



TRIBUTE

Eulogy for Justice Sandra Day O'Connor

Washington National Cathedral, December 19, 2023

Chief Justice John G. Roberts, Jr.

It has been said that the Supreme Court is like a family—a family composed entirely of in-laws.

Forty-two years ago, I was assigned to help then-Judge O'Connor join that family. It was my first day in a new job at the Justice Department, and I was proud to be part of her team. I thought our group did a pretty good job. After all, the Justice was confirmed 99-0, and we must have had something to do with that.

Only many years later was I told that she thought I had been slow in getting material to her. I should have learned that when she had a challenge or responsibility before her, her approach was simple and direct: Get it done.

The way she participated in oral argument at the Court is a good example. Justices have many different styles on the bench: Some like the back and forth of debates, others pose unusual hypotheticals, some badger counsel to get concessions, others spell out a particular theory at length and ask for comment.

All this is fine and good, but Justice O'Connor was different. After the advocate had gotten through only a couple sentences, the Justice would jump in before her colleagues could with a well-prepared question. The question was clear, direct—even enunciated carefully. It went to the heart of the lawyer's case, with no fluff. Her approach was: Let's get what's most important to me on the table at the outset. Get it done.

Another example came the day I was nominated to succeed Justice O'Connor. Reporters had asked her what she thought of the nomination. She had nice things to say but ended by noting that the only problem was I didn't wear a skirt. My initial reaction was, of course: "Everything's negotiable." But fortunately it didn't come to that.

She called me later that day and said there's something very important that I had to do right away. My ears perked up. She said: "You have to hire my incoming law clerks, or they won't have jobs." My ears unperked. But she saw a problem for the clerks and a solution, and she wanted to get it done, so they could rest easy. She seemed a bit put out when I said I probably would wait until I was confirmed to do anything on the subject.

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Now, Justice O'Connor had set her actual departure date from the Court to coincide with the day her successor was confirmed; but a second vacancy on the Court and associated delays led to her and I sitting together for more than half the next Term. That was enough time for another lesson. She and I were discussing a case in chambers, and I think she grew tired of my "on the one hand," and "on the other hand." She simply got up and said: "You just have to decide." There was impatience in her voice, but I don't think it was entirely due to me. She had made her own decision about the future and announced her retirement six months earlier. I think she was anxious to get it done.

The last several weeks, after Justice O'Connor's passing, I have spoken with many women judges and lawyers who were young adults when Justice O'Connor became "the First." They say the same thing: Younger people today cannot understand what it was like before Justice O'Connor, in what now seems a distant past.

That distance is a measure of time but is also a measure of Justice O'Connor's life and work. In nearly a quarter century on the Court, she was a strong, influential, and iconic jurist. Her leadership shaped the legal profession, making it obvious that judges are both women and men. The time when women were not on the bench seems so far away because Justice O'Connor was so good when she was on the bench. She was so successful that the barriers she broke down are almost unthinkable today.

But not so in her lifetime. Sandra Day O'Connor had to study and launch a career in the law when most men in the established profession did not want women lawyers, let alone judges. She had to find her own style to cajole, persuade, and unite colleagues when there was no example to follow for the first female senate leader in the country. She had to ignore slights and work to bring people together in social, professional, and political life. She had to demonstrate excellence as the 102nd member of the Supreme Court—all the while setting a model as the first woman on the job. She had to fight cancer and Alzheimer's in public ways that helped others and that promoted dignity and respect. She had to speak and teach and inspire throughout the country and around the world about the necessity of judicial independence, so our generation and the next would have a roadmap to safeguard it with all the gifts God has given us. She had to be both the most important woman in government, and also a devoted wife who with her devoted husband, John, raised three sons of whom they were so very proud. All this and more she had to do. And she got it done.