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October 6, 2022

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Re: Support for the Nomination of Matthew Garcia to the U.S. District Court for the District of New Mexico

Dear Senators:

I am writing to express to my strong support for the nomination of Matthew L. Garcia to the United States District Court for the District of New Mexico. I am confident that the Committee will be presented with ample evidence of Mr. Garcia's intelligence, legal acumen, and credentials; I am instead writing to offer my perspective as a frequent adversary of Mr. Garcia's.

I am the general and litigation counsel for the Republican Party of New Mexico and have also acted as counsel for our current and former Republican members of Congress (Representatives Yvette Herrell and Steve Pearce) and Republican candidates for Governor, Congress, Supreme Court, Court of Appeals, Mayor of Albuquerque and of Las Cruces, and the Legislature as lead counsel in state and federal litigation. It is in this capacity that I have come up several times against Mr. Garcia, who served as the general counsel (and now chief of staff) for Governor Michelle Lujan Grisham.

Mr. Garcia was the principal legal defender of the state's COVID-19 response measures, which were largely accomplished by executive orders from Governor Lujan Grisham. Along with the late Pat Rogers, a prominent Republican lawyer and longtime RNC National Committeeman, I was involved in coordinating the legal challenges to various aspects of that response. I found Mr. Garcia's work throughout the series of cases that followed to be legally and tactically astute, highly professional, and ideologically fair-minded and serious. By means of an aggressive and proactive strategy of seeking extraordinary writs that moved litigation out of the district courts (often those in rural and oil-and-gas-centric districts) and directly before the state supreme court, Mr. Garcia was able to obtain exceptional results for the Governor in hard-fought and difficult cases.

Mr. Garcia has for the last several years held an indisputably ‘political’ job as the lawyer for the most important Democratic politician in the state. But in his case, I think that his overtly political job has demonstrated his unusual restraint, collegiality, and professionalism. I have never seen him exhibit partisanship for its own sake, despite the positions he has held, nor to descend to personal attacks or sloganeering; on the contrary, I consistently found that Mr. Garcia remains a lawyer first, foremost, and always. He avoids the press, works with opposing counsel with the utmost cordiality, and writes and argues to the courts in an understated, scholarly, and balanced manner.

Obviously, I would prefer that a Republican president make this appointment, but I have never seen any indication that Mr. Garcia would be swayed by shallow partisanship in judicial decision-making. He has an even temperament, eclectically informed jurisprudence, and quiet but unshakable intellectual independence. He would make an exceptional federal judge. On any of the diverse array of cases that I litigate in federal court — from CJA cases for indigent criminal defendants, to commercial cases representing large corporations, to political advocacy for conservative causes — I would be happy to see Mr. Garcia before me on the bench.

Very truly yours,

HARRISON, HART & DAVIS, LLC



Carter B. Harrison IV

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No enclosures