



TRIBUTE

Why You Should Hire Sandra Day, in Her Own Words

Michelle T. Friedland*

In 1952, a twenty-two-year-old editor of the *Stanford Law Review* named Sandra Day graduated near the top of her class at Stanford Law School. The student who graduated first in that class, William Rehnquist, headed to Washington, D.C., to clerk at the United States Supreme Court. That path was almost certainly not open to Sandra Day. Only one woman had ever clerked at the Supreme Court, almost a decade earlier when there had been few available men during World War II.¹ It would be more than another decade before a second woman clerked at the Supreme Court.² Sandra Day also couldn't get a job in private practice. She applied to every law firm in San Francisco and Los Angeles that was recruiting her male classmates, but most did not respond at all. Several expressly told her they were not hiring women lawyers. She managed to get an interview at one firm in Los Angeles because one of the partners there was the father of her college friend.³ In that interview, the friend's father explained that the firm's clients "would not stand for it" if the firm hired a female lawyer.⁴ Instead, he offered her a legal secretary position.⁵

Most people would have given up at that point, but not Sandra Day. She turned her attention to the public sector, applying to work as a lawyer in the District Attorney's office in San Mateo, California, near Stanford. She received

* Circuit Judge, United States Court of Appeals for the Ninth Circuit; Law Clerk for Justice Sandra Day O'Connor, October Term, 2001. I am grateful to Justice O'Connor's sons for encouraging me to publish their mother's original letter as part of this tribute. I thank my law clerk Connor Hoge for his helpful input in the drafting process.

1. David J. Danelski, *Lucile Lomen: The First Woman to Clerk at the Supreme Court*, 24 J. SUP. CT. HIST. 43, 44-45 (1999).
2. *Names and Faces in the News: Margaret Corcoran*, BOS. GLOBE, Feb. 9, 1966, at 10.
3. EVAN THOMAS, FIRST: SANDRA DAY O'CONNOR 43 (2019).
4. *Id.*
5. *Id.*; JOAN BISKUPIC, SANDRA DAY O'CONNOR: HOW THE FIRST WOMAN ON THE SUPREME COURT BECAME ITS MOST INFLUENTIAL JUSTICE 28 (2005).

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an interview but then did not hear anything back for three weeks. Still undeterred, she followed up with a letter to the District Attorney, “presented in the hopes that you are presently badly overworked and in need of a young, capable employee who can help lift the heavy yoke of responsibility from your shoulders.” In four typewritten pages, Sandra Day sketched a portrait of her “life and times” growing up in the Southwest and of her accomplishments to date.

The letter reflects that Sandra Day was well aware of how few women had gone before her. “A woman can be a valuable asset in a District Attorney’s office,” she explained. “This has been adequately demonstrated by Miss Falvey in your office, and Miss Morten in San Jose.” If no job as a lawyer was immediately available, she offered to work temporarily “in some other capacity” and listed her typing speed as fifty words per minute.

The District Attorney eventually hired Sandra Day as a lawyer. The letter has been sitting in her personnel file for more than seventy years, largely unknown and never before published in its entirety. I obtained a copy of it after her death, and it is reproduced in full below.

Allow me to offer two thoughts before you read it.

First, of course, the letter is a reminder of how much the world has changed since 1952 and how much of that change is due to Justice O’Connor’s successfully demonstrating that women are capable of careers at the highest level. Today, it is hard for us to imagine a world in which any top law student from any top law school would face the possibility of being unable to work as a lawyer. But nearly *all* doors were closed to Sandra Day. Although her letter is not bitter, I do think it has an undercurrent of desperation. She is writing to save a career that hasn’t yet started. That it is almost impossible to believe she had to do so shows how far we have come.

I was in fourth grade when she became Justice O’Connor. Watching the news of her swearing-in made me feel that I could aspire to anything—and, thanks to her, it was true that I could. I too attended Stanford for college and law school. When I graduated from Stanford Law School less than fifty years after she did, I faced an entirely different universe of professional options because of the doors she had opened. Law firms were bidding against each other to recruit me and my female classmates. Indeed, the job I applied for and received in my final year at Stanford was at the Supreme Court, clerking for Justice O’Connor. When I was confirmed to the Court of Appeals for the Ninth Circuit in 2014, I became the hundredth female federal judge nominated by President Obama alone.⁶ At that time, over one-third of the active judges on my court were women; today, a majority of the active judges are women.

⁶ *Senate Confirms Friedland Nomination After Months of Delays*, PEOPLE FOR THE AM. WAY (Apr. 28, 2014), <https://perma.cc/VXP6-TGKB>.

Second, the letter demonstrates that Sandra Day at age twenty-two already had the same personality as the Justice so many of us later came to love and admire. Long before she stepped onto the national stage—and long before she was a legislator and a state court judge—she was already immensely accomplished, practical, courageous, witty, and determined. She was a force. She lived and worked at an astounding pace, applying her boundless energy to every aspect of her life.

Once she became a Justice at the Supreme Court, she rose early to read the *New York Times*, the *Wall Street Journal*, and the *Washington Post* (seemingly each in full) before her clerks arrived in chambers around 7:45 a.m. She then turned to the work of the Court, digesting stacks of briefs in hours and quickly identifying the very heart of each case. During all-day Saturday preparation sessions before each argument calendar, she would pepper us clerks—who had spent far more time studying each case—with difficult and incisive questions. When I would bring her a draft opinion, there was barely time to return to my office before being called back to discuss her ideas for revisions.⁷

Most people would turn in early after such an intense workday. Not Justice O'Connor. On a typical evening, she would attend multiple events, such as meetings with foreign dignitaries, receptions at Smithsonian museums, and gatherings with visiting student groups. She also found time for aerobics three mornings a week on the Supreme Court's basketball court, plus tennis and golf. She hosted a concert series for Justices and court staff, insisted that Justices have lunch together after every oral argument, and led field trips around D.C. to ensure that we law clerks did not miss seeing the monuments, new museum exhibits, or blooming cherry blossoms.

The letter shows that she had the same superhuman energy, astonishing efficiency, and desire to live life to the fullest at age twenty-two as she had at age seventy-two when I clerked for her. You'll see in her letter that she joined all but two of the student organizations in her high school. As an undergraduate at Stanford, she brought people together by stringing streamers over dance floors, helped run the campus radio station, and finished her degree in just three years. She loved writing, skiing, swimming, and travel. Even then, she drew no real distinction between her scholastic achievements and her other endeavors. Her letter offers it all up together, as inseparable and equally valuable parts of her one life.⁸

7. This experience was apparently common among her law clerks. Lisa Kern Griffin, *Sandra Day O'Connor's "First" Principles: A Constructive Vision for an Angry Nation*, 120 COLUM. L. REV. 2018, 2023 (2020) (reviewing THOMAS, *supra* note 3).

8. For a fuller discussion of Justice O'Connor's commitment to work-life balance, see Michelle T. Friedland, *Tribute, A Wise Justice, and a Great Boss*, 58 STAN. L. REV. 1717 (2006).

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I hope you will read the letter. I think it will inspire in you the same awe and gratitude that it does in me.

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Appendix

Letter from Sandra Day to Louis B. Dematteis

R E C E I V E D

October 29, 1952

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DISTRICT ATTORNEY
SAN MATEO COUNTY

Dear Mr. Dematteis:

This thumb nail sketch of my life and times is presented in hopes that you are presently badly overworked and in need of a young, capable employee who can help lift the heavy yoke of responsibility from your shoulders. My name is Sandra Day. You gave me an interview approximately three weeks ago. This letter may fill in gaps in your knowledge about me acquired at that time.

I am twenty-two years of age. Although I was born in Texas, I claim Arizona and New Mexico as my home. My grandfather established our ranch back in 1880 when Geronimo and his warriors were still frightening settlers. The ranch is located about fifty miles from the Mexican border, and lies half in Arizona, and half in New Mexico. It is used solely to raise beef cattle. I lived on the ranch with my parents until I was five. Then I embarked on the long road known as "education." The best school was in El Paso, Texas, some two hundred miles away. The next eleven school years were spent in El Paso. Vacations at the ranch were my greatest joy. At Austin High School I joined all but two of the organizations, including the dramatic society, the writing club, and the club to promote Spanish-American relations. These activities helped me survive a period of tripping over my knees and elbows.

My father was unable to go to college. The responsibility of the ranch fell on him at an early age, and prevented him from attending Stanford as he had planned. His disappointment was my inspiration to apply to Stanford. The usual thrill

of starting college was heightened by the fact that I was the only member of my high school graduating class to go away to college. I entered college convinced that I would flunk out by Christmas. The biggest surprise of my life was when I discovered that my teachers had decided that I could not only stay, but had even put me on the "Dean's List."

I worked on the campus radio station for a little over a year writing scripts when the occasion demanded, and performing janitorial services when it didn't. I tacked streamers over innumerable dance floors, and was elected president of my living group. My senior year brought membership in Cap and Gown, an honorary women's organization whose members are selected on the basis of leadership and scholastic achievement.

Economics was my major, and accounting was my main interest within that department. Having finished the requirements for an A.B. in economics in three years, I entered law school my senior year. Law school proved to be a challenge, as well as the most interesting experience of my life. Once again, to my surprise, I met with scholastic success. The Stanford Law Review invited me to join their staff. I accepted and became the second woman to do so. It absorbed a major portion of my time for the next two years. In my first year on the Review I wrote a comment which appears in 3 Stanford L. R. 330, and a note in 3 Stanford L. R. 649. Last year I was a revising editor, and aided and directed others in their efforts. The work was often exasperating, but it was excellent training in research and legal writing. My law review days were prefaced by participation in

moot court and followed by election to Order of the Coif.

In the summers of 1950 and 1951 I worked in a law office in Lordsburg as secretary and general assistant. The senior partner, Mr. Forrest Sanders, is the leading criminal lawyer of New Mexico. I was continually exposed to the situations and people likely to be encountered in a District Attorney's office. I have also managed the office for the Treasurer of Hidalgo County while he was away on vacations.

The October Bar Exam took care of most of the summer of 1952. I will know the results of the Exam by January. The odds are in my favor, however, as no one on the Stanford Law Review has ever failed it. I will know the unofficial results of the Bar in December. Should the official results not be out by January, I would be willing to work in your office without pay until such time as the results are out.

Although law school has taken a good deal of my time, I have somehow kept up with some of my other interests. Writing has always been a favorite pastime. Sunset Magazine published a short travel article in March, 1952, that I wrote about a Caribbean cruise that I took with my family. The Saturday Evening Post printed a nice pink rejection slip for me on another occasion. Like most people I love to travel. My family and I have made many auto trips through much of the United States. Prior to studying for the Bar, we took a delightful boat trip up the inside passage to Alaska. The bar bells in my closet are covered with dust. But I enjoy swimming and skiing. When my gym suit is at the cleaners, I play bridge or poker.

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Recently I announced my engagement to marry John O' Connor in December. He finishes law school in June. We met as unromantically as possible while cite checking for the Law Review. We will live in Atherton after December.

A few weeks ago, the Dean of Stanford Law School, Mr. Sam Thurman, offered me a position on the faculty teaching legal writing. However, he wanted me to begin immediately. In view of my wedding plans I found it impossible to accept work until January.

A woman can be a valuable asset in a District Attorney's office. This has been adequately demonstrated by Miss Falvey in your office, and Miss Morten in San Jose. Life on a ranch, and in areas with a large Spanish-American population, and my work in Lordsburg have given me a background that would be helpful in your office particularly. I have some speaking knowledge of Spanish. My typing is fair--about fifty words per minute. My shorthand is poor.

Should you be unable to offer me a job as a deputy, I would be interested in a job in some other capacity in your office until a later date. If you decide to add another chapter to my story, my address until January 1, 1953, is Box GG, Lordsburg, New Mexico.

Sincerely,

Sandra Day

Sandra Day

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