

January 23, 2023



**SUPPORT THE CONFIRMATION OF BRAD GARCIA  
TO THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Brad Garcia to the U.S. Court of Appeals for the District of Columbia Circuit. The Leadership Conference intends to include your position on the confirmation of Mr. Garcia in our voting record for the 118th Congress.

Mr. Garcia's impressive legal career makes him a wonderful choice for the D.C. Circuit. Currently, he works as deputy assistant attorney general in the U.S. Department of Justice Office of Legal Counsel. Previously, he held many positions during his nearly 10 years at O'Melveny & Myers LLP, including partner, counsel, and associate. A graduate of Johns Hopkins University and Harvard Law School, he clerked for Justice Elena Kagan on the U.S. Supreme Court and Judge Thomas Griffith on the D.C. Circuit. The breadth and depth of his experience will make him an excellent addition to the court.

Mr. Garcia has dedicated much of his career to defending civil and human rights. He has significant appellate experience and has protected the rights of people involved in the criminal-legal system. For example, he spent eight years successfully litigating a case on behalf of four Muslim men who were denied halal meals while incarcerated, in violation of their First Amendment rights.<sup>1</sup> He also successfully represented a man who was incarcerated and denied necessary mental health care<sup>2</sup> and a man who unfairly received a disproportionately harsh sentence under the then-mandatory sentencing guidelines.<sup>3</sup> Additionally, Mr. Garcia has litigated many immigration matters, including successfully representing a client who was sentenced to deportation due to ineffective assistance of counsel, which allowed them to remain in the country,<sup>4</sup> and a man who had been unlawfully deported to Mexico.<sup>5</sup> He has also worked to defend the right to bodily autonomy when he represented health clinics and physicians who performed abortions in Louisiana after the state passed a law that would shut down nearly all clinics in the state.<sup>6</sup>

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<sup>1</sup> *Carr v. Inch*, No. 2:14-cv-00001 (2020 S.D. Ind.).

<sup>2</sup> *Dooley v. Wetzel*, 957 F.3d 366 (3d Cir. 2020).

<sup>3</sup> *Lester v. Flournoy*, 909 F.3d 708 (4th Cir. 2018).

<sup>4</sup> *United States v. Swaby*, 855 F.3d 233 (4th Cir. 2017).

<sup>5</sup> *United States v. Palomar-Santiago*, 141 S. Ct. 1615 (2021).

<sup>6</sup> *June Med. Services L. L. C. v. Russo*, 140 S. Ct. 2103 (2020).



In addition to his litigation experience, Mr. Garcia has also helped author several important amicus briefs for cases before the U.S. Supreme Court, including challenges to partisan gerrymandering<sup>7</sup> and accurate population counts for drawing redistricting maps.<sup>8</sup> This experience, together with his commitment to equal justice, would make him a tremendous addition to the federal judiciary.

In addition to the important professional experience he would bring to the bench, Mr. Garcia's lived experience would also bring critical perspectives to the judiciary. If confirmed, Mr. Garcia would be the first Latino to ever serve on the important D.C. Circuit.<sup>9</sup> Public trust in the judiciary is bolstered when our courts reflect the rich diversity of our country.<sup>10</sup> Different lived experiences, especially from communities that have long been excluded from serving on our courts, bring varied perspectives to our federal courts that are crucial to improving judicial decision-making.<sup>11</sup> The confirmation of Mr. Garcia would be an important step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Mr. Garcia is an excellent choice to serve on the D.C. Circuit, and we urge the Senate to confirm his nomination. If you would like to discuss this matter further, please contact Lena Zwarensteyn, senior director of the fair courts program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Maya Wiley  
President & CEO

Jesselyn McCurdy  
Executive Vice President of Government Affairs

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<sup>7</sup> Brief of Brennan Center for Justice at New York University School of Law in support of appellees, *Gill v. Whitford*, 138 S. Ct. 1916 (2018); Brief of Brennan Center for Justice at New York University School of Law in support of appellees, *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019).

<sup>8</sup> Brief of NAACP Legal Defense & Educational Fund, Inc. in support of appellees, *Evenwel v. Abbott*, 578 U.S. 54 (2016).

<sup>9</sup> [President Biden Names Nineteenth Round of Judicial Nominees](#), THE WHITE HOUSE (June 15, 2022).

<sup>10</sup> Maya Sen, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), WIS. L. REV. 367 (2017).

<sup>11</sup> Berry, Kate, [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#), BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).