



TRIBUTE

**“Help Others Along the Way”:
Justice Sandra Day O’Connor’s Life Lessons**

Ivan Fong*

Most Americans are too young to remember 1981, the year President Ronald Reagan took office; the year Iran released fifty-two American hostages who had been held for 444 days; the year NASA launched the Space Shuttle Columbia; and the year *Raiders of the Lost Ark* made its cinematic debut. But for lawyers and judges who recall President Reagan’s 1981 nomination of Sandra Day O’Connor, a relatively obscure Arizona intermediate state appellate court judge, and her subsequent swearing in as the 102nd Justice of the Supreme Court of the United States, the memory of those electrifying moments endures.

With the current Supreme Court nearing gender parity, the obstacles that Justice O’Connor faced and overcame seem from a different universe. In other ways, however, they still resonate today. But Sandra Day O’Connor was much more than the first woman on the Court and an inspirational role model to millions around the world. She was also someone with a fierce sense of purpose and presence, whose zest for life indelibly moved and inspired all whom she met.

As a law clerk to Justice O’Connor in the late 1980s, I was privileged to have a ringside seat to some of the most fascinating and consequential legal debates of those times. But as important as those enduring debates over legal theory and judicial philosophy were and are, what I value most from my year working with Justice O’Connor was less the immersion in applied jurisprudence and the inner workings of our highest court that of course it was. It was instead the important life lessons that helped make me the person I am and continue to serve me well today.

* Executive Vice President, General Counsel and Secretary, Medtronic plc. The author was a law clerk to Justice O’Connor during the 1989 Term of Court and wishes to thank Eleanor Barrett, Sandra Ikuta, and Julia Sensenbrenner for their comments on an earlier draft of this Tribute. Some of the stories and ideas in this Tribute were also recounted in Ivan Fong, *O’Connor’s Best Lessons—Fun, Resolve, Love—Weren’t Taught at Work*, U.S. L. WEEK (Dec. 13, 2023), <https://perma.cc/89N4-VJYA>. The views expressed are solely those of the author.

I. “Effortless perfection”

I learned this lesson in the first few days of my clerkship. My new co-clerks and I were anxious to learn what it was like to actually work for the Justice. The O’Connor clerks, we were told, worked long hours, tied with or second only to the clerks in the Blackmun chambers. During our first week of work, one of the Justice’s outgoing law clerks imparted the essence of how we new clerks would be assessed: Justice O’Connor, this clerk said, expected “effortless perfection” from her law clerks.

The Justice never used that phrase with us. We tacitly understood, of course, that she had high standards. Given the path she had forged in the face of gender stereotypes and other insidious impediments to her career, we appreciated that she took her work seriously, and we certainly did not want to disappoint her. But the “effortless perfection” benchmark was daunting even for the type-A overachievers among us—especially the “effortless” part. We soon learned that, in fact, our work kept us in front of the Court’s computers every night until midnight during the week and 9 p.m. on weekends, when (thankfully) the Court’s mainframe system went down. One of my co-clerks worked all day every day, including Saturdays and Sundays, not taking any days off during our year-long clerkship except Christmas Day.

Being a perfectionist did not mean, however, that Justice O’Connor was not human. Rather, it was her competitive streak that illustrated for me how she faced life: with zest and zeal. Early in our clerkship term, the Justice walked into the office where we clerks shared space with a makeshift ping-pong table, made from a conference table, plastic net and paddles, and a foam ball. The prior clerks had taken to playing “nerf-pong” when they wanted to take a break. The Justice promptly challenged the new clerks to a round, and I was the hapless victim.

Although I was not a superlative ping-pong player, I had played enough while attending boarding school in Hong Kong that, in my naïveté, I inadvertently jumped to an early and commanding lead. That led to a dilemma. Here I was, playing my new boss, and now mortified about embarrassing her. But if I let up too much, it would almost certainly be perceived as disrespectful. I felt I had no choice but to continue as I had been playing, and after I won, she walked quickly out of the room and never played again. Chastened, I vowed never to put myself in a similar situation.

Months later, she had the last word. She had invited the clerks to play paddle tennis at the club to which she and her husband John belonged. Luckily for me, she was far more experienced at paddle tennis than nerf-pong, and she beat us handily. There was no gloating or victory dance; just a silent reminder that she had not forgotten our earlier game.

II. “Don’t complain; get it done.”

Much has been made of Justice O’Connor’s childhood on the Lazy B Ranch near the New Mexico-Arizona border. She had a rugged individualism that grew from her upbringing as a rancher’s daughter and her initial forays as a woman in Arizona state politics. Indeed, her renowned resourcefulness, perseverance, and no-nonsense attitude exemplified “grit” before that term became fashionable.

For example, when Justice O’Connor arrived at the Court in 1981, she wrote in her journal that she found the place “cold,”¹ so she instinctively set out to fix the problem. By the time of my clerkship, her insistence that the Justices eat lunch together in the Court’s private dining room was already lore. She also prepared a hearty southwestern lunch when she met with her clerks to discuss our work on the Saturdays before oral arguments. Her enthusiasm for organizing social gatherings was simply unlike anything I have ever experienced.

Justice O’Connor also had a tradition of taking her law clerks on a monthly field trip. She took us to the National Gallery of Art and other museums; we went to the movies with her; and we picnicked under the cherry blossoms around the Tidal Basin. These outings almost always occurred at a time when the Justice was waiting for us to finish our bench memos or draft opinions—a perfect time for her and a terrible time for us. We knew that every minute spent away from work that day was another minute we would have to work that evening. During several of the outings, we law clerks would glumly but silently bemoan the “forced fun” that was taking us away from our work during the day.

Today, of course, I look back on my youthful immaturity with a mix of embarrassment and wonder. What a privilege it was to spend time with the Justice away from work and to create such rich and vivid memories. And it was more than merely stopping to smell the roses. There was an intensity and focus to everything Justice O’Connor did. When she decided to pick up the game of golf as an adult, for instance, she reportedly took lessons and practiced hitting balls on a range for over a year before playing her first round.² As recounted by another O’Connor clerk, the outings with her law clerks were “more like speeding up to smell the roses. And learning why they smelled the way they did. And how one could become a better rose-smeller. And what steps one should take to improve the quality of roses and the breadth of their distribution. And then moving on to the next set of roses down the road.”³

1. EVAN W. THOMAS, FIRST: SANDRA DAY O’CONNOR, at xiii (2019).

2. See David Kindred, *From the Golf Digest Archive: Will Augusta Come Calling for Sandra Day O’Connor?*, GOLF DIG. (Dec. 1, 2023), <https://perma.cc/4YBS-RSUA>.

3. Stuart Banner, Tribute, *Speeding Up to Smell the Roses*, 58 STAN. L. REV. 1713, 1713 (2006).

One of our most memorable outings—a camping and hiking trip to the Shenandoah mountains—illustrates the Justice’s intensity and focus. She took her clerks and their spouses one weekend to Camp Hoover, established by President Hoover and his wife Lou Henry Hoover as a rustic presidential retreat before the creation of the current presidential retreat at Camp David. Shortly after our arrival, before we had even had a chance to get acclimated and unpack, Justice O’Connor announced that we were embarking on a short hike through the mountains.

My wife and I had brought our two-year-old daughter to the outing, not knowing that we were going on a group hike. We were assured that it would not be a problem for me to bring our daughter with us on the hike, even without a baby-carrier backpack. And so, wanting to be good sports, off we went. With the Justice in the lead, what started as a leisurely walk through the woods turned into a several-hour marathon trek up and down the Shenandoahs and through portions of the Appalachian Trail. Picture a group of young law clerks and their spouses struggling to keep up with a then-sixty-year-old Justice, a woman who had undergone grueling chemotherapy to treat her breast cancer months earlier. Although she did stop periodically to catch her breath, Justice O’Connor would set off just as we caught up to her, leaving us no time for any real rest. And because our toddler would cry and scream if she were held by a stranger, I ended up carrying her in my arms the entire exhausting eight or nine miles.

When we finally returned to our cabins, we all immediately collapsed on the deck chairs on the patio. But a minute later, the Justice appeared, clapped her hands, and announced: “Time to make dinner!” I can still hear the groans, in *sotto voce* of course, that accompanied her decree.

Justice O’Connor’s energy, her determination, and her stamina put us to shame. Far from being a taskmaster, she led the way and expected more of herself than she did of others. At the time, I viewed her physical, mental, and emotional toughness as a necessary characteristic of the trailblazer who she was. Today, I realize that “getting it done” through sheer force of will was also simply who she was and an essential part of how she will be remembered.⁴

III. “Never in doubt”

On the day I first met the Justice during my interview, I noticed a small, embroidered pillow on the sofa next to her that read, “Sometimes in error,

4. See Lisa Kern Griffin, *Sandra Day O’Connor’s “First” Principles: A Constructive Vision for an Angry Nation*, 120 COLUM. L. REV. 2017, 2021 (2020) (reviewing THOMAS, *supra* note 1) (“O’Connor advanced not because she appeared at the right place and right time but because her personal qualities made her precisely the right person for an extraordinary assignment.”).

never in doubt.”⁵ I came to learn that her approach to being a judge and to life itself was to decide the issue presented and then move on to the next decision. She rarely ruminated over a decision or second-guessed herself, and if she did, she did not show any uncertainty.

If Justice O’Connor were to have an actual mantra, one former law clerk mused, it would be: “Look only forward.”⁶ I observed the same thing:

She rigorously avoided regret, and she would often say that “[t]he time to worry about a decision . . . is before it is made.” . . . She pressed past contentious decisions at the Court and urged clerks to “move on” from their own disagreements and disappointments as well.⁷

As one whose younger tendency was to over-think, I saw firsthand how Justice O’Connor’s forthrightness and self-assurance projected confidence and calmness with her own brand of humor and wit. As a result, by her example, she instilled in me the value of having confidence in one’s judgments, the importance of not living your life replaying what could have been, and the wisdom of keeping an optimism borne of the fact that tomorrow is another day.⁸

IV. “Context matters.”

Justice O’Connor spent her life dedicated to finding practical solutions to the problems of our day. Whether it was her experience as a state legislator or her upbringing that allowed no time for wasted effort, she looked for common ground and tried to bring people of differing views together. She was not always successful, of course. She viewed herself not as a swing vote, but as someone who preferred narrower, incremental rulings to assess how legal doctrines might develop over time and to see their impact on the other parts of our government and on everyday people.

In particular, I observed that Justice O’Connor had a special solicitude for cases involving children. In a case considering whether the Sixth Amendment’s Confrontation Clause requires child abuse victims to testify in the presence of the accused, for example, she took note of social science research that showed that children forced to testify directly in front of the alleged abuser might become traumatized, leading them to become unreliable witnesses.⁹ Unlike

5. See ISAAC LITSKY, *EYES WIDE OPEN: OVERCOMING OBSTACLES AND RECOGNIZING OPPORTUNITIES IN A WORLD THAT CAN’T SEE CLEARLY* 150 (2017).

6. Griffin, *supra* note 4, at 2022.

7. *Id.* at 2022-23 (first quoting THOMAS, *supra* note 1, at 339; and then quoting THOMAS, *supra* note 1, at 206 (alteration in original)).

8. Cf. Stephen G. Breyer, *A Tribute to Justice Sandra Day O’Connor*, 119 HARV. L. REV. 1239, 1244 (2006) (noting Justice O’Connor’s fondness for saying, “tomorrow is a new day”).

9. See *Maryland v. Craig*, 497 U.S. 836, 857 (1990) (“[W]here face-to-face confrontation causes significant emotional distress in a child witness, there is evidence that such
footnote continued on next page”).

Justice Scalia, who interpreted the word “confrontation” to mean literal face-to-face confrontation, Justice O’Connor wrote for a majority of the Court that a Maryland law that permitted children to testify by one-way closed circuit TV in such cases did not violate a defendant’s Sixth Amendment right to confront the witnesses against her.¹⁰

Another equally poignant example of Justice O’Connor’s insight into the importance of empathy and perspective can be seen in an essay she wrote when Justice Thurgood Marshall retired from the Court in 1991. “At oral arguments and conference meetings, in opinions and dissents,” she wrote of her colleague of ten years on the bench, “Justice Marshall imparted not only his legal acumen but also his life experiences, constantly pushing and prodding us to respond not only to the persuasiveness of legal argument but also to the power of moral truth.”¹¹

I learned a similar lesson from Justice O’Connor: Legal principles should not necessarily be applied in a vacuum or from an ivory tower but with a view to the factual and societal circumstances of the particular case at hand and the implications and unintended consequences of any decision.¹² And she taught me that with a growth mindset,¹³ one can and must learn from and adapt to societal changes while remaining true to the law and to one’s core values and principles.

Her courage and tenacity in pursuit of pragmatic outcomes was also ultimately the reason civility and civic education were so important to her. In her retirement, her establishment of iCivics, which pioneered the use of online games to teach and make civics more attractive to elementary and middle school students, was one of her proudest achievements and a tribute to her vision of an America bound together by a belief in common values.

V. “Be a parent first.”¹⁴

In the years after my clerkship, Justice O’Connor also made a point of paying special attention to the children of her law clerks, to whom she would bestow “O’Connor Grandclerk” t-shirts when they were born. She gave a

confrontation would in fact *disserve* the Confrontation Clause’s truth-seeking goal.” (citations omitted)).

10. *See id.* at 860.

11. Sandra Day O’Connor, Tribute, *Thurgood Marshall: The Influence of a Raconteur*, 44 STAN. L. REV. 1217, 1217 (1992).

12. *See generally* STEPHEN G. BREYER, *READING THE CONSTITUTION: WHY I CHOSE PRAGMATISM, NOT TEXTUALISM* (2024).

13. *See generally* CAROL DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS* (2006).

14. THOMAS, *supra* note 1, at 266 (quoting law clerk Marci Hamilton, who recalled that when she went into O’Connor’s chambers, and O’Connor was on the phone with one of her sons, she would say, “Be a parent first”).

personal tour of the majestic courtroom to our daughter's Girl Scout troop, including the place where the Justices put on their robes and shake hands before emerging from behind red velvet curtains to the bench. She let the girls sit in the Justice's large, high-backed leather chairs, creating the memory of a lifetime.

Later in my career, when I was seeking advice on whether to pursue an opportunity to serve as general counsel of the Department of Homeland Security, I called Justice O'Connor for advice. Others I consulted encouraged me to follow my instincts and return to public service. Justice O'Connor, however, dissented, sternly cautioning me against taking the assignment. She reminded me that with our two younger children still in high school at the time (one of them a senior), a move from our then-home in Ohio to Washington, D.C., would be highly disruptive for the family. And she urged me to consider the security risks of being in D.C. in such a high-profile job. Having recently served as a member of the Iraq Study Group,¹⁵ Justice O'Connor was attentive to the risks of another terrorist attack on the United States. Her clear-eyed wisdom—to prioritize the safety and welfare of my family—stood in stark contrast to the conventional careerist advice of my other mentors. And although I ultimately pursued the appointment, I did so with a heightened appreciation, well beyond what I originally envisioned, for the sacrifices that my family would have to endure. Her advice fortified in my mind Justice O'Connor's distinctive perspective on life, career, and family.

Indeed, it was Justice O'Connor's devotion to her own family that led her to retire in 2006, several years after her husband was diagnosed with Alzheimer's. The time she spent with him in those years after her retirement, raising awareness about the degenerative disease and the support needed to care for those with it, was another testament to her philosophy of dealing with life's challenges head-on. In remarks before the U.S. Senate's Special Committee on Aging in 2008, she was characteristically direct and forceful:

You may remember that in the early days of my husband's illness, I often took him to court with me because he could not be left alone. . . . Many caregivers make similarly difficult decisions each and every day. Sadly, these life-changing decisions are simply part of caring for someone with Alzheimer's. Clearly, Alzheimer's disease is a family disease. It may directly attack only one member of a family. But every member of that family feels the effects. Every member loses something.¹⁶

As painful and difficult as it must have been for her to watch John decline during this time, she never wavered in her love and care for him. Those lessons—of confronting reality and responding to hardship with assiduousness and sacrifice—transcend any legal theories I learned during my clerkship.

15. See JAMES BAKER & LEE HAMILTON, *THE IRAQ STUDY GROUP REPORT* (2006).

16. *The Future of Alzheimer's Breakthroughs & Challenges: Hearing Before the S. Special Comm. on Aging*, 110th Cong. 11 (2008), <https://perma.cc/M8KJ-EXHC> (statement of Hon. Sandra Day O'Connor, Former Supreme Court Justice).

VI. “Our purpose in life”

At Justice O’Connor’s memorial service at the National Cathedral in Washington, D.C., on December 19, 2023, her son Jay O’Connor spoke of a letter his mother had written the family in July 1987, only a few years after she took her seat on the Court and nearly two decades before her retirement in 2006. Inside the memorial service program was a photo of a young, smiling Justice O’Connor in front of the Supreme Court façade, with the following excerpt from that letter:

I have been greatly blessed by my life’s experiences. I have loved dearly my husband, John, my children, [my daughter-in-law] Joanie, my friends and family. I hope I have helped pave the way for other women who have chosen to follow a career. Our purpose in life is to help others along the way. May you each try to do the same.¹⁷

That message—*Our purpose in life is to help others along the way*—is an enduring one, for I saw her continually do just that for me and many others. She was hardly the perfect boss, parent, or person. She did not always practice what she preached. But her roll-up-your-sleeves spirit, her ability to be tough when necessary, her resourcefulness, and her legacy of public service were, for me, what defined her. Those lessons—imparted less by her words than by her example—were her legacy to me and an important reminder for all of us who aspire to make a positive impact in our communities and on our country and world.

17. In Celebration of and in Thanksgiving for the Life of Sandra Day O’Connor 3 (2023), <https://perma.cc/S2GF-ZEGH>.