



## Tomas J. Garcia Shareholder

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### OVERVIEW

Tomas Garcia is a shareholder in the firm's Litigation group, and serves on the Executive Committee. He is also vice-chair of the firm's Recruiting Committee. His practice includes a variety of commercial, healthcare, torts/personal injury, and transportation litigation. He has experience representing business professionals in corporate disputes, health care facilities and medical professionals in negligence and regulatory matters, manufacturers and distributors in product defect cases, and commercial transportation companies in actions in state and federal court. Tomas also has experience practicing before state and federal appellate courts.

Tomas currently serves on the Board of Directors of the New Mexico Defense Lawyers Association, and as Secretary-Treasurer of the State Bar of New Mexico, where he has served on the Board of Bar Commissioners since 2020. He is a former chair of the State Bar of New Mexico Young Lawyers Division. Tomas serves on the New Mexico Supreme Court's Rules of Evidence Committee, and previously served on the Court's Uniform Jury Instructions-Civil Committee and the Rules of Civil Procedure Committee. He has achieved an AV® rating from *Martindale-Hubbell* based on a peer review and has been recognized by *Southwest Super Lawyers*® as a Southwest Rising Star. Tomas was named "Young Lawyer of the Year" in 2015 by the New Mexico Defense Lawyers Association. He is listed in *Best Lawyers in America*® for his work in Commercial Litigation and Litigation – Health Care. Tomas is a member of the American Bar Association Section of Litigation.

An Albuquerque native, Tomas received his law degree from the Georgetown University Law Center. While attending law school, Tomas practiced as a student attorney in the Georgetown Federal Legislation and Administrative Clinic, where he assisted in the representation of a client with a legislative proposal pending before the United States Congress. Tomas received a bachelor's degree from Yale University, and a master's degree in public policy from the John F. Kenney School of Government at Harvard University. Prior to joining Modrall Sperling, Tomas clerked for the Honorable Charles W. Daniels of the New Mexico Supreme Court.

### Education

Georgetown University Law Center, J.D., 2011, Notes Editor, Georgetown Journal of Legal Ethics

Harvard University, M.P.P., 2008, Editor-in-Chief, Harvard Journal of Hispanic Policy

Yale University, B.A. in Political Science, 2005, Frank M. Patterson Research Prize in Political Science

### Bar Admissions

New Mexico

U.S. District Court for the District of New Mexico



U.S. Court of Appeals for the Tenth Circuit

## EXPERIENCE

- In a product liability case involving an alleged defect of a table saw, was a member of the team that obtained a ruling from the Tenth Circuit Court of Appeals affirming the district court's summary judgment for the defense. The summary judgment interpreted a series of corporate acquisitions. Plaintiff argued under New Mexico law that the corporations that had acquired the saw's manufacturer were liable based on the product-line exception to the general rule of successor non-liability. The appellate court determined that Texas law applied and that defendants were not responsible for the design, manufacture or marketing of the table saw at issue. Motions dealt with evolving issues of personal jurisdiction, choice of law and important questions of successor liability.
- Following a week-long trial brought against one of the nation's largest retail pharmacy chains, Alex C. Walker, Tiffany Roach Martin, and Tomas Garcia obtained a defense verdict in a wrongful death case alleging its pharmacists had improperly filled excessive levels of prescriptions for pain medications.
- Law Clerk for the Honorable Justice Charles W. Daniels, New Mexico Supreme Court, 2012-13

## ACTIVITIES

- New Mexico Defense Lawyers Association, Board of Directors
- American Bar Foundation, Fellow
- State Bar of New Mexico, Young Lawyers Division
- State Bar of New Mexico, Board of Bar Commissioners, 2020-2025
- State Bar of New Mexico, Secretary-Treasurer, 2026
- American Bar Association, Litigation Section, Young Lawyers Division
- Hispanic National Bar Association
- New Mexico Supreme Court Rules of Evidence Committee
- National Conference of Bar President's Diversity Scholars Program, 2025-2026

## DISCOURSE

### Presentations

- "How to Choose Outside Counsel," a webinar by the American Bar Association Young Lawyers Division Corporate Counsel Committee, June 23, 2015, (co-presented with Courtney Fong and Pervin R. Taleyarkhan, and moderated by Manasi Raveendran)
- "After the JD: Perspectives in Diversity in the Legal Profession," CLE presented as part of *The American Bar Association Young Lawyers Division 2015 Midyear Meeting*, Houston, TX, February 6, 2015, (co-presented with Ireneo A. Reus III, Makalika Destarte Naholowaa, Jerome Crawford, and Robert L. Nelson)
- "Common Ethical Dilemmas," *Oliver Seth American Inn of Court*, Santa Fe, NM, January 16, 2013, (co-presented with Anthony R. Burchell, Janet E. Clow, Jon J. Indall, Eric R. Miller, Ernest L. Padilla, Carol J. Ritchie and the Honorable Judge James J.



Wechsler)

### Publications

- "2013 Legislative Update," *Vista (State Bar of New Mexico Natural Resources, Energy, and Environmental Law Section Newsletter)*, Summer 2013, pp. 1-5

### Discourse

- "Best Practices for Outside Counsel," *TYL In Focus: In-House Counsel (Young Lawyers Division, American Bar Association)*, April 2015

### HONORS

- *Best Lawyers in America*® in Commercial Litigation and Litigation – Health Care, 2024-present
- *American Bar Association*, On the Rise – Top 40 Young Lawyers, 2019
- *Hispanic National Bar Association*, Top Lawyers Under 40, 2018
- *Albuquerque Business First*, 40 Under Forty, 2016
- *Martindale-Hubbell AV*® Preeminent Peer Review Rated
- *New Mexico Defense Lawyers Association* Young Lawyer of the Year, 2015
- *Southwest Super Lawyers*®, selected as a Southwest Rising Star, 2015-2022

### RELATED PRACTICES

Labor, Employment and Benefits

Litigation

Appellate

Class Actions and Mass Torts

Product Liability

Torts / Personal Injury

### RELATED INDUSTRIES

Educational Services and Institutions

Healthcare / Senior Care Facilities

Railroads

### CASE STORIES

Absence of successor liability following series of acquisitions yields defense win