

Supreme Court Briefing

Latham & Watkins's Stand-Out Term

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BY MARCIA COYLE

Latham & Watkins has five arguments this term. We speak with those lawyers about their stand-out term.

Latham & Watkins's Very Good Term

When Latham & Watkins partner Roman Martinez stands at the lectern orning for his oral argument, he will be the firm's third lawyer to argue this term. Next week, the firm's special counsel Scott Ballenger will take his turn at the lectern. They follow on the heels of colleagues Gregory Garre and Melissa Sherry who argued earlier in term. And Martinez will be back in April for the firm's fifth argument.

"The bottom line is it has been an extremely exciting and busy term for us," Garre, head of Latham's Supreme Court and appellate practice, said. "It illustrates a lot of things we've been working on here—establishing a deep bench of young and upcoming rising stars



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(l-r) Latham & Watkins partners Gregory Garre, Melissa Arbush Sherry, and Roman Martinez.

who aren't brought in cold to Latham, but who are homegrown. Melissa and Roman are examples."

Garre, a former U.S. solicitor general in the George W. Bush administration, joined Latham 10 years ago. At that time, he said, there were only four lawyers in the practice group. Since then, the practice has grown in partnership ranks and associates. He said 10

different associates worked on the five cases being argued this term.

Martinez, a former clerk to Chief Justice John Roberts Jr., and Sherry, a former clerk to Justice John Paul Stevens, also are alums of the Solicitor General's Office. "All of us coming out of the S.G.'s office have the goal of trying to replicate something like that in private practice," Garre said. "This term it was reflected in the broad range of cases we handled."

Garre, a former clerk to Chief Justice William Rehnquist, argued on behalf of Northwestern University in December in *Hughes v. Northwestern University*, a case involving the Employee Retirement Income Security Act. In January, Sherry represented a North Dakota personal injury law firm in the tax case, *Boechler P.C. v. Commissioner, Internal Revenue Service*.

This morning, Martinez will argue for ZF Automotive in the international arbitration case, *ZF Automotive v. Luxshare*. On March 28, Ballenger will represent Union Pacific Railroad in *LeDure v. Union Pacific Railroad Co.*, a personal injury case under the Locomotive Inspection Act. And on April 20, Martinez is up again, this time for Carlos Vega in the Fifth Amendment case, *Vega v. Tekoh*.

"These are in some ways really fun cases to work on," Martinez said. "At the Supreme Court level, even folks not on the briefs are getting roped in to brainstorm and do moot courts. These cases are really great opportunities to broaden the team."

Sherry's tax case was actually brought into the firm by associate Amy Feinberg, who argued it in the U.S. Court of Appeals for the Eighth Circuit. "She had been in the tax clinic at Harvard and handled a similar case before the Fourth Circuit," Sherry said. "So her professors reached out to her shortly after she got to Latham. Boechler was a pro bono case."

The firm has "an enormous commitment" to pro bono work, Martinez said, and has a number of potential Supreme Court cases in the pipeline.

"From day one when I first came, one of the things I loved was Greg and the firm generally were extremely supportive in giving me opportunities to stand up and get experience," Martinez recalled. "And then the firm was great in recommending me for the [solicitor general's] office. Now it's fun as a senior person to pay that forward. That sort of team-oriented culture is something we take seriously."