

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR JUDICIAL NOMINEES**

PUBLIC

1. **Name**: State full name (include any former names used).

Matthew Lane Garcia

2. **Position**: State the position for which you have been nominated.

United States District Judge for the District of New Mexico

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office of the Governor
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

4. **Birthplace**: State year and place of birth.

1974; Albuquerque, New Mexico

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2003 – 2005, University of New Mexico School of Law; J.D., 2005

2001 – 2003, Harvard University, Kennedy School of Government; M.P.P., 2003

1999 – 2000, Helsinki School of Economics (now called Aalto University); (no degree received; Fulbright Fellow)

1997 – 1998, University of Aberdeen, Scotland; no degree received (study abroad program)

1996 – 1999, University of New Mexico; B.A., *magna cum laude*, 1999

1992 – 1993, 1995 – 1996, Central New Mexico Community College; no degree received

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – present

Office of the Governor

490 Old Santa Fe Trail

Santa Fe, New Mexico 87501

Chief of Staff to Governor Michelle Lujan Grisham (2020 – present)

General Counsel (2019 – 2020)

2018 – 2019

Matthew L. Garcia Attorney at Law LLC

500 Tijeras Avenue Northwest

Albuquerque, New Mexico 87102

Partner

Fall 2013, Fall 2018, Fall 2019

University of New Mexico School of Law

1117 Stanford Northeast

Albuquerque, New Mexico 87131

Adjunct Professor

2012 – 2018

Garcia Ives Nowara

924 Second Street Northwest

Albuquerque, New Mexico 87102

Partner

2009 – 2012

Bach & Garcia, LLC

300 Central Avenue Southwest

Albuquerque, New Mexico 87102

Partner

2008 – 2009

Matthew L. Garcia, Attorney at Law LLC

4801 All Saints Road Northwest

Albuquerque, New Mexico 87120

Partner

2005 – 2008

Freedman Boyd Daniels Hollander Goldberg & Ives

20 First Plaza, Suite 700, Albuquerque, New Mexico 87102

Associate (2006 – 2008)

Law Clerk (2005 – 2006)

2004 – 2005
The Gaddy Law Firm
2025 San Pedro Drive Northeast
Albuquerque, New Mexico 87110
Law Clerk

2002 – 2003
Lexecon Inc.
1 Mifflin Place
Cambridge, Massachusetts 02138
Summer Associate/Part-time Analyst

2000 – 2001
Topica Inc.
620 Folsom Street
San Francisco, CA 94107
Business Analyst

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I timely registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Martindale Hubbell AV-Preeminent Rating (2014 – present)

Super Lawyers (2012, Rising Stars), (2013 – 2019)

U.S. News & World Report Best Lawyers (2014 – 2019)

“Top 25” Lawyers in New Mexico by “Super Lawyers” Magazine (2017 – 2018)

Julia Raymond McCulloch Award for Excellence in Constitutional Law (2003)

Bondurant Merit Scholarship Recipient (2001)

Fulbright Scholarship (1999)

University of New Mexico Honors Program Graduate (1999)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

District of New Mexico Civil Pro Bono Panel Appointee (2012 – 2017)

Governor's Task Force on Cannabis Legalization, Member (2019)

New Mexico Disciplinary Board Hearing Committee, Member (2009 – present)

New Mexico Supreme Court ad hoc Committee on Pre-trial Detention, Member (2020)

New Mexico Supreme Court Rules of Evidence Committee, Member (2008 – 2014)

New Mexico Second Judicial District Volunteer Attorney Pool, Member (2012 – 2017)

The New Mexico Trial Lawyers Association

Member (2006 – 2018)

Board Member (2012 – 2018)

U.S. District Court Magistrate Judge Selection Panel, Member (2015 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New Mexico, 2006

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2019

United States Court of Appeals for the Tenth Circuit, 2006

United States District Court for the District of New Mexico, 2006

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which

you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Civil Liberties Union of New Mexico Legal Panel, Member (2010 – 2018)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, the organization listed above has never discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

District Court (a summary of notable decisions from the Federal District Court for the District of New Mexico), *The New Mexico Trial Lawyer*, Journal of the New Mexico Trial Lawyers' Foundation, Vol. XXXXVIII No. 1 (Jan./Feb. 2017). Copy supplied.

"Litigating Civil Rights Cases: A Primer on Qualified Immunity," *The New Mexico Trial Lawyer*, Journal of the New Mexico Trial Lawyers' Foundation, Vol. XXXXIV No. 3 (June 2013). Copy supplied.

District Court, (a summary of notable decisions from the Federal District Court for the District of New Mexico), *The New Mexico Trial Lawyer*, Journal of the New Mexico Trial Lawyers' Foundation, Vol. XXXXIII No. 5 (Nov./Dec. 2012). Copy supplied.

With George Bach, *Iqbal Is Not a Game Changer for Discovery in Civil Rights Cases*, 42 N.M. L. Rev. 329 (2012). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

The following list reflects my best effort to identify all reports, memoranda, or policy statements prepared on behalf of any bar association, committee, conference, or organization of which I am or was a member, based on my review of my own records and research of publicly available information. There may, however, be one or more reports, memoranda or policy statements that I have been unable to recall or identify. The New Mexico Trial Lawyers Association had a standard practice that pre-dated my tenure on the Board of Directors to include a list of the names of Board members in the New Mexico Trial Lawyer Journal, which is typically published every two months. Although, as a member of the Board of Directors, my name appeared in these Journals, I was not involved in their production. Except where indicated in the preceding question, to the best of my knowledge, I did not write, edit, participate, or consult in any way in the preparation of Journal articles, and the Board of Directors was never asked to vote on or approve their content.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Nov./Dec. 2018). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Sept./Oct. 2018). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/Aug. 2018). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June2018). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Mar./Apr. 2018). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Jan./Feb. 2018). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Nov./Dec. 2017). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Sept./Oct. 2017). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/Aug. 2017). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June 2017). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Mar./Apr. 2017). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Jan./Feb. 2017). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Sept./Oct. 2016). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/Aug. 2016). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June 2016). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Mar./Apr. 2016). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Jan./Feb. 2016). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Nov./Dec. 2015). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Sept./Oct. 2015). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/Aug. 2015). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June 2015). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Mar./Apr. 2015). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Jan./Feb. 2015). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal

(Nov./Dec. 2014). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Sept./Oct. 2014). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/Aug. 2014). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June 2014). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Mar./Apr. 2014). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Jan./Feb. 2014). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Nov./Dec. 2013). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Sept./Oct. 2013). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June 2013). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Mar./Apr. 2013). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Jan./Feb. 2013). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Nov./Dec. 2012). Copy supplied.

New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/Aug. 2012). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

The following list reflects my best effort to identify all reports, memoranda, or policy statements prepared on behalf of any bar association, committee, conference, or organization of which I am or was a member, based on my review

of my own records and research of publicly available information. There may, however, be one or more reports, memoranda or policy statements that I have been unable to recall or identify.

Supplemental Report of the Ad Hoc Committee to Review Pretrial Release and Detention Procedures (June 3, 2020). Copy supplied. I did not author the report, but was one of several committee members who participated in formulating the proposed changes discussed therein.

Initial Report of the Ad Hoc Committee to Review Pretrial Release and Detention Procedures (May 15, 2020). Copy supplied. I did not author the report, but was one of several committee members who participated in formulating the proposed changes discussed therein.

On May 13, 2020, I attended a meeting of the New Mexico Supreme Court Ad Hoc Committee on Pre-trial Detention, as a voting member. I am unable to obtain any recording or transcript.

Letter to the Santa Fe Dreamers Project and the ACLU of New Mexico regarding concerns of discrimination against Asian-Americans and Covid-19 at immigrant detention facilities, Mar. 24, 2020. Copy supplied.

On February 27, 2020, I attended a meeting of the New Mexico Supreme Court Ad Hoc Committee on Pre-trial Detention, as a voting member. Video available at <https://www.youtube.com/watch?v=byWXVmQ1fR0>.

On September 10, 2019, I attended a meeting of the Governor's Work Group on Marijuana Legalization as a voting member. Minutes supplied.

On August 28, 2019, I attended a meeting of the Governor's Work Group on Marijuana Legalization as a voting member. Minutes supplied.

On August 14, 2019, I attended a meeting of the Governor's Work Group on Marijuana Legalization as a voting member. I am unable to obtain any recording or transcript.

On July 10, 2019, I attended a meeting of the Governor's Work Group on Marijuana Legalization as a voting member. Minutes supplied.

Letter to Chief Metropolitan Court Judge regarding arrests at the Bernalillo County Metropolitan Court (Feb. 20, 2019). Copy supplied.

Additionally, the ACLU of New Mexico had a standard practice that pre-dated my tenure on the legal panel to include a list of the names of legal panel members in its newsletters, which is typically published three times a year. Although, as a member of the legal panel, my name appeared in these newsletters, I did not sign

the documents, and, to the best of my knowledge, I did not write, edit, participate, or consult in any way in their preparation, and the legal panel was never asked to vote on or approve their content.

ACLU of New Mexico, The Torch Newsletter (Fall/Winter 2018). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2018). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2018). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Winter 2017). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2017). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2017). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Fall/Winter 2016). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2016). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2016). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Fall/Winter 2015). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2015). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2015). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Winter 2014). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer/Fall 2014). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2014). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Fall/Winter 2013). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2013). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2013). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Fall/Winter 2012). Copy

supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2012). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2012). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Winter 2011). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Fall 2011). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2011). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2011). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Winter 2010). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Fall 2010). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Summer 2010). Copy supplied.

ACLU of New Mexico, The Torch Newsletter (Spring 2010). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

August 6, 2021: Presenter, "Constitutional Long Haulers: The Undiagnosed Long-Term Impact of Judicial Review on Emergency Public Health Orders," American Bar Association, virtual presentation. In this presentation, I was asked to play the part of a government attorney in a mock appellate argument. I have no notes, transcript, or recording, but press coverage is supplied. The American Bar Association's address is American Bar Association, 321 North Clark Street, Chicago, Illinois 60654.

October 16, 2020: Presenter, "Governmental Powers During a Public Health Emergency," New Mexico State Bar Annual CLE Program, virtual presentation. I discussed New Mexico judicial decisions addressing executive authority during a pandemic. I have no notes, transcript, or recording. The New Mexico State Bar's address is 5121 Masthead Street Northeast, Albuquerque, New Mexico 87109.

April 24, 2009: Presenter, "Annual New Mexico Trial Lawyers Association (NMTLA) Annual Update on New Mexico Tort Law," New Mexico Trial Lawyers Association, Albuquerque, New Mexico. I addressed legal issues raised when litigating excessive force cases in both state and federal courts. I have no notes, transcript, or recording. The NMTLA's address is P.O. Box 35177, Albuquerque, New Mexico 87176.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Dan Boyd, *McSorely to head probation, parole*, Albuquerque J. (Jan. 9, 2019). Copy supplied.

I believe I gave a phone interview to KOB-TV regarding the case of *Torrez v. City of Albuquerque et al.*, Case No. 1:17-cv-00002-VJ-A-LF (D.N.M.). However, I cannot locate a recording or video of that story. The interview would have taken place in 2018 shortly after the case was filed.

Katy Barnitz, *Lawsuit: City pays women less than male counterparts; Class action filed by four female evidence technicians working for APD*, Albuquerque J. (May 17, 2018). Copy supplied.

Katy Barnitz, *Suit says student was raped at school; Lawsuit says APS was negligent by failing to provide a safe environment*, Albuquerque J. (Mar. 8, 2017). Copy supplied.

Scott Sandlin, *Parvo outbreaks wreak havoc on service dog program*, Albuquerque J. (July 16, 2015). Copy supplied.

Ryan Boetel, *Slain man's family sues city, two officers*, Albuquerque J. (Apr. 9, 2015). Copy supplied.

Adam Baca, *12th Annual Hot Singles of ABQ*, Albuquerque the Magazine (Aug. 15, 2015). I am unable to locate a copy.

Bill Rodgers, *Teen to Stay in Juvenile Center*, Albuquerque J., 2012 WLNR 17344817 (Aug. 16, 2012). Copy supplied.

Scott Sandlin, *County Pays Out \$925K in Jail Rapes*, Albuquerque J. (July 14, 2012). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these cases, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
 - ii. Of these cases, approximately what percent were:

civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never been a candidate for elected office. I was appointed as General Counsel to the Office of the Governor in January 2019. I served in that capacity until September 2020. Thereafter, I was appointed as the Governor's chief of staff. I remain in that position. Governor Michelle Lujan Grisham appointed me to both positions.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

To my recollection, I have never volunteered or worked for any political party or campaign.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not clerk for a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

2008 – 2009

Matthew L. Garcia, Attorney at Law LLC
4801 All Saints Road Northwest
Albuquerque, New Mexico 87120

2018 – 2019

Matthew L. Garcia, Attorney at Law LLC
500 Tijeras Avenue Northwest
Albuquerque, New Mexico 87102

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2005 – 2008

Freedman Boyd Daniels Hollander Goldberg & Ives
20 First Plaza, Suite 700
Albuquerque, New Mexico 87102
Law Clerk (2005 – 2006)
Associate Attorney (2006 – 2008)

2008 – 2009

Matthew L. Garcia, Attorney at Law LLC
4801 All Saints Road Northwest
Albuquerque, New Mexico 87120
Partner

2009 – 2012

Bach & Garcia, LLC
300 Central Avenue Southwest
Albuquerque, New Mexico 87102

Partner

2012 – 2018

Garcia Ives Nowara
924 Second Street Northwest
Albuquerque, New Mexico 87102
Partner

2018 – 2019

Matthew L. Garcia, Attorney at Law LLC
500 Tijeras Avenue Northwest
Albuquerque, New Mexico 87102
Partner

2019 – present

Office of the Governor
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501
General Counsel (2019 – 2020)
Chief of Staff to Governor Michelle Lujan Grisham (2020 – present)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

As an associate attorney at Freedman Boyd Daniels Hollander Goldberg & Ives (FBD), I primarily worked on large multistate antitrust actions seeking damages on behalf of direct or indirect purchasers. Our firm was often brought in to assist with expert reports, expert depositions, and class certification briefing.

During my time at FBD, I also had the opportunity to represent clients in personal injury matters, civil rights actions, and related tort issues. I preferred the direct interaction with clients that those cases afforded and decided to build a practice that emphasized individual claims. Thereafter, I left FBD to start my own litigation firm. From 2008 until 2018, I represented New Mexicans on claims for civil rights violations, tort matters, unlawful discrimination, and wage theft. Those matters necessarily required frequent court appearances, and I handled

depositions, oral argument, evidentiary hearings, mediations, and trials. Further, I represented clients on a variety of appeals. I was the lead attorney on nearly all of my cases.

In 2018, I became interested in public service, and I applied to serve in Governor Michelle Lujan Grisham's administration. The Governor took office on January 1, 2019, and I was brought in to be her General Counsel. As General Counsel, I advised the Governor and office staff on myriad legal issues ranging from state constitutional questions to statutory interpretation. I also successfully defended all challenges to public health orders issued in response to the Covid-19 pandemic.

Since 2021, I have served as the Governor's Chief of Staff. In that role, I oversee a number of executive functions including supervision of the Governor's legal team.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At the start of my legal career, my clients were typically class plaintiffs, and when certified, groups of class members. After leaving FBD in 2008 and building my own practice, I represented individuals in personal injury matters, civil rights actions, and related tort issues. Since becoming a public employee in 2019, my clients have included the Governor, the Governor's staff, and cabinet secretaries.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I have extensive experience in litigation, and have appeared frequently in both state and federal courts. Most of my experience is in civil litigation, but I have handled some criminal matters in state court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 50%
- 2. state courts of record: 50%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 95%
- 2. criminal proceedings: 5%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three cases to verdict – two of those matters were to a jury and one was a bench trial before U.S. Magistrate Judge Gregory B. Wormuth. I was co-lead counsel for all three. Further, I have represented clients during numerous evidentiary hearings, and have also argued approximately ten cases before courts of appeal.

- i. What percentage of these trials were:
 - 1. jury: 67%
 - 2. non-jury: 33%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Credit Suisse First Boston LLC et al., v. Billings et al., No. 05-1157 (2007)
(amicus brief on behalf of the American Antitrust Institute in support of respondents, 2007 WL 621842).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1. *Grisham v. Romero*, No. S-1-SC-38396 (N.M. Sup. Ct.)

In this matter, a group of six local restaurants and the New Mexico Restaurant Association (collectively “restaurant movants”) filed a lawsuit against the Governor and other state officials seeking to invalidate a temporary ban on in-person dining, which had been implemented during a period of marked increase in the number of Covid-19 infections in our State. The restaurant movants initially filed the matter in a local district court, and the judge issued a temporary restraining order (“TRO”) in their favor. Immediately thereafter, the Governor’s office sought a writ of superintending control and

corresponding writ of mandamus from the New Mexico Supreme Court. That request asked the Court to stay the district court's entry of a TRO and to issue an opinion upholding the State's public health order. The New Mexico Supreme Court responded with an initial order staying the district court's decision pending briefing and oral argument. The substantive legal issues were subsequently placed on the Court's docket for consideration. Specifically, the Court considered whether the New Mexico Department of Public Health (NMDOH) was authorized to restrict or close businesses when necessary for the protection of public health and whether the temporary closure of indoor dining at restaurants and breweries was arbitrary and capricious. After an expedited briefing schedule, the matter was set for oral argument. I was co-author on the briefs, and I presented argument to the Court in August 2020. The New Mexico Supreme Court ruled in the State's favor, holding that state statutes permitted the executive branch to limit indoor gatherings during the pendency of a public health emergency and that NMDOH's actions were not ultra vires. The decision resulted in a published opinion. *See Grisham v. Romero*, 2021-NMSC-009, 483 P.3d 545 (2021).

Dates of Representation: 2020

Court and Judge:

New Mexico State Supreme Court

Justice Judith K. Nakamura, Justice Michael E. Vigil, Justice Barbara Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson

Associate Counsel

Jonathan J. Guss (formerly of the New Mexico Governor's Office)

Washington Attorney General, Complex Litigation Division

800 5th Avenue, Suite 2000

Seattle, WA 98104

(206) 287-4187

Principal Counsel for Defendant:

Angelo Artuso

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Albuquerque, NM 87181

(505) 306-5063

2. *Nelson v. City of Las Vegas*, Case No. D-412-CV-201500367 (4th Jud. Dist. Ct. of N.M.)

In this case, I represented a police officer who, along with other members of the Las Vegas Police Department (LVPD), were systematically underpaid for overtime work and training activities. Specifically, these officers were shorted on graveyard shift pay and they were also not paid for some administrative tasks such as filling out incident reports. The plaintiff initially filed the matter *pro se*, but eventually required the assistance of counsel. I entered my appearance in 2016 and brought the matter as a group claim pursuant to state and federal law. The case involved significant motion practice including

a successful motion to remand after the defendant attempted to remove the case to federal court, and motions to certify the matter as a group action. *See Nelson v. City of Las Vegas*, No. 17-919 JCH/SCY, 2018 U.S. Dist. LEXIS 119860 (D.N.M. July 18, 2018). The plaintiff's claims were eventually certified as a collective action under state fair pay laws and approximately 30 police officers opted into the litigation. Thereafter, the case settled and all affected LVPD officers were compensated for their unpaid work. The action was voluntarily dismissed after all payments had been made.

Dates of Representation: 2016 – 2020

Court and Judge:

Fourth Judicial District of New Mexico
Judge Abigail Aragon

United States District Court for the District of New Mexico
Judge Judith C. Herrera

Principal Counsel for Defendant:

Jaclyn M. McLean
Hinkle Shanor LLP
218 Montezuma Avenue
Santa Fe, NM 8501
(505) 982-4554

3. *Gutierrez v. Corizon Health, Inc.*, 2:15-cv-00708-WJ-GJF (D.N.M.)

From 2015 to 2017, I represented a woman who was diagnosed with breast cancer while incarcerated at the New Mexico Women's Correctional Facility. Although the medical provider was aware of Ms. Gutierrez's condition, they failed to obtain care for her. I filed state tort claims and a request for damages pursuant to 42 U.S.C. § 1983. In furtherance of those claims, I retained one of the leading medical experts in the country on correctional medicine, along with an oncologist. I worked closely with these experts as they drafted reports outlining their medical opinions on the issue of causation and impact. Their disclosures, along with materials and testimony obtained through discovery, established that the defendants had breached their obligation to seek medical treatment for Ms. Gutierrez. As a result of these omissions, Ms. Gutierrez suffered a number of adverse outcomes including a mastectomy and a diminished life expectancy. After a significant part of the discovery had been completed, I represented the client at a mediation. During that negotiation, we were able to achieve a settlement. I was lead counsel in this case. I investigated the claims, worked with the client, prepared expert disclosures, gathered evidence, and was lead author on all briefing.

Dates of Representation: 2015 – 2017

Court and Judge:

United States District Court for the District of New Mexico

Judge William P. Johnson

Principal Counsel for Defendant:

Nicole Charlebois
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Bernalillo, NM 87004
(505) 459-1625

4. *Gonzalez v. Joey*, Case No. CIV No. 12-834 RB/GBW (D.N.M. July 30, 2012)

A New Mexico inmate claimed he had been precluded from exercising his religious freedoms in contravention of the First and Fourteenth Amendments to the United States Constitution and the Religious Land Use and Institutionalized Persons Act. The inmate, who was of Mexican descent and did not belong to a recognized Native American tribe, sought access to Native American religious programming in the penitentiary. The New Mexico Corrections Department denied the inmate's request based on his ethnic identity rather than an assessment of the inmate's sincerely held religious beliefs. After the plaintiff, who had been *pro se* during the initial stages of the litigation, defeated a summary judgment motion, I was appointed by the United States District Court for the District of New Mexico to take over the matter and prepare the case for trial. Thereafter, I addressed a number of pre-trial matters including motions in limine, witness lists, and exhibit lists. I was lead counsel in the subsequent bench trial that commenced on November 18, 2015. In March 2016, based on the evidence and testimony presented at trial, Federal Magistrate Judge Gregory B. Wormuth issued proposed findings and a recommended disposition in the plaintiff's favor. *Gonzalez v. Joey*, No. 12-834 RB/GBW, 2016 U.S. Dist. LEXIS 201195 (D.N.M. Mar. 2, 2016). Shortly thereafter, District Court Judge Brack adopted the recommendations and issued an injunction barring the New Mexico Corrections Department from further infringing on the plaintiff's religious freedoms. *Gonzalez v. Joey*, No. 12-834 RB/GBW, 2016 U.S. Dist. LEXIS 200088 (D.N.M. Mar. 25, 2016).

Dates of Representation: 2015 – 2016

Court and Judge:

United States District Court for the District of New Mexico
Judge Robert Brack and Magistrate Judge Gregory B. Wormuth

Co-counsel

Professor George L. Bach
University of New Mexico School of Law
1 University of New Mexico MSC 11 6070
Albuquerque, NM 87131
(505) 500-3423

Principal Counsel for Defendant:

Leah Stevens-Block

Jackson Loman Stanford Downey & Stevens-Block, P.C.
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(505) 767-0577

5. *Flores v. Herrera*, Case No. NO. S-1-SC-35286 (N.M. Sup. Ct.)

I represented Flores for claims of wrongful termination and violations of the New Mexico Whistleblower Protection Act. The district court dismissed Flores's claims, holding that the relevant state statutes did not permit suit against a public official who no longer held office. Flores appealed that decision arguing that the district court erred in its reading of the operative statutory provisions and that its opinion was inconsistent with the New Mexico Rules of Civil Procedure addressing lawsuits against public employees in their official capacity. Hewing closely to the arguments Flores presented in briefing, the New Mexico Court of Appeals agreed and overturned the district court's decision. *Flores v. Herrera*, 2015-NMCA-072, 352 P.3d 695 (N.M. Ct. App.). The New Mexico Supreme Court granted certiorari to address the matter. Although its decision was predicated on different reasoning, the New Mexico Supreme Court sided with Flores finding that his claims were viable. The Court held that although a plaintiff could not bring claims against public employees in their individual capacity, it permitted Flores to continue with his suit against the defendant state employee in her official capacity. *Flores v. Herrera*, 2016-NMSC-033, 384 P.3d 1070 (N.M. Sup. Ct.). The matter was remanded to district court where the proceedings continued. Flores's claims were eventually settled and the matter was dismissed. I was lead counsel in the case and was responsible for all briefing and argument.

Dates of Representation: 2012 – 2017

Court and Judge:

New Mexico State Supreme Court
Justice Judith K. Nakamura, Justice Charles W. Daniels, Justice Edward L. Chavez,
Justice Barbara Vigil, and Justice C. Shannon Bacon

Principal Counsel for Defendants:

Jaclyn M. McLean
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218 Montezuma Avenue
Santa Fe, NM 8501
(505) 982-4554

6. *Tolbert v. Correctional Healthcare Management et al*, Case No. D-202-CV-201109541 (2nd Jud. Dist. Ct. of N.M.)

Ms. Jones died of a drug overdose while incarcerated at the Bernalillo County Metropolitan Detention Center ("MDC"). I represented Jones's minor child, through her court-appointed guardian ad litem, for claims of wrongful death. Because Jones died of a

self-inflicted cause, the core question centered around questions of proximate cause. Given the complex state law questions at issue, the parties engaged in extensive discovery, depositions, and motion practice. Further, the parties retained experts who addressed liability and damages issues. After approximately three years, the matter was settled. I was lead counsel in the case. I authored all briefs and took all depositions on behalf of the plaintiff. I was also responsible for expert disclosures and depositions.

Dates of Representation: 2011 – 2014

Court and Judge:

Second Judicial District of New Mexico
Judge C. Shannon Bacon

Principal Counsel for Defendant Board of County Commissioners of Bernalillo County:

Terri S. Beach
8200 Carmel Avenue Northeast #103a
Albuquerque, NM 87109
(505) 250-6411

Alfred Park
3840 Masthead Street Northeast
Albuquerque, NM 87109
(505) 246-2805

7. *Jordan v. Allstate Ins. Co.*, Case No. 32,063 Consolidated with: Case No. 32,065
Consolidated with: Case No. 32,203 (N.M. Sup. Ct.)

I, along with co-counsel, represented the plaintiffs in this suit alleging that the defendant automobile insurers had unlawfully denied them uninsured motorist benefits. This case was consolidated with two others that raised similar legal questions. Specifically, each of the cases centered around the technical requirements insurance companies must follow when issuing uninsured motorist policies in New Mexico. In considering the question, the New Mexico Supreme Court ruled that an insurer must obtain a written rejection of uninsured motorist coverage and provide the premium charge associated with each available coverage option. The Court further held that because these principles were set out in statute, regulations, and well established in its precedent, the holding would be applied retroactively. *See Jordan v. Allstate Ins. Co.*, 2010-NMSC-051, 149 N.M. 162, 245 P.3d 1214 (N.M. Sup. Ct.). After the Court's decision was published, the case was remanded to district court where the litigation continued. The plaintiffs amended their pleading to add class allegations based on *Jordan*. The matter ultimately settled on a class wide basis. I was directly involved in all aspects of the litigation.

Dates of Representation: 2009 – 2016

Court and Judge:

New Mexico State Supreme Court
Justice Charles W. Daniels, Justice Patricio Serna, Justice Petra Jimenez Maes, Justice
Richard C. Bosson, and Justice Edward L. Chavez

Second Judicial District of New Mexico
Judge Nancy Franchini

Co-counsel:

The Honorable Erin O'Connell
Second Judicial District Court
P.O. Box 488
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Ray Vargas
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807 Silver Avenue Southwest
Albuquerque, NM 87102
(505) 242-1670

Principal Counsel for Defendant:

Douglas G. Schneebeck (deceased)

8. *Stanforth v. Farmers Insurance Company of Arizona et al.*, Case No. 1:09-cv-01146-
RB-RHS (D.N.M.)

I, along with co-counsel, represented plaintiffs in a class action seeking damages against an insurance company for failing to comply with New Mexico laws pertaining to uninsured/underinsured motorist (UM/UIM) coverage. New Mexico statutes provide that automobile insurance policies must include UM/UIM coverage in an amount equal to liability limits unless a consumer has expressly rejected that coverage and done so in writing. State laws and corresponding regulations further provide that the written rejection must be attached to the individual's policy and incorporated as a part of the insurance contract. The plaintiffs alleged that the defendants had not complied with these legal directives, and, as a result, that they and other putative class members were entitled to damages and contract reformation under New Mexico law. After discovery and following the completion of several negotiations, the parties agreed to a class wide resolution of the case. The plaintiffs subsequently submitted a motion requesting court approval of a settlement class. The motion was granted and the matter was ultimately resolved. I was directly involved in all facets of the litigation and co-authored all briefs.

Dates of Representation: 2009 – 2014

Court and Judge:

United States District Court for the District of New Mexico
Judge Robert C. Brack

Co-counsel:

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Principal Counsel for Defendant:

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9. *Ruby v. Sandia Corporation*, Case No. CIV 09-0762 JB/WDS (D.N.M.)

I was co-counsel on this matter from 2009 to 2010 and represented a physicist in his claims of age discrimination and related state law torts against Sandia Corporation (a/k/a “Sandia National Laboratory”). The critical legal question presented was whether our client’s age discrimination claims were preempted by Employee Retirement Income Security Act of 1974 (“ERISA”). I argued, *inter alia*, that ERISA was inapplicable because the New Mexico Human Rights Act gave rise to an independent legal duty falling outside the legislation’s preemptive scope. That question gave rise to significant motion practice including a motion to remand and dispositive motions. I was the lead counsel on all briefs, discovery matters, and depositions. Further, I also argued the preemption motions in federal court. In a published opinion, Judge James O. Browning concurred with our position and held that the plaintiff’s core discrimination claims were viable and that they were not barred by ERISA. *See Ruby v. Sandia Corp.*, 699 F. Supp.

2d 1247 (D.N.M. 2010). In 2010, shortly after Judge Browning issued his opinion holding that Ruby's claims were not wholly preempted by federal law, the matter was settled.

Dates of Representation: 2009 – 2010

Court and Judge:

United States District Court for the District of New Mexico
Judge James O. Browning

Co-counsel:

Philip B. Davis (deceased)

Principal Counsel for Defendants:

Luis Stelzner
3521 Campbell Court Northwest
Albuquerque, NM 87104
(505) 263-2764

10. *U.S. Airways v. O'Donnell*, Case No. Civ No. 07-1235 MCA/LFG (D.N.M)

Along with two partners at Freedman Boyd Hollander Goldberg & Ives, I represented the State of New Mexico in a declaratory judgment action to determine whether the Twenty-First Amendment to the United States Constitution permitted the State to regulate alcohol sales in airplanes arriving or departing from New Mexico airports. The dispute arose after a U.S. Airways passenger was involved in a fatal automobile accident after deplaning. The airline passenger was driving the wrong way on a local interstate and collided with a minivan. The passenger and all five occupants of the minivan were killed. Shortly thereafter, a second incident involving an intoxicated passenger on a U.S. Airways flight was reported. The State subsequently sought, through application of several State statutes and regulations addressing the sale of alcohol, to preclude U.S. Airways from selling liquor on flights arriving or departing from New Mexico. U.S. Airways argued that the Airline Deregulation Act of 1978 ("ADA") preempted the State from enforcing these legal directives against airlines. New Mexico countered that it was vested with authority to limit U.S. Airways pursuant to the Twenty-First Amendment, which grants states with broad authority to regulate alcohol sales. The district court ruled in the State's favor, finding that the ADA did not preempt state law and that the Twenty-First Amendment was controlling. The matter was appealed and the Tenth Circuit Court of Appeals reversed, holding that the district court had not undertaken the required balancing of state and federal interests set out in case law interpreting the Twenty-First Amendment. The case was settled thereafter. As counsel of record at the district court level, I was co-author on all of the briefing and directly involved in all aspects of the litigation including written discovery, depositions, and expert disclosures.

Dates of Representation: 2007 – 2009

Court and Judge:

United States District Court for the District of New Mexico
Judge M. Christina Armijo

Co-counsel:

Joseph Goldberg
John W. Boyd
Freedman Boyd Hollander & Goldberg
20 First Plaza, Suite 700
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(505) 842-9960

Principal Counsel for Defendants:

Eliot Adelson
Morrison Foerster
425 Market Street
San Francisco, CA, 94105
(415) 268-7243

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Most of my professional career has been spent as a litigator. The overwhelming majority of the matters I handled settled prior to trial. Some of those cases were very significant, producing a published decision or governmental policy changes.

As a member of the Governor's staff, I serve as the executive's primary advisor on legal matters encompassing a broad spectrum of policy issues. For example, I oversaw drafting of the various executive orders and public health directives enacted in response to the Covid-19 pandemic. Those initial orders formed the cornerstone of New Mexico's response to this healthcare crisis. In addition, I facilitated negotiations that resulted in settlements of the two longest standing consent decrees against the State of New Mexico, which will save the state significant funds and allow the defendant state agencies to perform their duties more effectively.

Outside of the employment context, I have served on a number of committees addressing legal issues in New Mexico. I was appointed by Chief Judge William P. Johnson to the U.S. District Court Magistrate Judge Selection Panel where I assist in vetting candidates for open federal magistrate judge positions. I have served on various New Mexico Supreme Court committees including the Court's Rules of Evidence Committee and the Committee on Pre-trial Detention. I also volunteer as a member of the New Mexico

Disciplinary Board Hearing Committee. In that role, I assist in recommending appropriate disciplinary action against attorneys charged with ethics violations.

I have never registered as a lobbyist, and I have never lobbied on behalf of any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I co-taught Evidence and Trial Practice at the University of New Mexico School of Law during the fall semester in 2013, 2018, and 2019. The course is offered to second-year law students and provides practical application of the rules of civil procedure and the rules of evidence in a mock courtroom setting. Syllabi supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

It is possible that I may receive future income from cases in which I participated as a litigation attorney. Some of those cases remain pending, but the matters are being handled by other counsel. Otherwise, I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I would recuse myself from any cases involving the current Governor of New Mexico or former clients. I am not aware of any other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will resolve any potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the New Mexico Rules of Professional Responsibility.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a member of both the Second Judicial District Volunteer Attorney Pool and the District of New Mexico Federal Court Pro Bono Panel, I have represented numerous clients on a pro bono basis. In addition, I spend a significant amount of my time participating in organizations assisting the legal community. For example, I serve as a committee member for the New Mexico Disciplinary Board Hearing Committee. In that capacity, I vet complaints against lawyers and assist in the resolution of alleged ethical violations. I also volunteer as a "Bridge the Gap" mentor for law students to assist in their transition from law student to practicing lawyer.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On November 15, 2021, I contacted Senator Martin Heinrich's office to request an application for the existing vacancy in the United States District Court for the District of New Mexico. I received the application forms on November 17, 2021. I returned both forms to Senator Heinrich's office on December 5, 2021. On January 7, 2022, I interviewed with attorneys from the White House Counsel's Office. On January 9, 2022, I was notified by the White House Counsel's Office that I was selected to undergo vetting. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 14, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.