

July 11, 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

RE: Confirmation of Judge Gina R. Méndez-Miró to the U.S. District Court

Dear Chairman Durbin and Ranking Member Grassley:

It is with great pleasure that I write to recommend the confirmation of Judge Gina R. Méndez-Miró to the U.S. District Court for the District of Puerto Rico. Judge Méndez-Miró's exemplary legal career and years on the Puerto Rico Court of Appeals make her an exceptional candidate to serve as a federal judge in Puerto Rico.

I am currently Vice Dean for Diversity, Equity, and Inclusion and Director of the Buffalo Criminal Law Center at the University of Buffalo School of Law. Though I have known Judge Méndez-Miró for many years in her personal capacity, I came to know her professionally in her capacity of Chief of Staff of the Puerto Rico Senate. From February 2014 to May 2016, I worked closely with her as Advisor to the Puerto Rico Senate as part of the efforts of the Permanent Joint Commission for the Revision of the Penal Code of the Legislative Assembly.

As part of a comprehensive criminal justice reform —traced and led by Judge Méndez-Miró— together with renowned scholar Dr. Dora Nevares-Muñiz, we worked to draft amendments to the 2012 Penal Code and to recover the provisions aimed at the Puerto Rico's constitutional mandate of rehabilitation of the convicted. For several months we had diverse academic discussions regarding the internal structure of the Code as to providing penalties according to the severity of the crime and the suitability of adopting the classification of degrees of felonies from the Model Penal Code, as well as the internal structure of punishment provisions and rules for weighting of aggravating and attenuating circumstances to the punishment from the continental Penal Codes. During this process, Judge Méndez-Miró was very active in reviewing the draft of the legislation and demonstrated she was a sharp lawyer with a strong compromise in achieving a more just and equitable criminal justice system. In particular, she was very knowledgeable about the workings of the Puerto Rican justice system and promoted new reforms to give judges the faculty and discretion of providing mixed rulings by choosing among several types of

punishments beyond prison time. To that extent, we reincorporated restorative sanctions and alternatives to imprisonment in certain non-violent offenses such as probation, house arrest, community services, and restitution. Another praiseworthy measure that she pushed for was the reinstatement of “Therapeutic restriction” as one alternative to incarceration in cases involving non-violent crimes, which provides addicts that opportunity to receive treatment and then gradually reincorporate them into society through education and labor training programs.

Thanks to Judge Méndez-Miró’s leadership and support, Senate Bill 1210 was introduced, approved and eventually became law in 2014 (Act No. 246-2014). It was a very complicated legislative process. Yet, she was able to present the bill to legislators and other stakeholders and convince them of the benefits of adopting such transformative policies. I witnessed her command of criminal law and unwavering commitment to the belief that every person is deserving of due process and equal access to the courts.

After reviewing her work as an Appellate Judge in Puerto Rico for the past nearly six years, I can only note that she has extended that integrity and compromise that she demonstrated in policymaking to delivering justice. She continues to have a balanced approach to decision-making and is only focused on the goal of resolving the cases brought before her with the utmost respect to the rule of law and precedent. Her decisions are well written, based on the law and the facts presented, and scholarly but at the same time clearly illustrating her reasoning for all litigants to understand.

The breadth of her judicial, litigation and administrative experience demonstrate her qualifications and capacity as a jurist and the credentials needed to serve as a judge on the federal district court. Furthermore, if confirmed, Judge Gina R. Méndez-Miró would bring significant diversity to the federal judiciary. She would be the first openly LGBTQ+ woman to serve in the U.S. District Court for the District of Puerto Rico. Therefore, I wholeheartedly recommend you consider her swift confirmation at the U.S. Senate.

Respectfully,



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