



PRESIDENT
RAKIM BROOKS

CHAIR
PAULETTE MEYER

July 25, 2022

The Honorable Richard Durbin
Chairman
Senate Judiciary Committee

Dear Chairman Durbin:

On behalf of the Alliance for Justice (AFJ), a national association representing more than 130 public interest and civil rights organizations, I write to support the confirmation of Bradley N. Garcia to the United States Court of Appeals for the District of Columbia Circuit.

With significant experience in public and private litigation and a noteworthy *pro bono* record, Mr. Garcia is well qualified to join the District of Columbia Circuit. Mr. Garcia received a degree in international relations and Economics from Johns Hopkins University before attending Harvard Law School in 2011. After graduation, Mr. Garcia clerked for Judge Thomas Griffith on the D.C. Circuit Court of Appeals and for Justice Elena Kagan on the U.S. Supreme Court. After his clerkships, Mr. Garcia joined O'Melveny & Myers, where he argued more than a dozen appeals before serving in the Office of Legal Counsel for the Department of Justice as the Deputy Assistant Attorney General in 2022.

Mr. Garcia holds extensive experience in complex federal litigation and appellate practice and is well-prepared for the issues he will face on the D.C. Circuit Court. There are numerous examples of Mr. Garcia's appellate victories, which have largely centered on business litigation. For example, in 2018, Mr. Garcia was a part of the legal team representing China Agritech, a company defending against a class action lawsuit by shareholders alleging fraud and misleading business practices. In [China Agritech, Inc. v. Resh](#) the Supreme Court ruled 9-0 in favor of Mr. Garcia's client, holding that a putative class member may not commence a class action beyond the time allowed by the applicable statute of limitations.

Although Mr. Garcia spent most of his career practicing corporate law, he has maintained a robust *pro bono* practice with a particular focus on protecting the rights of the accused and incarcerated. For example, in [Carr v. Inch](#), Mr. Garcia represented four incarcerated people who sued the Federal Bureau of Prisons for failing to provide religiously appropriate meals in violation of the Religious Freedom Restoration Act (RFRA). The plaintiffs, who were Muslim, alleged that the prison did not provide halal meals, forcing them to eat food incompatible with their religious beliefs in order to survive. Mr. Garcia's tireless commitment to his clients stretched from 2013 to 2021, when the case ended with a court-ordered settlement favorable to the plaintiffs. In [Lester v. Flournoy](#), Mr. Garcia represented Stoney Lester, a Georgia man who plead guilty to selling crack

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cocaine and was sentenced to 22-years in prison. At the Fourth Circuit, Mr. Garcia successfully argued that Mr. Lester was misclassified as a career offender, leading to Mr. Lester's ultimate resentencing and release. Mr. Garcia's criminal justice experience would add meaningful perspective to the D.C. Circuit.

In partnership with the most impactful civil rights organizations in the country, Mr. Garcia has also authored Supreme Court *amicus* briefs in support of voting rights, immigrants' rights, and criminal justice. For example, in *Evenwel v. Abbott*, Mr. Garcia filed a voting rights *amicus* [brief](#) on behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF). LDF's *amicus* brief, in favor of Governor Abbott, highlighted the long-standing precedent that *total* population, not registered voters, must be counted when legislative districts are drawn. The U.S. Supreme Court unanimously agreed with LDF and Mr. Garcia's brief, upholding a long-standing, inclusive understanding of electoral democracy where everyone is counted. In another case, *Concepcion v. United States*, Mr. Garcia co-authored a [brief](#) on behalf of the Due Process Institute, the American Civil Liberties Union, and the Southern Poverty Law Center among others. The brief was filed in support of Carlos Concepcion, who filed a motion for resentencing under the First Step Act relating to his 228-month sentence for cocaine related charges. In a 5-4 decision written by Justice Sonia Sotomayor, the Supreme Court sided with Mr. Garcia's brief, which argued that courts should be able to consider intervening facts and circumstances when reducing charges under the First Step Act. The decision gives hope to thousands who are incarcerated for drug offenses but have not yet been able to benefit from the First Step Act reform.

Finally, if confirmed, Mr. Garcia would be the first Latino to serve on the D.C. Circuit Court of Appeals. His confirmation would be a significant landmark for Latinx representation on one of the nation's most powerful appellate benches. Latinx people are historically underrepresented on the federal bench; as of 2020, while the U.S. population was 18.5% Latinx, only 7% of Article III judges were Latinx. Mr. Garcia's confirmation would allow the Nation's courts to more adequately reflect America's diversity.

Given his experience, the Senate should expeditiously confirm Bradley N. Garcia to the United States Court of Appeals for the D.C. Circuit.

Sincerely,

Rakim A.D. Brooks

Rakim Brooks
President, Alliance for Justice