

Subsequent to entry of an award in favor of Mr. Woods, Mr. Behrend's then attorney made a motion, in the companion court action between Woods and Behrend, to vacate the arbitration award. That motion was denied and the award was affirmed. That action was in the Circuit Court of Lake County, Illinois, and was designated John Robert Woods vs. Leslie C. Behrend, No. 67 C 1337.

After the court's denial of his motion to vacate the award Mr. Behrend engaged this firm and I undertook to represent him regarding the above arbitration award and court action. I filed a motion under Section 68.3 of the Illinois Civil Practice Act for reconsideration of the court's prior orders and for vacation of the award and for other relief. The main thrust of the motion was that the partnership agreement specifically put the partnership on a cash basis while the award was predicated at least in part, on an accrual accounting basis. Neither in my motion, nor otherwise, did I raise any question as to the arbitrator's integrity or competence. The award was vacated by Judge Minard E. Hulse on January 30, 1969 and the cause was remanded to the arbitrator, or his successor, with directions relating to various accounting points (including a cash basis accounting as to three contracts in issue). The court order in no way raised any question as to the arbitrator's integrity or competency. Nor was any such question in any way involved either in the arbitration proceeding or in the court action.

I have known John Paul Stevens since about 1952 and have participated in litigation in which he was also serving as attorney. His conduct and demeanor has always been above reproach, his exceptional legal ability manifest.

At the time that Attorney Stevens' nomination to the Court of Appeals was under consideration, I wrote a letter similar to this one to the then Senate Judiciary Committee. I wrote that letter, and I write this one, to lay at rest any charge or intimation of any impropriety on the part of the arbitrator, John Paul Stevens, in his rendition of the above referred to award.

In my opinion Judge Stevens will make an outstanding member of the Supreme Court of the United States.

Respectfully submitted,

HARRY D. LAVERY.

BAR ASSOCIATION OF THE SEVENTH FEDERAL CIRCUIT.

Chicago, Ill., December 8, 1975.

HON. JAMES O. EASTLAND,
Senate Judiciary Committee, U.S. Senate,
Washington, D.C.

MY DEAR SENATOR EASTLAND: It is my great pleasure to submit to you, for your consideration and that of other Committee members, and for inclusion in the record of confirmation hearings of the Senate Judiciary Committee being held on the nomination of Circuit Judge John Paul Stevens to the Supreme Court, true copies of a resolution unanimously adopted by the Board of Governors of the Bar Association of the Seventh Federal Circuit, at its meeting on December 6, 1975, in Chicago, Illinois.

Sincerely,

WILLIAM M. EVANS,
President.

Enclosure.

RESOLUTION

Whereas, President Ford has nominated John Paul Stevens, Circuit Judge, U.S. Court of Appeals for the Seventh Circuit, to fill a vacancy in the U.S. Supreme Court; and

Whereas, the U.S. Senate Judiciary Committee is about to hold hearings on the confirmation of that appointment; and

Whereas, Supreme Court Justice designate Stevens is uniformly recognized by the Bar and Bench alike, in both the Seventh Federal Judiciary Circuit and elsewhere, to be highly qualified to serve on our highest Court by reason of demonstrated fairness, integrity and high intellect; and

Whereas, after an excellent college and law school record interspersed with distinguished service in the Armed Forces, John Paul Stevens has demonstrated in a career of nearly three decades as law clerk, scholar, counsel to a Congress-

sional Committee, lawyer and advocate, law teacher and author and finally as a Circuit Judge on the second highest Court in the Federal Judiciary—exceptional capacity, character and fitness for this highest judicial office; and

Whereas, designate Stevens has served with great dedication and distinction for more than five years as a Circuit Judge of the U.S. Court of Appeals for the Seventh Circuit, and by demonstrating, for all to see, his exceptional judicial talents: Now, therefore, be it

Resolved, that this Association, on behalf of the Bar of the Federal Courts in Illinois, Indiana and Wisconsin, does hereby record its abiding conviction that Circuit Judge John Paul Stevens is eminently well qualified by demonstrated character, temperament and experience, to serve as a Justice of the U.S. Supreme Court; that his appointment to that high office should be confirmed promptly by the Senate; and that his service on that Court will be in its highest traditions; and be it further

Resolved, that the proper officers of the Association be, and they hereby are, authorized and directed to submit suitable copies of this resolution to the Chairman and Members of the Senate Judiciary Committee for their consideration, and for inclusion in the record of the confirmation hearings of that Committee on the nomination of Circuit Judge Stevens to serve on the U.S. Supreme Court.

I hereby certify that the Board of Governors of the Bar Association of the Seventh Federal Circuit unanimously adopted the foregoing resolution in a meeting assembled in Chicago, Illinois, on the 6th day of December, 1975.

FEDERAL BAR ASSOCIATION,
Washington, D.C., December 11, 1975.

HON. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate,
Washington, D.C.

MY DEAR SENATOR EASTLAND: It is my pleasure to inform you of the position of this Association's National Judicial Selection Committee to support President Ford's nomination of Honorable John Paul Stevens to the Supreme Court of the United States.

The Judicial Selection Committee has evaluated the qualifications of the nominee and has found, without dissent, that Judge Stevens is exceptionally well qualified for appointment.

We request that this communication be made a part of the official proceedings of the Judiciary Committee of the Senate.

Sincerely,

JOSEPH S. FONTANA,
Chairman, National Judicial Selection Committee.