

A WISE JUSTICE, AND A GREAT BOSS

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“Thank you very much for coming,” Justice O’Connor said as I entered her chambers to interview for a clerkship. “I’m so sorry to have asked you to make the trip all the way out here from Stanford.”

Apparently Justice O’Connor didn’t realize that this was the most exciting moment of my life, one for which I would have gladly traveled anywhere. “But it is very important that I meet potential clerks in person, because each of my clerks becomes part of my family.” She then asked me as many questions about my family and hobbies as she did about my legal views.

I served as one of four clerks to Justice O’Connor during October Term, 2001, following my graduation from Stanford Law School and a year-long clerkship on the D.C. Circuit. I quickly learned that Justice O’Connor was serious about treating her clerks like family. She integrated us not only into the work of the Supreme Court but also into many other aspects of her rich life.

My days typically began at 7:40 A.M., when I met Justice O’Connor and her other female clerk in her chambers. Together we walked upstairs to the women’s locker room and changed into gym clothes for the exercise class the Justice hosted on the fourth-floor basketball court, often referred to as “the highest court in the land.” There, we joined about fifteen of her female friends for an hour of Pilates or aerobics. Many of Justice O’Connor’s friends wore T-shirts with such slogans as “Exercise Defends Your Constitution” and “Supreme Sport and the Highest Court”—shirts the Justice had made for the group in years past.

Later, back in her chambers overlooking the Capitol dome, my three co-clerks and I dove into our work. We reviewed foot-high piles of petitions for certiorari, wrote memos to Justice O’Connor evaluating the cases that were before the Court, and—once the cases were decided—helped to prepare opinions for publication. Before each oral argument session, Justice O’Connor and the four of us sat on her office couches, surrounded by Southwestern art, to

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discuss the cases the Court would hear. She often questioned us as if we were the lawyers for the case, probing the implications of each potential argument.

In those sessions and in our written work, Justice O'Connor prodded us to get to the point and to clearly explain the precedential support for and practical consequences of our positions. She encouraged us to think for ourselves and never held it against us if she ultimately decided to disagree. She often reminded us that the questions before the Supreme Court were hard—after all, the lower courts could not resolve them on their own—so there was room for well-reasoned differences. She was always quick to praise careful analysis and lucid writing.

Our work was fascinating but also staggering in quantity. I spent most of my waking hours at the Court. Even when I left, I often could not stop thinking about the cases I was working on. I began keeping a notepad by my bed because I woke up so frequently having thought of a new argument in my sleep.

But Justice O'Connor was determined not to let our work envelop us entirely. She ate lunch with us most days, outdoors whenever possible. She usually steered the conversation away from the Supreme Court and toward our friends, families, and views on current events. Another of her tactics was to take us on field trips. Often without any notice or apparent concern about our looming deadlines, she loaded us into a van and took us to what she considered a Washington must-see: an opening of a Smithsonian exhibit, the top of the Washington Monument, the FDR Memorial, or the azaleas in full bloom at the National Arboretum. We picnicked under the cherry blossoms in the spring, and, after September 11, 2001, watched Tibetan monks painstakingly create a huge mandala out of sand as a peace offering. When the Justice decided it was time for one of these excursions, we had no opportunity to object, even if it meant we would have to stay up half the night to finish our work. In retrospect, I'm glad.

On these trips, we got to watch Justice O'Connor interact with people outside of her role as Supreme Court Justice. Once, before we all went to an Orioles-Padres game, we had lunch at a crab house in Baltimore. She struck up a conversation with the man at the next table, who was wearing a Padres hat and shirt.

"In town for the game?" she asked.

"Yes, all the way from San Diego," he responded.

They proceeded to have a lively conversation about his athletic-clothing business and his love of baseball.

"Where are you from?" he eventually asked.

"Arizona originally, but I now live in Maryland, near D.C.," she casually responded.

Maybe it's not surprising given her age and gender, but he never asked about her career. When she said goodbye and told him to enjoy the game, he

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still had not figured out who she was.

On another outing to the National Mall, a group of tourists stopped us and asked her whether she would take their picture. I assumed they wanted her to be in the photo. On the contrary, they just handed her the camera and told her which button to push.

Whether she remained anonymous or was instantly recognized, it was obvious how much Justice O'Connor loves people. When friends or relatives visited me, she made time to have tea with them—served on the large Native American drums she uses as coffee tables—and asked them about their lives. She listened intently, making them feel like the most important people in the room. This was not an act. My husband once stopped by after not having seen her for a few months. She picked up the conversation just where they had left it, asking him about the website he was developing and his mother's recovery from knee surgery. The Justice had remembered every detail.

Former clerks would visit almost every week. If more than a year had passed since their last visit, the Justice scolded them for staying away too long. Between visits, she kept up with their lives through exchanges of letters and phone calls. Whenever one of her former clerks had a baby, she sent a tiny T-shirt that read "O'Connor grandclerk."

Even with all her intense work, the seemingly endless series of social and governmental functions she attended, and the speeches she gave all over the country, Justice O'Connor found time to cook. She liked to throw dinner parties and do all the cooking herself. Whenever we met on a Saturday to discuss the cases the Court would hear the following week, she arrived laden with salads, dessert, and a crock-pot of soup or stew. When we finished dissecting the legal questions she soon would have to resolve, she eagerly fed us.

"When my sons were growing up, I cooked something different for dinner every night, never repeating a recipe," she told us during one of those lunches. "One must not get in a rut. There are too many interesting dishes to try."

In the wake of Justice O'Connor's retirement announcement, one commentator after another noted how her judicial decisions have shaped the law of the land over the past twenty-five years. Yet what I found most remarkable is that while she was contributing more to the development of the law than perhaps anyone in the past century, she also lived life to the fullest. To me, that is no coincidence. Her life experience made her an effective and wise Justice, not to mention a great boss. I'm sad the Supreme Court will lack Justice O'Connor's insights—and that she won't continue to bring new groups of clerks into the family.

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