

Latham Snags Former Assistant SG For Appellate Practice

By **Cara Mannion**

Law360, New York (January 5, 2017, 3:42 PM EST) --A former Latham & Watkins LLP associate has returned to the firm as partner after working for three years at the Office of the Solicitor General, bolstering the firm's Washington, D.C., office with his experiences arguing in front of the U.S. Supreme Court seven times.

Roman Martinez rejoined the firm on Tuesday after a three-year stint working as an assistant to the solicitor general, a position in which he secured high-profile victories at the Supreme Court such as the Octane Fitness and Halo decisions. Martinez told Law360 on Thursday that the time was right for him to reunite with Latham after admiring its appellate practice over the past few years.



Roman Martinez

"It's been wonderful to come back home," he said.

Martinez said he missed the entrepreneurialism of working for a firm, where he can work directly with clients to conceive creative answers to their legal questions. He was also drawn back to Latham to work alongside former Solicitor General Gregory Garre, who leads the firm's appellate practice and whom Martinez calls a friend and mentor.

From patent law to civil rights, Martinez's work as an appellate attorney requires him to tackle multiple practice areas. But this generalist approach behooves appellate attorneys because they need to argue in front of judges who also typically don't specialize in one type of law, he said.

"One of the fun parts of the job is figuring out how you can become an expert in a certain topic and find ways to refine and boil down a particular problem in a specific topic to present to the court," he said.

Martinez utilized this approach when in 2014, he argued for the first time in front of the Supreme Court in *Octane Fitness LLC v. Icon Health & Fitness Inc.*, which set a precedent that made it considerably easier for courts to impose sanctions on so-called patent trolls and other plaintiffs that bring meritless patent suits. Martinez called this a "milestone moment" in his career.

But perhaps his fondest memory in the Supreme Court was when in June, his wife and then-three-year-old son witnessed him scoring a victory in *Halo Electronics Inc. v. Pulse Electronics Inc. et al.* The three toured the court and decided to sit in on the justices' reading of opinions. Unbeknownst to them, the panel started reading the Halo decision, which sided with Martinez's position.

“It’ll be a moment I’ll always remember,” he said.

The high court’s ruling in Halo reshaped a key aspect of patent law by relaxing the standard for proving willful infringement and making it easier for patent owners to recover enhanced damages. Martinez said he prepared for the case’s oral arguments through two moot court sessions with other attorneys working for the solicitor general, who acted as the justices and hit Martinez with challenging practice questions.

The Yale Law School graduate is no stranger to the Supreme Court. He clerked for Chief Justice John Roberts from 2009 to 2010, just a year after clerking for Judge Brett Kavanaugh at the U.S. Court of Appeals for the D.C. Circuit.

He then went on to work as an associate for Latham for three years until he went to the Office of the Solicitor General in 2013.

Martinez graduated in 2001 from Harvard University with a bachelor’s degree in history and received a master of philosophy in international relations from Cambridge University in 2002. He then graduated from Yale Law School in 2008.

--Editing by Christine Chun.