

NICOLAS L. MARTINEZ

PARTNER

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Nico Martinez has significant trial and appellate experience in complex, high-stakes cases in state and federal courts across the country. Since joining Bartlit Beck in 2016, Nico has cross-examined key expert and fact witnesses, picked a jury, and argued dispositive motions during and before trial. Nico contributed to Bartlit Beck's major trial successes for PricewaterhouseCoopers and UnitedHealthcare, and he helped secure a complete defense verdict in an \$800 million breach of contract case brought against shareholders of a privately held oil and gas company. With Nico's assistance, that verdict was affirmed in its entirety on appeal. Nico earned another complete defense verdict as co-lead trial counsel representing the Cook County Clerk's Office in a federal employment lawsuit.

Nico also maintains an active pro bono practice, including as counsel of record in several cases before the U.S. Supreme Court. Nico currently represents a group of Georgia voters in a federal lawsuit seeking to establish a new process giving Black residents the opportunity to elect their fair share of members to the Public Service Commission, the entity that regulates telecommunications, electricity, and natural gas services in the state.

Nico graduated from Stanford Law School, where he was a senior editor of the *Stanford Law Review* and member of the Stanford Supreme Court Litigation Clinic team that represented Edith Windsor in her successful challenge to the federal Defense of Marriage Act.

EDUCATION & HONORS

Stanford Law School, 2013, J.D.

Stanford Law Review

Supreme Court Litigation Clinic

Pro Bono Distinction

Stanford University, 2007, B.A. in Political Science, with Honors and Distinction

Phi Beta Kappa

Varsity Tennis

CLERKSHIPS

Honorable Mariano-Florentino Cuéllar, Supreme Court of California, 2015-2016

Honorable Lucy H. Koh, United States District Court for the Northern District of California, 2014-2015

Honorable John T. Noonan, Jr., United States Court of Appeals for the Ninth Circuit, 2013-2014

GOVERNMENT SERVICE

Legislative Correspondent, Honorable Harry M. Reid, United States Senate, 2007-2008

AWARDS & RECOGNITION

Benchmark Litigation 40 & Under Hot List

ADMISSIONS

California

Illinois

United States Supreme Court

United States Court of Appeals for the Seventh Circuit

United States Court of Appeals for the Ninth Circuit

United States District Court for the Northern District of Illinois

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Sunrise Hospital System v. Sierra Health Services (JAMS 2019)

Trial counsel for UnitedHealthcare's affiliate, Sierra, in an arbitration initiated by HCA Healthcare's affiliate, Sunrise, alleging underpayments for medical services. Case resolved on confidential terms.

Grynberg v. Grynberg (District Court, Arapahoe County, Colorado 2019)

Trial counsel for defendants in bench trial involving equitable claims for unjust enrichment and quantum meruit brought by the founder of a group of privately held oil and gas companies, including claims for compensation for services and assets previously provided to the companies. Plaintiff sought \$400 million in compensation at trial. Won a complete defense verdict, which the Colorado Court of Appeals affirmed in its entirety.

Burroughs v. Cook County Clerk's Office (N.D. Ill. 2019)

Co-lead trial counsel for the defendants in lawsuit brought under the Americans with Disabilities Act. Obtained a full defense verdict following a four-day jury trial.

Gadeco, LLC v. Grynberg (District Court, Arapahoe County, Colorado 2019)

Trial counsel for defendants in jury trial involving claims for breach of contract and breach of fiduciary duty brought by the founder of a group of privately held oil and gas companies against the shareholders and board members following his removal as President and Chairman. Plaintiff sought injunctive relief and \$800 million in damages at trial. Won a complete defense verdict, which the Colorado Court of Appeals affirmed in its entirety.

FDIC & Colonial BancGroup v. PwC (M.D. Ala. 2017-18)

Defended PwC against Colonial Bank and the FDIC in a suit filed after the collapse of PwC's audit client Colonial Bank. Colonial Bank sought several hundred million dollars in damages. The FDIC sought over \$2 billion in actual damages, plus unspecified punitive damages. Following a bench trial on liability, the court ruled for PwC on the entirety of Colonial Bank's claim. The court ruled against PwC on some of the FDIC's claims and in favor of PwC on others. The court also ruled in favor of PwC on the FDIC's request for punitive damages. Following a bench trial on damages, the court awarded the FDIC \$625 million. Before judgment was entered, and while post-trial motions were pending, the parties settled the case for \$335 million. One member of the FDIC's board of directors publicly dissented from the settlement because it did not contain an acknowledgment of liability by PwC.

PRO BONO CASES

Rose et al. v. Raffensperger (N.D. Ga. 2020)

Trial counsel for plaintiffs in a voter discrimination lawsuit challenging the at-large method of electing members to Georgia's Public Service Commission, the entity that regulates telecommunications, electricity, and natural gas services in the state. The lawsuit, brought under the federal Voting Rights Act of 1965, seeks to establish a new process that gives Black voters in Georgia the opportunity to elect their fair share of commissioners.

Lieu et al. v. FEC (U.S. Supreme Court 2020)

Counsel of record for campaign finance legal scholars as *amici curiae* supporting petitioners in case that sought to uphold congressional limits on contributions to super PACs.

Fogleman v. Mississippi (U.S. Supreme Court 2020)

Counsel of record for Mississippi inmate who sought certiorari in case presenting the question whether the Sixth Amendment requires a jury to make any factual finding that increases a criminal defendant's mandatory minimum sentence by automatically restricting his eligibility for parole.

Jordan v. Texas (U.S. Supreme Court 2019)

Counsel of record for Texas inmate who sought certiorari in case presenting the question whether the Sixth Amendment demands relief when a criminal defendant swears that he instructed his lawyer to file an appeal, no notice of appeal was timely filed, and the lawyer cannot now remember being asked to do so.

Grant v. Chamberlain et al. (N.D. Ill. 2018-20)

Trial counsel for Illinois inmate who brought a section 1983 lawsuit based on deliberate indifference to his serious medical needs. Case resolved on confidential terms.

Perkins v. Williams et al. (N.D. Ill. 2018)

Trial counsel for Illinois inmate who brought a section 1983 lawsuit based on unconstitutional conditions of confinement. Case resolved on confidential terms.

Thompson v. Vidurria et al. (U.S. Court of Appeals, Ninth Circuit 2017-18)

Appellate counsel for California inmate who brought a section 1983 lawsuit based on deliberate indifference to his serious medical needs. Case resolved on confidential terms.

ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

ACKNOWLEDGEMENTS

The American Lawyer Interviews Nico Martinez About Bartlit Beck's Unique Model and Success at Trial

BIG WINS

Bartlit Beck Wins Two Large Trials In Denver

06.15.2019

NEWS

Bartlit Beck Sues Allianz and Aon Over Collapse of Structured Alpha Hedge Funds

09.22.2020

Bartlit Beck Files Voter Discrimination Lawsuit in Georgia

07.14.2020

The American Lawyer Profiles Bartlit Beck's Unique Model and Success at Trial

12.06.2018

PUBLICATIONS

Pinching the President's Prosecutorial Prerogative: Can Congress Use Its Purse Power to Block Khalid Sheikh Mohammed's Transfer to the United States?

64 *Stan. L. Rev.* 1469, 2012

Pulling the Plug on the Virtual Jury: Why Khalid Sheikh Mohammed Should Not Be Tried at Guantanamo by Jurors Sitting in New York City

65 *Stan. L. Rev. Online* 47, 2012

Debt to Society? The Washington State Legislature's Efforts to Restore Voting Rights to Persons with Felony Convictions

22 *Stan. L. & Pol'y Rev.* 329, 2011