



# Tomas J. Garcia Associate

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## Related Practices

- Government Relations
- 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

## OVERVIEW

Tomas Garcia is an associate in the firm’s Litigation group. 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 malpractice and regulatory matters, governmental entities in matters arising under the New Mexico Tort Claims Act, and commercial transportation companies in actions in state and federal court.

Tomas is a former chair of the State Bar of New Mexico Young Lawyers Division, the public service arm of the State Bar. He has served on the New Mexico Board of Bar Commissioners, and has been a member of the New Mexico Supreme Court Rules of Civil Procedure Committee. Tomas 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. He was named “Young Lawyer of the Year” in 2015 by the New Mexico Defense Lawyers Association.

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 also worked as an extern at the U.S. Department of Interior in the Immediate Office of the Solicitor, where he researched issues related to records management, rulemaking, public requests under the Freedom of Information Act, and other administrative law matters. Tomas received a bachelor’s degree in political science from Yale University, and a master’s degree in public policy from the John F. Kennedy 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

- American Bar Foundation, Fellow
- State Bar of New Mexico, Young Lawyers Division
- American Bar Association, Litigation Section, Young Lawyers Division
- Hispanic National Bar Association

## NEWS & ARTICLES

### News

**[Super Lawyers® Names 31 Modrall Sperling Attorneys to 2019 List; Four Named Top 25 New Mexico Super Lawyers](#)**

Posted on [April 15, 2019](#) By [Daniel Schueler](#)

**[Super Lawyers Names 32 Modrall Sperling Attorneys to 2018 List; Four Named Top 25 New Mexico Super Lawyers](#)**

Posted on [April 23, 2018](#) By [Alexandra Schexnayder](#)

**[Tomas Garcia Named Top Lawyer Under 40 by HNBA](#)**

Posted on [March 14, 2018](#) By [Alexandra Schexnayder](#)

**[Tomas Garcia Named Young Lawyer of the Year](#)**

Posted on [October 1, 2015](#) By [Modrall Sperling](#)

**[Tomas Garcia Named ABA Business Law Fellow](#)**

Posted on [August 17, 2015](#) By [Modrall Sperling](#)



### **Modrall Sperling Obtains Defense Verdict in Wrongful Death Case**

Posted on [April 28, 2015](#) By [Modrall Sperling](#)

### **Articles**

#### **Scientific Opinions: Differences Between Federal and New Mexico Law**

April 13, 2016

By [Tomas J. Garcia](#)

#### **Best Practices for Outside Counsel**

*TYL In Focus: In-House Counsel (Young Lawyers Division, American Bar Association)*,

April 21, 2015

By [Tomas J. Garcia](#)

## **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**

- *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-present