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Setting pot precedent

MARTINEZ DEFENDED DISH IN MARIJUANA-RELATED EMPLOYMENT CASE

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Attorney Meghan Martinez remembers the moment in 2011 when she got a call asking her, ‘Do you want to take the first marijuana case?’

Before the caller could finish the sentence, she said, “Yes.”

Martinez, an experienced employment law attorney, knew from the beginning that the case of an employee suing for wrongful termination after testing positive for use of medical marijuana would be important for employers dealing with the uncertainty around the state’s law legalizing medical pot.

Martinez represented satellite service provider Dish Network Corp. in the case of Brandon Coats v. Dish Network – a case that received national attention and was closely watched by Colorado employers and marijuana advocates.

This summer, the Colorado Supreme Court said Colorado’s lawful activities statute protects employees from being fired for participating in lawful activity in off-duty hours. However, marijuana use is not legal under federal law and therefore the court upheld the lower court’s ruling in favor of Dish Network.

Martinez was relieved when the Supreme Court ruled, she said, because the case helps employers as they roll out zero tolerance policies.

“It took a lot of courage to do what Dish did,” she said. “It’s something that not everyone either has the resources or wherewithal to take a stand on something like that.”

The case embodied everything Martinez loves about the practice of employment law. When she graduated from University of Denver’s Sturm College of Law, she was immediately attracted to employment law because of the relationships with the clients, the emotional drama around one’s



Meghan Martinez says other states are watching how Colorado handles marijuana issues.

KATHLEEN LAVINE, BUSINESS JOURNAL

livelihood and the clients’ need to be vindicated, she said.

“It’s a fantastic mix of the law and psychology,” Martinez said. “Everyone is emotionally and psychologically tied to their employment and their livelihood.”

“I feel like a counselor in a lot of ways.”

Martinez had been with Brownstein Hyatt Farber Schreck from 1998 to 2010, moving from associate to shareholder. It was while working there that she got a cold call from Dish Network in 2006. Would she come in and pitch for a case, they asked.

“I walked out of there and said, ‘Well, I bombed that,’ she said.

But instead, she got the Dish Network case and subsequent cases for the company.

In 2010, she decided it was time to bust out on her own and started Martinez Law Group, where she has five attorneys working with her.

“I always wanted to work for myself,” she said. “I feel I can give the best service to clients when I can control the type of delivery and service to them. This to me is the best way to do that.”

Martinez had been to the Court of Appeals twice on cases arguing Colorado’s lawful activities statute, the key point in the Coats

► WINNER

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v. Dish Network case. The case, she said, was not an endorsement or indictment of medical marijuana. However, as she expected, the matter was filled with emotion.

The case was widely viewed as one that would have an effect across the country as more states approve both medical and recreational marijuana use. But for Martinez it was about the single Colorado statute that was on the books.

“There is no doubt that other states are looking at us,” she said about the outcome.

“Mr. Coats’ claims were on a specific (Colorado) statute. You have to juxtapose (that) yes, this is important topically. Yes, people are dealing with marijuana in the workplace, with the fact that this case was about one specific statute.”