

MVP: Latham's Roman Martinez

By Ryan Boysen

Law360 (November 19, 2024, 12:02 PM EST) -- Latham & Watkins LLP's Roman Martinez outdid himself this year, helping to tear down the Chevron deference doctrine on behalf of his client, Relentless Inc., in a landmark Supreme Court case and upending existing precedent in another win on behalf of a \$70 billion retirement fund, making him one of the 2024 Law360 Appellate MVPs.

His biggest accomplishment:

As the lead attorney on *Relentless Inc. v. Department of Commerce*, Martinez helped persuade the Supreme Court to undo one of the most-cited precedents in American law and usher in a sea change that will ripple through the U.S. legal system for years to come.

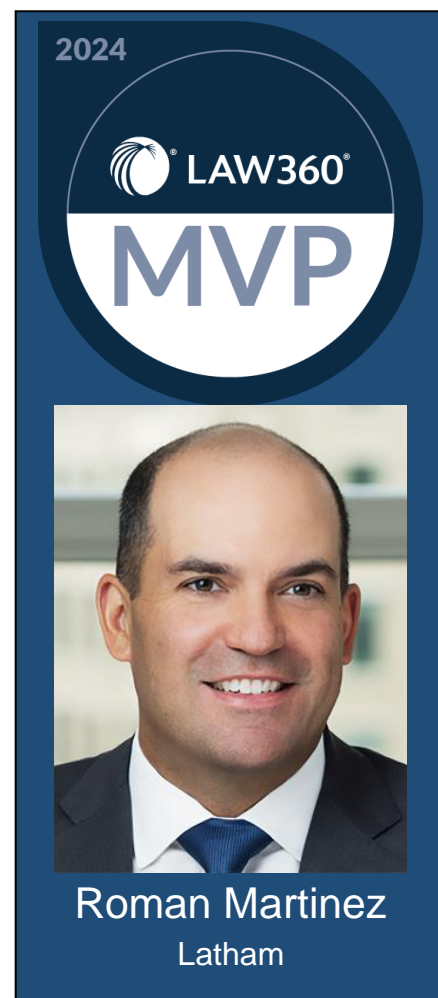
Relentless, along with the nearly identical sister case *Loper Bright Enterprises v. Gina Raimondo*, challenged the precedent set by the Supreme Court's 1984 ruling in *Chevron v. Natural Resources Defense Council*.

The Chevron deference doctrine laid out in that ruling directed federal judges to defer to federal agencies' "reasonable interpretations" of ambiguous statutes, and quickly became a cornerstone of administrative law.

Now, after the high court's 6-3 ruling in *Relentless*, courts will use their own judgment when deciding whether agencies have gone too far in crafting rules and regulations.

"When courts look at legal questions, they need to exercise independent legal judgment," Martinez said, summarizing the argument that carried the day. "They shouldn't put a thumb on the scale and defer to government agencies when the law is ambiguous."

Martinez was brought onto the case at the appellate stage and partnered with the New Civil Liberties Alliance, an antiregulation nonprofit helmed by Columbia Law School professor Philip Hamburger. The NCLA filed the suit on behalf of a pair of fishing vessels challenging regulations that forced them to pay for onboard federal monitors.



"He's thought about these issues for a long time," Martinez said of Hamburger, "so he brought the expertise on the theoretical level, and Latham brought the concrete experience of arguing cases in the Supreme Court."

Martinez said the win was especially gratifying, given how ingrained in the U.S. legal system Chevron deference had been.

"I knew all nine of the justices had done a lot of thinking about this already, unlike most cases I argue," Martinez said. "They've written law review articles, authored opinions about Chevron, you name it."

"So we really had to have our argument nailed down," he added. "We weren't just going in and trying to persuade them from the ground up."

His biggest challenge:

While Relentless undoubtedly takes the cake among Martinez's cases in terms of name recognition and overall impact, he said another case he handled this year was just as challenging.

In Los Angeles County Employees Retirement Association v. County of Los Angeles, Martinez and his team represented the public retirement fund LACERA in a power struggle with the local politicians elected by LACERA's beneficiaries.

LACERA describes itself on its website as the largest county retirement system in the U.S., responsible for managing more than \$70 billion in assets for current and former employees of L.A. County.

Revived in June by a California appellate court, the case hinges on whether the L.A. County Board of Supervisors has total control over hiring and other personnel decisions, like setting salaries for its employees, or whether the board has a say in those decisions.

State appellate court precedent favored the board, but Martinez contended that the Constitution of California and the text of relevant statutes clearly favored LACERA. Against all odds, LACERA won. The Supreme Court of California will hear the case next year, to resolve the circuit split created by the June ruling.

"It was a very interesting case involving questions of California constitutional law," Martinez said. "LACERA argued they have a fiduciary duty to protect their retirees, even if the county has other priorities that might be at odds with that very focused mission."

"A lot of people who followed the case were skeptical of our chances," he continued. "But we did a deep dive into the state constitution and the history of this subject area, and we were confident in our legal arguments."

Why he's an appellate attorney:

Martinez said he's always been drawn to the intellectual, big-picture nature of appellate work, compared with the more down-and-dirty tasks required of strong trial attorneys.

"This practice is not so much about developing facts," Martinez said. "You're not interviewing people, you're not arguing before a jury."

"It involves more of the academic side of the law," he continued. "I've always enjoyed that. In law school, for example, I gravitated towards constitutional theory."

Martinez said the ability to make broad, lasting impacts in the world is another reason he's still in love with appellate work.

"You get to engage with clients on real, concrete business disputes and help them solve those problems," Martinez said. "But at the same time, those disputes arise in a broader legal context. So the ramifications can often go far beyond that particular client's case."

What motivates him:

Just like any great trial attorney, Martinez said the zero-sum nature of high-level appellate cases keeps him getting out of bed in the morning.

"I tend to be pretty competitive," he said. "I really like getting into disputes where we can strategize to win cases on behalf of clients."

Martinez said that applies doubly for pro bono clients, such as the veterans and disabled individuals he often represents against the federal government.

"The government has a lot of resources, a lot of power," Martinez said. "You feel like you're David going up against Goliath."

"It's very motivating to represent someone standing up for their rights against the government."

--As told to Ryan Boysen. Editing by Amy French.

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