



Inter American University of Puerto Rico
School of Law
Office of the Dean

June 30, 2022

The Honorable Dick Durbin
Chair, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

LETTER ENDORSING THE CONFIRMATION OF HON. GINA R. MÉNDEZ-MIRÓ AS UNITED STATES DISTRICT COURT JUDGE FOR THE DISTRICT OF PUERTO RICO

Dear Chairman Durbin and Ranking Member Grassley:

I am the Dean of the Interamerican University School of Law and founder and director of the Puerto Rico Innocence Project. My lifetime commitment to justice and equality leads me to support Judge Gina R. Méndez-Miró to serve as a judge at the U.S. District Court for the District of Puerto Rico. Judge Méndez-Miró's profound commitment to these democratic values -which I have witnessed through her work at the Puerto Rico Senate and the Puerto Rico Court of Appeals- makes her worthy of your confirmation.

Judge Méndez-Miró is a sitting judge at the Puerto Rico Court of Appeals, but I came to know her work directly around 2014, in her capacity of Chief of Staff of the Puerto Rico Senate. At that time, Judge Méndez-Miró spearheaded a much-needed reform of the criminal justice system. Together with renowned scholar Dr. Dora Nevares-Muñiz, an esteemed colleague and member of my faculty, she traced and led efforts to amend the Penal Code of 2012. At the time, I was contacted by the Permanent Joint Commission for the Revision of the Penal Code of the Legislative Assembly and appeared in a public hearing endorsing the proposed Senate Bill 1210. During this process, I came to know of Judge Méndez-Miró's participation in the draft of the legislation and her vision to restore important provisions of the Penal Code of 2004 that were based on constitutional principles like human dignity, prohibition against cruel and unusual punishments, providing for rehabilitation of imprisoned convicts as required by the Puerto Rican Constitution.

She displayed her understanding and passion for criminal law, as well as her qualities as an intelligent attorney with a strong compromise to achieve a more just and equitable criminal justice system. Her work was essential to correcting the disproportionate penalties and reincorporating restorative sanctions and alternatives to imprisonment like probation, house arrest, community services, and restitution. Judge Méndez-Miró's leadership and support led to the adoption of a new Penal Code, Act No. 246-2014, which has been one of the most advanced pieces of legislation relating to criminal law adopted in Puerto Rico.

Furthermore, in the Judiciary I have observed her continued command of criminal law and unwavering commitment to the belief that every person is deserving of due process and equal access to the courts. You can clearly see this throughout a review of her judgments and work as an Appellate Judge in Puerto Rico for the past six years. While handling hundreds of criminal law cases on appeal -ranging from speedy trial violations, confrontation clause, Sixth Amendment right to counsel, searches, and seizures to post-conviction procedures, among many others- she has focused on the goal of resolving the controversies brought before her in a just and equitable manner. Her decisions are well written and well- reasoned, based on the law and the facts presented. The fact is that she writes thoroughly reasoned opinions whether you agree with them or not. In addition, they are clearly and simply drafted intended to illustrate her reasoning for all litigants to understand. Notably, one can also identify that she is aware and never afraid to address and confront the prevailing and systemic inequalities of the criminal justice system, and how socioeconomic difficulties limit access to justice, including access to appropriate legal counsel. In this regard, as a Professor of Law and Director of the Puerto Rico Innocence Project, I am aware of her body of judicial decisions and consistent dissents where she expresses great concern when cases filed by indigents and inmates are quickly dismissed and not addressed on the merits. Judge Méndez-Miró accords the same respect to the arguments presented by a *pro se* prisoner as she does to the government but emphasizes that that everyone has the right to their day in court and must be afforded an equal ability to seek and obtain a remedy regardless of their knowledge of the law or their economic capacity. Her attitude in this context, reflects her character as a judge.

In sum, Judge Méndez-Miró is an esteemed lawyer and judge whose professional record demonstrates her broad qualifications -gained from experience in both in the private practice and in public service- and a reputation of integrity, rigorous intellect, fairness and commitment to law and justice. I believe that the extent and wealth of her judicial, litigation and administrative experiences demonstrate her credentials and further illustrate the capacity as a jurist that is needed to serve as a judge on the federal judiciary. Furthermore, to date, only two women serve as District Judges in Puerto Rico. If confirmed, Judge Gina R. Méndez-Miró would also add much needed and long overdue diversity to the federal judiciary by becoming the first openly LGBTQ+ woman to serve in the U.S. District Court for the District of Puerto Rico, as well as the third woman to currently sit as a judge in that court's history. Based on all the above, I fully support Judge Méndez-Miró and wholeheartedly recommend you to swiftly move her confirmation.

Sincerely,



Dr. Julio E. Fontanet Maldonado
Dean