

STATEMENT OF FORREST A. PLANT

Mr. Chairman and distinguished members of the Committee:

I am an attorney at law engaged in private practice in Sacramento, California. I am a past President of The State Bar of California and of our Sacramento County Bar Association and have also been a Regent of the American College of Trial Lawyers. It has been my privilege to serve as a member of the Judicial Council of California, a constitutional state agency, and am presently acting as Vice-Chairperson of the California Law Revision Commission.

I appear before you to vigorously and enthusiastically support the nomination of Judge Kennedy from the perspective of a practicing lawyer in his home town, who has for almost twenty-five years known Judge Kennedy as a lawyer and then as a judge, both personally and by local reputation.

As a practicing lawyer, he was known for absolute integrity, for hard work, for superior intelligence sensibly applied, for accommodation and fairness in his dealings, for high quality work and for excellent results. I can personally attest to his possession of those qualities from an instance when he and I were representing clients with adverse interests in attempting to reach an agreement regarding mineral rights. They were difficult negotiations, but a mutually satisfactory compromise was ultimately and amicably reached, due in no small

part to his participation in the process. Although that was many years ago and it was early in his legal career, those same qualities, which are to my mind essential for excellence in judicial performance, have marked his service as a judge.

There are other witnesses, as well as the judge himself, who are better able than I to comment on his decisions while on the Court of Appeals. I am in an excellent position, however, based on local reputation and my personal knowledge, to say to you that Judge Kennedy possesses in full measure the necessary traits for the high position to which he has been nominated. He is extremely industrious; he is very intelligent; he is scholarly, as evidenced not only by his opinions but by his years of teaching at the law school level; he is objective; he is open-minded and collegial, not doctrinaire or inflexible; he is firm, but sensitive and compassionate.

Based upon my 38 years of practice, with considerable emphasis on litigation, it is my observation that most excellent judges also possess superior human qualities. Judge Kennedy is such a person. Bad news travels fast in Sacramento, and I'm not personally aware, nor have I ever heard even so much as a rumor, of any circumstance that would shed doubt on him as a person of the highest moral character and probity.

I urge this committee to make a favorable recommendation on the confirmation of Judge Kennedy. All the people of the nation would be well served by him.