



**MONTGOMERY
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LAW FIRM

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Honorable Timothy L. Garcia

Of Counsel

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Practice Areas

- Mediation and Arbitration

Overview

Judge Garcia served over fifteen years on the New Mexico bench before retiring to join the firm in 2018. With more than thirty-four years of legal experience as an attorney, trial judge and appellate judge, Judge Garcia now focuses his practice in the area of alternative dispute resolution, including mediation, arbitration, in-depth case evaluation, and mock trial services.

Judge Garcia has always been known for his detailed preparation, analysis, and interactive approach to resolving difficult cases. As a trial judge, he presided over numerous cases of significance in New Mexico, including large wrongful death, product liability and class action cases. After appointment to the appellate court, he also authored several high-profile appeals before the New Mexico appellate courts including *Morris v. King*, 2015-NMCA-100; *Sanders-Reed v. Suzana Martinez*, 2015-NMCA-063; and *Elane Photography v. Willock*, 2012-NMCA-086. During his tenure on the trial and appellate bench, Judge Garcia either presided over, tried, ruled on, or wrote the decision in thousands of New Mexico cases.

Judge Garcia also has a life-long background in the sport of tennis and has assisted the United States Tennis Association in numerous capacities, including serving as the chairman over the administrative hearing and grievance process before the USTA Grievance Committee. He was also the USTA president for the Southwest Section and served two terms as a national counsel chair for youth tennis in America. Presently, Judge Garcia is a designated arbitration panel member for USTA arbitration cases.

Background

Education

University of New Mexico School of Law

J.D., 1984
Natural Resources Journal (1983-84)
Awards in the Clinical Law Program & Partnership Taxation

University of New Mexico, Anderson School of Business

B.S. in Business Management, 1979

Professional Sports Experience

ATP Tour Professional 1979-1981

Public Service Experience

Non-Profit Boards: School of American Research, First Serve New Mexico, Santa Fe Boys & Girls Club, Inc., Santa Fe American Little League

Experience

Private Practice

Judge Garcia was in private practice from 1984 to 2002. He started as an associate attorney with the firm of Schwartz, Davenport, McDonald & Perelson, until the firm merged to become the Santa Fe office for Modrall, Sperling, Roehl, Harris & Sisk. He later joined the firm of Sommer, Udall, Othmer, Hardwick & Garcia as a shareholder. He left the Sommer firm to form the Garcia law firm in 1996 and practiced in that capacity until 2002, when he was nominated and later elected to the trial court bench in the First Judicial District. While in private practice, he had a broad civil practice that involved both plaintiff and defense work in state and federal courts, including the appellate courts. Notable litigated cases included the Estate of Georgia O'Keefe, the Weddidge Estate v. Treasury Dept., and the Estate of Lupita Cantu.

Judicial Tenure

While Judge Garcia served on the bench with the First Judicial District Court, he primarily presided over the civil and criminal docket in Rio Arriba County, a smaller portion of the civil and criminal docket in Santa Fe County, and the habeas corpus docket for the entire district. In addition, the judge was often designated by the Supreme Court to preside in Taos and San Miguel Counties when excusals or recusals required an available judge. During his tenure at the trial court, new case assignments to Judge Garcia fluctuated between 800-2000 each year.

While serving on the Court of Appeals, Judge Garcia was one of three judges who occupied assigned chambers at the Supreme Court Building in Santa Fe. The Court's new complex in Albuquerque was built to accommodate the remaining seven members of the Court. Sitting in random panels of three judges assigned to each case, Judge Garcia sat on more than one hundred cases assigned to the general calendar each year and several hundreds more assigned to the Court's summary calendar. The Court of Appeals addressed all direct appeals from the trial courts around the state, excluding capital homicide cases, public regulation commission appeals, habeas corpus appeals, and a few other appeals allowed to be filed directly with the Supreme Court by special writ or similar procedures. During his tenure on the Court of Appeals, Judge Garcia was assigned to several thousands of cases.

Representative Trials and Appellate Decisions

Trials

- *Gurule v. Ford Motor Company*, Case No. D-0117-CV-2007-214 (trial addressing a wrongful death/product liability claim arising from a roll-over accident involving a Ford Ranger pick-up truck).
- *Estate of Gutierrez v. Durand*, Case No. D-0101-CV-2006-311 (trial addressing employer liability for a fatal wrongful death accident committed by an alcoholic free-lance worker who left employer's property extremely intoxicated).
- *Gallegos v. Hacienda Home Centers*, Case No. D-0117-CV-2005-323 (trial addressing damages resulting from a major fire that spread to neighboring properties).
- *State of NM v. Jesus Avilas Dominguez*, Case No. D-0101-CR-2004-521 (death penalty trial regarding the killing of another inmate at the Santa Fe County Detention Center).
- *Armijo v. Walmart Stores*, Case No. D-0117-CV-2000-2211 (class action lawsuit addressing claims of non-payment of wages and overtime at Walmart and Sam's Club stores in New Mexico).

Appellate Decisions

- *Morga v. FedEx*, 2018-NMCA-___ (addressing a jury's large non-economic damage awards and the district court's denial of post-trial remitter).

- *Baca v. State of New Mexico*, 2017-NMCA-076 (addressing whether a non-compliant stipulated compensation order is enforceable against a worker during further workers' compensation proceedings that develop years later).
- *Morris v. King*, Case 2015-NMCA-100 (addressing a physician's right to provide aid-in-dying assistance to a terminally ill patient under the New Mexico Constitution).
- *Flagstar Bank, FSB v. Licha*, 2015-NMCA-086 (addressing the strict requirements to establish standing when a bank initiates a mortgage foreclosure proceeding against a homeowner).
- *Progressive Casualty v. Vigil*, 2015-NMCA-063 (addressing evidentiary errors in a large jury award regarding a bad faith insurance practices claim).
- *Sanders-Reed v. Suzana Martinez*, 2015-NMCA-063 (addressing whether the common law public trust doctrine imposes a duty on the state to regulate greenhouse gases).
- *Brown v. Kellogg*, 2015-NMCA-006 (addressing the legal duty to order a fitness for duty evaluation of an officer who became distraught over a breakup of his marriage).
- *Elane Photography v. Willock*, 2012-NMCA-086 (addressing a photographer's constitutional right to refuse photography services to a gay couple because of their sexual orientation – a protected class under the New Mexico civil rights statutes).

Appellate Participations and Supreme Court Designations

- *Encinias v. Whitener Law*, 2015-NMSC-045 (reversing summary judgment and recognizing an exception to sovereign immunity when a student was struck by another student on the street cordoned off for food vendors in front of the school).
- *High Country Buick GMC v. N.M. Taxation & Revenue*, 2016-NMCA-027 (addressing successor-in-business tax liability and the successor's additional liability for accrued interest and penalties).
- *Estate of Saenz v. Ranack Construction Inc.*, 2015-NMCA-113 (addressing the application of joint and several liability against a building contractor for the work-related fatality of an employee of one of its subcontractors).
- *Figueroa v. THI*, 2013-NMCA-077 (addressing the unconscionability of a nursing home admissions contract).