

The CHAIRMAN. Thank you.

Mr. Cartwright, welcome. Good to see you again.

Mr. CARTWRIGHT. Thank you, Mr. Chairman. I am very happy to be here and pleased to have the opportunity to speak on behalf of Judge Kennedy. I know the hour is late and I have been told that I should be very brief, so I will summarize the remarks that I had otherwise planned to make, and also will ask to have my written paper or statement submitted into the record.

The CHAIRMAN. The entire statement will be placed in the record.

Mr. CARTWRIGHT. Thank you. Just a couple of brief words about myself, so you will know where I am coming from. I am what is known as a plaintiff's trial lawyer. This means that I specialize in the handling of cases where individuals in our society have been injured or harmed, whether by government, or insurance companies, manufacturers, or even private individuals. This harm can be by way of personal injury, property damage, violation of their civil rights, and oftentimes their economic rights as in business or commercial cases.

I had the privilege of being the president some years ago of the Association of Trial Lawyers of America, commonly called ATLA, and also the California Trial Lawyers Association, among other organizations.

I have known Judge Kennedy for many years. I know his reputation in California. I have read a number of his decisions and quite a few of his speeches. I can tell you without any qualifications whatsoever that in California, where I come from, Judge Kennedy is highly respected by all members of the bench and bar, without exception, and without regard to their political persuasion. Parenthetically, in that regard, I am a Democrat. He is respected as a man of superior intellect and the utmost integrity.

Now just a few words about the qualifications of Judge Kennedy that I am particularly interested in, and that is in whether or not he is a judge who is interested in protecting, promoting and preserving the rights of innocent people, who are harmed or injured in our society, in obtaining redress.

Judge Kennedy has given a number of speeches, primarily with reference to the criminal field, and a constant theme that you see running through his talks is the forgotten man, or the forgotten person, and that is the victim of wrongdoing in our society. I know from conversations with him that he is equally concerned about the innocent victim of wrongdoing in our civil justice system, as well as in the criminal justice system, and that if he becomes a member of the Supreme Court that he will endeavor to the very best of his ability to protect the rights of all innocent victims whether in the criminal field or the civil justice field.

I know that he has a very abiding belief in our tort system, which is our civil justice system to rectify wrongs. He believes, as do I, that it serves a very useful purpose, that it has a prophylactic and therapeutic effect in not only providing compensation to the person who has been injured, but also in helping to prevent injuries in the future and preventing the same kind of wrong from occurring in other cases.

Finally, I do not believe, as some people feared with reference to Judge Bork, that Judge Kennedy is going to turn back the clock on all of the wonderful safety progress, people progress, the civil rights progress, and so forth, that we have made in this country in the last 50 years. I don't think that at all.

In my judgment, from my knowledge of Judge Kennedy and my experience with him, I believe that he is a person who has a feeling for people, that likes people. I feel he is sensitive. I think he is compassionate, and I think he is going to be a judge who will watch out for the rights of all of our citizens in this country, and that he will make a fine Supreme Court Justice. And I urge this committee to affirm him. Thank you.

The CHAIRMAN. Thank you, Mr. Cartwright.

[The statement of Robert E. Cartwright follows:]