

April 2, 2018

The Honorable Charles Grassley
Chairman, Senate Judiciary Committee
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member, Senate Judiciary Committee
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

**Re: Nomination of Mark J. Bennett to be a United States Circuit Court Judge for
the Ninth Circuit**

Dear Chairman Grassley and Ranking Member Feinstein:

I very much appreciate this opportunity to voice my strong support of Mark Bennett's Ninth Circuit judicial nomination.¹ I have known Mark for over 15 years – nearly the entirety of my professional career – and I have the very highest regard for his professionalism, legal expertise, and leadership skills. Mark has a brilliant legal mind, and will be a well-qualified, committed judge. But I also know him to be a kind, ethical, and inspiring person to work with and for. Mark will have an excellent judicial demeanor, and will be a wonderful mentor to his law clerks. He will thus be an outstanding judge in every capacity. I have the deepest respect for Mark, as both an attorney and a person. He has my full support, and I hope that he will be swiftly confirmed.

Mark was appointed as Attorney General of the State of Hawai'i a month or two after I was hired (by his predecessor) to serve as a deputy attorney general in the department's appellate division. I was hired straight out of law school, shortly after I passed the Hawai'i bar exam, and my initial assignments were primarily research and writing focused. This was fortunate for me, as it led to the opportunity to work directly with Mark on many high level cases. He would routinely ask me to research specific issues, and to draft legal memoranda analyzing the law, issues, and specific legal questions that he would direct me to address. I could not have asked for a better learning experience or a better teacher. Mark is just about the smartest person I know, and he works incredibly hard. He demands that those who work for him put in the same effort and demonstrate the same level of commitment to the job, but he does so by inspiring those around him to want to do their very finest work. No matter how busy he was, he always found the time to teach me – to discuss the issues, to critique my work, and to ask the questions that taught me how to think like a skilled lawyer.

¹ I express my support for Mark in my individual, personal capacity, and not on behalf of the Hawai'i department of the attorney general.

Mark also instilled in me, as a young lawyer, the importance of integrity, ethics, and pride in government service. As Attorney General, he was never afraid to take on tough cases, or to take tough stances on those cases, but he always did so with a deep commitment to serving justice and the people of Hawai'i. He led by example. His dedication to the job and to the State, and the quality of our work product, made me incredibly proud to serve as one of his deputies. I know that Mark will, as a judge, commit himself to faithfully upholding the law, and that he will do so with the utmost integrity, diligence, and compassion.

I will always feel truly fortunate to have had the opportunity to work for Mark during the first eight years of my career. In some ways, I consider those years to have been a form of clerkship. I truly believe that I can successfully and very competently do the work that I now do – which includes arguing cases before the Hawai'i Supreme Court and other courts, serving as a lead attorney on appellate cases that are of tremendous importance to the State, and now myself serving as a mentor to new attorneys – because of what I learned from Mark. Part of the reason I advocate so strongly for Mark's confirmation as a Ninth Circuit judge is because I would like for other attorneys to have the opportunity that I had: to begin their legal careers with Mark as their mentor and role model.

In short, I think that Mark will be an excellent Ninth Circuit judge and an exceptional mentor to his law clerks. I whole-heartedly support Mark's nomination. I can think of no individual who is more deserving of or better suited for this Ninth Circuit judgeship, and I respectfully urge his swift confirmation.

Sincerely,

Kimberly Tsumoto Guidry
Kimberly Tsumoto Guidry
Deputy Solicitor General
State of Hawai'i