foley Automotive Forum (September 13, 2023)
- “Key Issues for Suppliers to Consider in Preparing for an Impending Strike by the UAW,” *Foley Insights* (September 2023)
- “Michigan Supreme Court Overrules Longstanding Interpretation of ‘Blanket’ Purchase Orders for Supply Contracts,” *Foley Insights* (July 12, 2023)
- Speaker, “Mobilizing into the Future: Migrating to Electric Vehicles on Both Sides of the Border,” Industria Nacional de Autopartes (INA), Mexico City (April 27, 2023)
- “Warranty and Pricing Disputes Between Suppliers and OEMs,” *Foley Insights* (February 2023)
- Panelist, “Reimagining Supply Chain Agreements and Dispute Resolution Practices to Better Manage Uncertainty,” ICC NY Conference (September 26, 2022)
- Speaker, “Navigating Current Supply Chain Challenges and Future Outlook Seminar,” Amcham Denmark Conference (September 20, 2022)
- Speaker, “Legal Strategies for Managing Ongoing Challenges in the Supply Chain,” Collins County, TX Bar Association (June 16, 2022)
- Speaker, “The Future of the Automotive Supply Chain – Lessons Learned,” CLAUT—CEO Conference, Monterrey, MX (June 14, 2022)
- “Inflation Woes: Four Key Ways for Companies to Address Inflation in the Supply Chain,” *Foley Supply Chain Disruption Series* (May 2022)
- Panelist, “Navigating the New Supply Chain: Perspectives on the Challenges Ahead,” MICPA Forensic Accounting and Valuation Conference (May 12, 2022)
- Panelist, “Supply Chain Litigation,” ABA Litigation Conference, Miami (May 4, 2022)
- “Preparing for the Supply Chain of the Future: Negotiating and Drafting Supply Chain Contracts in 2022 and Beyond,” *Practising Law Institute (PLI) Chronicle* (March 21, 2022)
- Presenter & Panelist, “Break Bread, Not the Supply Chain: Improving Food Service Equipment & Supplies in 2022,” North American Association of Food Equipment Manufacturers (NAFEM) Annual Meeting (March 2, 2022)
- “War. What Is It Good For? Absolutely Nothing In The Supply Chain,” *Foley Insights* (February 28, 2022)
- Presenter, “CMA Insights: Mitigating Supply Chain Risks,” Council of Manufacturing Associations (CMA) (February 10, 2022)
- “USMCA’s Panel on Automotive Rules of Origin and What It Could Mean to Manufacturers in the Region,” *Foley Insights* (February 8, 2022)

- Chair & Presenter, “Expect the Unexpected: Approaching Raw Material Shortages, Labor Issues and Freight Increases and Delays in 2022,” Association of Corporate Counsel-Michigan (February 3, 2022)
- “Uyghur Forced Labor Prevention Act – Comment Period Open until March 10, 2022,” *Foley Insights* (January 28, 2022)
- “Supplier Alert: Key Changes in Stellantis/FCA New Terms and Conditions,” *Foley Insights* (January 26, 2022)
- “President Signs Uyghur Forced Labor Prevention Act – Next Steps for Compliance,” *Foley Insights* (December 23, 2021)
- “Forced Labor Update – Possible Complete XUAR Import Ban,” *Foley Insights* (December 10, 2021)
- Presenter, “Supply Chain Disruptions: Shortages, Risk Mitigation and Litigation Strategies,” *Foley & Lardner* Annual CLE Week Conference (December 8, 2021)
- Panelist, “Leveraging Mexico to Enhance Your Automotive Supply Chain,” *Foley & Lardner* and East West Associates Webinar (November 17, 2021)
- Presenter, “Legal Strategies for Managing Ongoing Challenges in the Supply Chain,” *Foley & Lardner* and Association of Corporate Counsel-Michigan Webinar (November 17, 2021)
- Presenter, “Structuring Termination Clauses in Commercial Contracts: Force Majeure, Impossibility, Frustration of Purpose, Damages,” *Strafford Publications* Webinar (October 12, 2021)
- Presenter, “Getting Back to Business – Strengthening the Supply Chain to Navigate Shortages and Unpredictability,” 30<sup>th</sup> Annual Law of Product Distribution & Franchise Seminar (October 7, 2021)
- “Legal Implications of Blockchain in Supply Chain: What’s Law Got to Do With It?,” *Foley Insights* (October 7, 2021)
- Presenter, “Supply Chain: Lessons Learned The Hard Way – Navigating COVID-19 and Other Obstacles,” 2021 Women In Manufacturing Summit (October 5, 2021)
- “Eighth Circuit Keeps Two Product Liability Class Actions Off the Road,” *Foley Insights* (September 7, 2021)
- Chair and speaker, “Supply Chain Agreements: Manufacturing and Market Disruption,” *Practising Law Institute* Webinar (July 29, 2021)
- Speaker, “Supply Chain Insider, Episode 2: Expect the Unexpected with *Foley & Lardner*’s Vanessa Miller,” *Material Handling & Logistics* Podcast (July 21, 2021)
- “Supply Chain Disputes, Defenses to Performance & Risk Mitigation in Manufacturing,” *Bloomberg Law* (July 15, 2021)
- Presenter, “Key Changes to Ford’s Terms & Conditions,” Original Equipment Suppliers Association (OESA) Sales Executive Council Meeting (June 3, 2021)
- Presenter, “Supply Chain Shortages: Short and Long-Term Strategies for Mitigating Risk,” National Association of Manufacturers Webinar (May 25, 2021)
- “Immediate and long-term impacts of COVID-19 on automotive suppliers,” *Los Angeles Daily Journal* (May 11, 2021)
- Presenter, “CPSC Compliance Drilldown,” *Practising Law Institute* Consumer Product Safety Commission Webinar (April 14, 2021)

- “Supplier Alert: Key Changes in Ford’s New Terms and Conditions,” *Foley Dashboard Insights* (April 13, 2021)
- Presenter, “Assessing the Supply Chain in a Post-Pandemic World,” Fox Valley CLE Conference (November 19, 2020)
- Speaker, “Cybersecurity: Risk Mitigation for Liability,” OESA Advanced Technology Council (November 17, 2020)
- Presenter, “Global Supply Chain Disruption and Future Strategies Update,” Original Equipment Suppliers Association (OESA) Webinar (November 12, 2020)
- Chair and speaker, “Navigating to Recovery: How Leading Companies are Positioning for Success,” ACC-Michigan (November 5, 2020)
- Presenter, “Advance Planning: Supply Chain Considerations and Risk Mitigation for Continuity of Supply,” Webinar (November 2, 2020)
- “COVID-19 is Prompting Supply Chain Executives to Prioritize Resilience Over Cost – Here’s How to Get Started,” Supply Chain Management Review (November 2, 2020)
- Presenter, “Cybersecurity: Risk Mitigation for Liability,” Original Equipment Suppliers Association (OESA) Mobility Supplier Forum Webinar (October 2020)
- Presenter, “Bullet-Proofing Your Supply Chain & Mitigation Risk,” Distribution & Franchise Seminar (October 2020)
- “How COVID-19 Is Changing Thinking Around Supply Chains,” *Industry Today* (October 26, 2020)
- Presenter, “Supply Chain Agreements: Consequential Damage Disclaimers, Indemnity, Force Majeure, Termination, Warranty Provisions,” Strafford Continuing Legal Education (September 2020)
- “Accelerating Trends: Assessing the Supply Chain in a Post-Pandemic World,” *Foley Insights* (September 29, 2020)
- Chair and speaker, “Supply Chain Agreements: Manufacturing, Trade Wars, and Covid-19,” *Practicing Law Institute – Live Webcast* (July 30, 2020)
- “Survey Results Confirm Foley & Lardner LLP’s Prediction Regarding Uptick in Class Action Lawsuits,” *Foley’s Coronavirus Resource Center* (July 29, 2020)
- “Force Majeure Tug-of-War: Competing Interests of Buyers and Sellers Negotiating Force Majeure Protections in Supply Chain Contracts,” *Foley’s Coronavirus Resource Center* (July 29, 2020)
- “Practices and Precautions for Commercial Landlords for Reopening After COVID-19,” *Foley’s Coronavirus Resource Center* (May 20, 2020)
- Webinar: “Impacts of COVID-19 on the Renewable Energy Industry,” (April 2020)
- Webinar: “Mastering Coronavirus & COVID-19 Legal Issues,” Rossdale Group (April 2020)
- Webinar: “Managing the Commercial Impact of the Coronavirus,” (March 2020)
- “Managing the Impact of the Coronavirus – What Claims In-House Counsel Should Expect,” *Foley’s Coronavirus Resource Center* (March 2020)
- “Managing the Impact of the Coronavirus – Implications for the Energy Industry,” *Foley’s Coronavirus Resource Center* (March 2020)
- “Managing the Impact of the Coronavirus – Update Regarding Corporate Travel Restrictions,” *Foley’s Coronavirus Resource Center* (March 2020)

- “Managing the Impact of the Coronavirus – An Effective Supply Chain Response Plan,” *Foley’s Coronavirus Resource Center* (February 2020)
- “Managing the Impact of the Coronavirus – Force Majeure Declarations,” *Foley’s Coronavirus Resource Center* (January 2020)
- “2020 Automotive Update: State of the Market, Cost Recovery, and Market Disruption Opportunities,” Panel Discussion (February 2020)
- “Top Legal Issues Facing the Automotive Industry in 2020: Impact of Emerging Technologies on Global Automotive Supply Chains,” *Foley Automotive Industry Team* (January 2020)
- “Risk Mitigation in the Global Supply Chain,” The Future of World Transportation Conference 2019, Vienna (December 2019)
- “The International Trade War: An Overview of the Current and Ever-Changing Tariff Regime & Related Commercial Strategies,” Association of Corporate Counsel-Michigan (November 2019)
- “The International Trade War: Coping Strategies for Automotive Companies Dealing with Section 232 and 301 Tariffs, International Trade Litigation and Heightened Customs Enforcement,” (October 2019)
- “Managing Supply Chain Risk: Best Practices to Avoid Liability for Your Supplier’s Freight Costs,” *Michigan Bar Journal* (October 2019)
- “Optimizing Supply Chains for Climate Change,” *Industry Today* (September 2019)
- Distribution & Franchise Seminars: “When Your International Distribution Contract Goes South,” (May, September and October 2019)
- “State of Automotive Recall and Warranty Summit: Automotive Recall Regulatory Update and Technology Considerations,” Society of Automotive Analysts (SAA) Recall Summit (March 2019)
- “Supply Chain Agreements: Selected Provisions,” Association of Corporate Counsel-Milwaukee (September 2018)
- “Force Majeure Best Practices – Hurricane Florence,” *Foley Dashboard Insights* (September 2018)
- “Contractual Strategies for Navigating Volatile Commodities Markets and Government Regulations,” Original Equipment Suppliers Association (OESA) Commodities Program (August 2018)
- “Supply Chain Agreements: Red Flag Provisions,” Strafford Continuing Legal Education (June 2018)
- “State of Automotive Recall and Warranty Summit: Legal Trends and Risk Management Strategies,” Society of Automotive Analysts (SAA) Recall Summit (March 2018)
- “International Arbitration: Contracting and Strategies,” Original Equipment Suppliers Association (OESA) Legal Issues Council (January 2018)
- “Key Legal Issues in the Manufacturing Supply Chain: Managing Risk and Enhancing Value,” (December 2017)
- “Recall and Warranty Claims: Strategies for Mitigating Risk in Commercial Contracting,” Michigan Association of Corporate Counsel (November 2016)
- “The Pros and Cons of Arbitration,” Michigan Association of Corporate Counsel (November 2015)
- “Best Practices in Drafting U.S. Government Subcontract Terms and Conditions,” (June 2015 and October 2014)
- “Force Majeure Clauses: An ‘Out’ for Suppliers Facing Shortages and Supply Chain Disruptions from West Coast Labor Dispute,” *Foley Dashboard Insights* (February 12, 2015)



- “Disputes in the Manufacturing Supply Chain,” *Michigan Bar Journal* (October 2014)
- “Tug-of-War: Attorney Client Privilege vs. Deposition,” *Law360* (October 2014)
- “10 Tips to Effectively Manage E-Discovery Projects,” Michigan Association of Corporate Counsel (September 2014)
- “How Auto Suppliers Can Prepare For Recalls,” *Law360* (May 2014)
- “Auto Suppliers Prepare for Barrage of Recalls,” *Foley Dashboard Insights* (April 2014)
- “Litigating a Contract Dispute” Chapter, *Michigan Contract Law*, Second Edition, ICLE (2013)
- “State of the Law Update: Contract and Commercial Transactions Law,” Michigan Association of Corporate Counsel (April 2012 and April 2013)
- “Distribution and Franchise Successor Liability Examined,” *Detroit Legal News* (June 2012)

## Sectors

- [Automotive](#)
- [Electrified Mobility & Infrastructure](#)
- [Manufacturing](#)

## Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [Consumer Law, Finance & Class Action Group](#)
- [International Arbitration](#)
- [Litigation](#)
- [Product Liability](#)

## Education

- University of Denver College of Law (J.D., summa cum laude, 2004)
  - Order of St. Ives
  - General Editor, *University of Denver Law Review*
  - Training Editor, *Journal of International Law*
- University of Michigan, Ann Arbor (B.A., with distinction, 2001)

## Admissions

- Michigan
- U.S. Court of Appeals for the Sixth Circuit