

HAYZEL B. DANIELS SANDRA DAY O'CONNOR VAL-
DEMAR CORDOVA WILLIAM REHNQUIST LORNA
LOCKWOOD FRANCIS X. GORDON THOMAS TANG
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LEGENDS OF THE JUDICIARY



A Seven Video Retrospective on Arizona's Proud Judicial Tradition



A Tradition of *Progress*

DANIELS

Arizona's judicial history echoes the pioneering spirit of the first American settlers to break ground in her fertile soil. Though barely a century old, it is an epic story of individuals blazing a trail through seemingly insurmountable obstacles, all in the pursuit of one unifying goal...a better life not only for themselves, or their families, but for *all* Arizonans.

LOCKWOOD

TANG

Join us in a celebration of the lives of seven prominent members of Arizona's judiciary. Learn about the impact their careers have had on not only Arizona's government, but that of the entire nation. The Committee on Judicial Education and Training (COJET) and the Education Services Division offer a look into the lives of Hons. Hayzel B. Daniels, Lorna Lockwood, Thomas Tang, Valdemar Cordova, William Rehnquist, Sandra Day O'Connor, and Francis X. Gordon., in a compelling video series produced and directed by Hon. Wendy Morton.

CORDOVA

REHNQUIST

The series is available online in the Video Center of the Education Services Division's section of the [azcourts.gov](http://www.azcourts.gov) website. Simply go to www.azcourts.gov and enter the words "Video Center" in the search field in the upper right-hand corner. The link will take you to the Division's Video Center, where you'll find links to view these videos online.

O'CONNOR

GORDON

**A Tradition of Progress
A History of Excellence**

A History of *Excellence*

Arizona Legends of the Law: Sandra Day O'Connor



Perhaps no other jurist could have come to the Supreme Court under greater expectations and scorn. When President Ronald Reagan nominated Sandra Day O'Connor in 1981 to be the first woman justice to sit on the Supreme Court, he did so out of an obligation to keep a campaign promise. O'Connor's nomination was quick to draw criticism from both the political left and right. Conservatives derided her lack of federal judicial experience and claimed she was lacking in constitutional knowledge.

They considered her a wasted nomination and suspected her position on abortion. Liberals, on the other hand, could not deny their satisfaction at seeing a woman on the High Court, but they were dismayed at O'Connor's apparent lack of strong support for feminist issues. In time, however, O'Connor has come to answer all these criticisms. O'Connor has emerged from the shadow of Chief Justice William H. Rehnquist and the Court's conservative bloc with her own brand of pragmatic and centrist-oriented conservatism.

Even those liberals who branded her a "traitor" in her early years for compromising on abortion rights, now appreciate her efforts to keep the "pro-choice" message of *Roe v. Wade* (1973) alive. O'Connor's success should come at no surprise. From her rural childhood to her career climb through a profession dominated by men, O'Connor often resorted to practical solutions as she worked within the system. This tendency to moderate, in turn, enhanced her importance in an often-splintered Court.

Sandra Day O'Connor was born March 26, 1930, in El Paso, Texas. Her parents, Harry and Ada Mae, owned the Lazy-B-Cattle Ranch in southeastern Arizona, where O'Connor grew up. O'Connor experienced a difficult life on the ranch in her early childhood. The ranch itself did not receive electricity or running water until she was seven. Since their nearest neighbors lived 25 miles away, the family spent their days mostly in isolation. Her younger brother and sister were not born until she herself was eight years old, leaving her to spend many years as an only child. To compensate for the loneliness, she befriended many of the ranch's cowboys and kept many pets, including a bobcat. O'Connor read profusely in her early years and engaged in many ranch activities. She learned to drive at age seven and could fire rifles and ride horses proficiently by the time she turned eight.

The isolated ranch made formal education difficult so O'Connor's parents sent her to live with her maternal grandmother in El Paso. Sandra attended the Radford School, a private academy for girls, from kindergarten through high school. Suffering from extreme homesickness, she withdrew and returned to Arizona for a year. Still, she graduated with good marks at the age of sixteen. O'Connor attributes much of her later success to her grandmother's influence. She credits her grandmother's confidence in her ability to succeed in any endeavor as her motivation for refusing to admit defeat.

After high school, O'Connor attended Stanford University where she majored in economics. She chose economics originally with the intention of applying that knowledge towards the operation of a ranch of her own or even the Lazy-B Ranch. A legal dispute over her family's ranch, however, stirred her interest in law and O'Connor decided to enroll at Stanford Law School after receiving her baccalaureate degree magna cum laude in 1950.

O'Connor only took two years, instead of the customary three, to complete law school. Along the way, she served on the Stanford Law Review and received membership in the Order of the Coif, a legal honor society. She also met her future husband, John Jay O'Connor, a fellow student, at this time. O'Connor graduated third out of a class of 102. (First in the class William H. Rehnquist who would become chief justice.)

O'Connor faced a difficult job market after leaving Stanford. No law firm in California wanted to hire her and only one offered her a position as a legal secretary. Ironically, a senior partner of that firm, William French Smith, he lped O'Connor's nomination to the Supreme Court years later as the Attorney General. Failing to find suitable work in private practice, O'Connor turned to public service. She accepted a job as the deputy county attorney for San Mateo, California. When O'Connor's husband graduated from Stanford a year later, the army immediately drafted him into the Judge Advocate General Corps.

John O'Connor served in Frankfurt, Germany, for three years with Sandra by his side. While in Germany, Sandra served as a civilian lawyer in the Quartermaster's Corps. When the O'Connors returned to the U.S. in 1957, they decided to settle down in Phoenix, Arizona. They had their three sons in the six years that followed.

O'Connor again found it difficult to obtain a position with any law firm so she decided to start her own firm with a single partner. She practiced a wide variety of small cases in her early days as a lawyer since she lacked specialization and an established reputation. After she gave birth to her second son, O'Connor withdrew from work temporarily to care for her children. She became involved in many volunteer activities during this time.

She devoted much of her time to the Arizona State Hospital, the Arizona State Bar, the Salvation Army, and various local schools. She also began an involvement with the Arizona Republican Party.

After five years as a full-time mother, O'Connor returned to work as an assistant state attorney general in Arizona. When a state senator resigned to take an appointment in Washington D.C., Arizona Governor Jack Williams appointed O'Connor to occupy the vacant seat. O'Connor successfully defended her senate position for two more terms and eventually became the majority leader, a first for women anywhere in the U.S. In 1974, O'Connor decided to shift gears and run for a judgeship on the Maricopa County Superior Court. State Republican leaders urged her to consider a campaign for the governorship in 1978, but O'Connor declined. A year later, the newly elected Democratic governor nominated O'Connor to the Arizona Court of Appeals. Not quite two years later, President Reagan nominated her as the first woman to Supreme Court as a replacement for the retiring Justice Potter Stewart.

The Senate confirmed O'Connor's appointment unanimously. As if in anticipation of her arrival, the Court abandoned its formal use of "Mr. Justice" as the form of address, opting for the simpler and gender-neutral, "Justice." Early in her tenure on the Court, most observers identified O'Connor as part of the Court's conservative faction. The public often associated her with Rehnquist since they shared common roots and values. However, after a few Terms, O'Connor established her own unique position on the Court. Although she commonly sided with the conservatives, O'Connor would frequently author a concurrence that sought to narrow the scope of the majority's opinion.

To this day, O'Connor's core legal philosophy remains difficult to define. She approaches each case with individual treatment and seeks always to arrive at a practical conclusion. Her moderation has helped her role as the centrist coalition-builder, which has consequently enhanced her influence on the Court. – From www.oyez.org

SANDRA DAY O'CONNOR

Biographical Data

Born March 26, 1930 in El Paso, Texas, daughter of Harry A. Day and Ada Mae Wilkey Day. Married John Jay O'Connor III in 1952. Three sons, Scott, Brian, and Jay.

Education

Stanford University, B.A., 1950 (with Great Distinction); LL.B., 1952, Order of the Coif, Board of Editors, Stanford Law Review.

Judicial Offices

Nominated by President Reagan as Associate Justice of the United States Supreme Court on July 7, 1981; confirmed by the United States Senate on September 22, 1981; and took oath of office on September 25, 1981.

Appointed to the Arizona Court of Appeals by Governor Bruce Babbitt and served from 1979 to 1981.

Elected judge of the Maricopa County Superior Court, Phoenix, Arizona, and served from 1975 to 1979.

Legislative Offices

Appointed State Senator in 1969 and subsequently reelected to two two-year terms, serving in the Arizona State Senate from 1969 to 1975; Senate Majority Leader in 1972-75; served as Chairman of the State, County, and Municipal Affairs Committee in 1972 and 1973; also served on the Legislative Council, on the Probate Code Commission and on the Arizona Advisory Council on Intergovernmental Relations.

Legal Positions

Deputy County Attorney, San Mateo County, California, 1952 to 1953, Civilian Attorney for Quartermaster Market Center, Frankfurt, Germany, 1954 to 1957; private practice of law in Maryvale, Arizona, 1958 to 1960; Assistant Attorney General, Arizona, 1965 to 1969.

Civic Activities

Member, Executive Board, ABA Central European and Eurasian Law Initiative, 1990-present; member, Board of Trustees, Rockefeller Foundation, 2006-present; Chancellor, College of William and Mary, 2005-present; member, Advisory Board, Smithsonian National Museum of Natural History, 2006-present; member, ABA Commission on Civic Education and Separation of Powers, 2005-present; member, Executive Committee, ABA Museum of Law, 2000-present; member, Advisory Commission, ABA Standing Committee on the Law Library of Congress, 2002-present; member, Advisory Committee, American Society of International Law, Judicial, 2001-present; honorary chair, America's 400th Anniversary: Jamestown 2007, 2006-present; co-chair, National Advisory Council, Campaign for the Civic Mission of Schools, 2005-present; member, Selection Committee, Oklahoma City National Memorial & Museum, 2005-present; member, Advisory Board, Stanford Center on Ethics, 2005-present.

Other Activities

Member, Anglo-American Exchange, 1980; Chairman, Arizona Supreme Court Committee to Reorganize Lower Courts, 1974-1975; Chairman, Maricopa County Bar Association Lawyer Referral Service, 1960-1962; former member, State Bar of Arizona Committees on Legal Aid, Public Relations, Lower Court Reorganization, Continuing Legal Education; Chairman, Maricopa County Juvenile Detention Home Visiting Board, 1963-64; Chairman, Maricopa County Superior Court Judges' Training and Education Committee, 1977-79; member, National Defense Advisory Committee on Women in the Services, 1974-76; member, Arizona State Personnel Commission, 1968-69; Vice Chairman, Arizona Select Law Enforcement Review Commission, 1979-80; member, Maricopa County Board of Adjustments and Appeals, 1963-64; member, Arizona Criminal Code Commission, 1974-76; Cathedral Chapter of the Washington National Cathedral, 1991-99.

Memberships in Professional Organizations

American Bar Association, State Bar of Arizona, State Bar of California, Maricopa County Bar Association, Arizona Judges' Association, National Association of Women Judges, Arizona Women Lawyers' Association.

Lessons Learned from the FWOSCOTUS*
(The First Woman On The Supreme Court of the United States)
By Ruth V. McGregor

When President Reagan appointed Sandra Day O'Connor to the Supreme Court of the United States in 1981, I was a partner in the Phoenix law firm of Fennemore Craig. I knew Justice O'Connor professionally because everyone in Arizona knew of Sandra O'Connor's role in state government and personally because her husband, John O'Connor, was one of our senior partners. Before he retired, Justice Potter Stewart had hired three outstanding law clerks, who joined Justice O'Connor after her confirmation. She offered me a position as her fourth law clerk, an invitation I accepted with alacrity. I expected a year filled with challenges and opportunities, and it was all of that. What I could not fully appreciate then was how much I would learn from observing Justice O'Connor during that term. In the years since my clerkship, Justice O'Connor has continued her role as my mentor and my friend, and my opportunities to learn from her have continued. The lessons I learned extend far beyond how to approach legal issues and, I think, apply to all of us who work as lawyers and judges.

Lesson One: Focus on the Important

Anyone who has given more than passing attention to Justice O'Connor's schedule must wonder how she managed not only to complete her judicial responsibilities but also to lecture extensively, travel frequently, serve on boards related to law and education, host family and friends, attend multiple social events, meet with numerous visitors to the Court and author several books, all while giving unstinting time and attention to her family and friends. The answer, I think, lies in her uncanny ability to focus upon whatever is most important in each area of her professional and personal life.

Justice O'Connor wastes little time on matters peripheral to the law or to her life. Attempts to distract the Justice from determinative issues, whether in petitions for writs of certiorari, in briefs or at argument, simply were wasted effort. Lawyers with cases before the Court quickly learned not to come to oral argument unprepared to answer her questions, always directed to the central, most difficult issues involved. Lawyers appearing in any court should learn from her example: focus your efforts on essential

* Justice Sandra Day O'Connor has stated that she understands that she will always be known as "The First Woman on the Supreme Court of the United States."

arguments rather than on the arguments you would use to distract the court from the weaknesses in your case. As a judge, I also try to follow her example, although undoubtedly with less success than she demonstrated.

Justice O'Connor's ability to laser in on the important extends to every aspect of her life. When she prepares to address any particular group, she focuses on the goals and aspirations important to that group, and her message reflects her focus. Those of you who have engaged in conversation with the Justice know that, during the time she speaks to a person, that person receives her complete attention. Her focus is no less when she takes part in a leisure activity, whether golf or fly-fishing or any of the other activities she enjoys. She gives whatever occupies her time her undivided attention, and the results reflect her concentrated efforts.

But the most important lesson the Justice reinforces on every occasion is the need to focus first on the primary importance of family and friends. No professional responsibility ever takes precedence for her when family or friends need her attention. Her special and beloved husband; her children, in whom she takes such pride; her grandchildren, whom she adores as only a grandmother can; her siblings and her extended family hold a place in her heart and her life that nothing else can touch. Anyone who spends time with the Justice quickly recognizes the extent of her love for her family and her unquestioned devotion to them and their needs and interests. Her friends follow in importance. No matter the extent of her obligations, no matter how hectic her schedule, the Justice finds a way to remain a central part of her friends' lives. I suppose, if she had been a different sort of person, the Justice could have moved away emotionally as well as physically from her friends of many years when she left to assume her place on the Court, but she never did. Rather than distance herself from old friendships, she made room for new friends and brought them all into her circle. There is a reason that the Justice's friends are so loyal to her, and it has nothing to do with her professional position and everything to do with her as a person. If we all follow her example in keeping first things first, our lives will be enriched.

Lesson Two: Decide and Move On

Justice O'Connor has often explained that she does not revisit her decisions or second-guess her own reasoning. Once she had decided a case, she moved on to the next. In watching the Justice at work, however, I learned the essential corollary to that approach: the initial decision must be made with such care and attention that one can be confident that he or she could not have made a better or more-informed initial decision.

Lawyers and judges all could benefit from taking this lesson to heart. We waste time and add to stress when we constantly return to past decisions and wonder, with the benefit of hindsight, whether we should have acted differently. Instead, we should follow the practice of the Justice: do it right the first time and then move on.

Lesson Three: Accept the Responsibilities of Your Profession

I learned a third important lesson from observing Justice O'Connor's responsiveness to the needs of the justice system. She joined the Court near the time that concerned members of the legal profession were raising an alarm about the declining professionalism among lawyers. For too many, practicing law had become all about making money. As a result, a "win at all costs" mentality had taken hold, and too many lawyers regarded professionalism and civility as quaint practices from times gone by and their traditional obligation to render pro bono services as an obligation they could not afford to fulfill. With her usual energy, Justice O'Connor went to work to remind lawyers of their duties as members of a learned profession and their obligations as officers of the court. She became an avid supporter of the American Inns of Court Foundation, which emphasizes the essential nature of professionalism and civility. She spoke to law students, to professional organizations and to individuals about what they could do to reinvigorate the best and most professional approach to the practice of law. She emphasized the rewards that come from public service. And she did it all without sounding accusatory. Her message was effective because it so obviously reflected her commitment to and love of the profession. She called for the best from us all, and many responded.

Justice O'Connor also taught about our responsibility to the larger principles involved in the rule of law. As she traveled throughout this country and to other nations, she carried a message about the central place of the rule of law to democratic nations. She recognized, I think, that she could speak more forcefully about this topic than most others could, and she accepted responsibility for doing so.

The rest of us do not hold a position that allows us to speak with equal authority about the legal profession and the rule of law, but we all play a role within the justice system. Lawyers can respond to the lessons the Justice taught by acting professionally within their own practices and by supporting organizations that encourage civility and professionalism. Lawyers and judges alike can accept responsibility for speaking about and conducting our own activities in ways that celebrate and extend the rule of law.

Justice O'Connor taught me about accepting responsibility in another area. She was well aware of her importance to women in the law, and she served as role model and mentor to many of us. (Lest her efforts be regarded as limited, let me hasten to add that she encouraged many men also!) She easily could have rested on her laurels and left it to others to find their own way, as had she. I don't think that thought ever occurred to her. Instead, she took every opportunity to help young lawyers, as well as experienced lawyers, find the way to best serve their profession and to succeed on their chosen path. Once again, she provided a model that we all can follow: opportunities to encourage and mentor arise every day.

Lesson Four: Enjoy Life and Stay Active

Justice O'Connor taught another valuable lesson: stay active and take advantage of all life has to offer. The Justice never met a sporting activity she does not like. Give her a horse, a shooting range, an aerobics class, a golf club, a tennis racket or a fishing rod, and you may not see her for days. She tries to take part in one physical activity each day and is much more likely to take part in several than in none. She finds time to do so because she includes physical activity in her schedule and keeps to the schedule.

Her commitment to physical activity became apparent soon after her arrival at the Court. When several female employees explained to her that they had long been attempting to organize an aerobics class, but without much luck, the Justice sprang into action. By the next day, the Court had hired an instructor, purchased exercise mats for us to use and reserved the Court gym—the highest court in the land—for the women's morning exercise class. Shortly thereafter, we proudly sported shirts that proclaimed, "Women work out at the Supreme Court." The exercise class had come to stay.

The Justice does not, however, limit her attention to athletic activities. She takes advantage of every opportunity to attend all sorts of events. When a new movie or play opens, the Justice is likely to be there. Her willingness to try new experiences is evidenced by her guest appearances in theatrical performances. Exhibits at art museums draw her, and she takes great pleasure in sending friends to exhibits that they "simply must see." She somehow finds times to read the books that interest her, and that includes a very wide range of interests. Her curiosity drives her to learn about anything and everything.

Her penchant for travel is well-known and well-deserved. She takes such delight in seeing places for the first time that her enthusiasm induces others to accompany or follow her.

The lesson I learned here is to make time to do those things you enjoy and to remain open to new experiences. I have no doubt that the Justice would tell us all that life is too short to miss opportunities to grow and to enjoy.

Lesson Five: Maintain a Sense of Humor

Justice O'Connor could not fully display her sense of humor when sitting formally as a member of the Court. Although the Justices, and less frequently the lawyers appearing before them, occasionally display their humorous side during oral arguments, the Justice revealed only a small part of that side of her personality. Away from the bench, she easily taught the lesson that one should take delight in stories, experiences and all the silliness that life has to offer.

Life often offers up the absurd. We can either be offended by the situation or enjoy it. The Justice would do the latter. I know from watching the Justice react to her husband's numerous stories, as well as the equally-bad stories told by my husband, that she is the perfect audience for a well-told joke. When something amuses her, her laugh is hearty and contagious. I think she knows intuitively the value of taking humor where we find it.

So from her I learned that life is never so serious that we should ignore its humorous aspects. Maintaining our own sense of humor helps us navigate life's difficulties; enjoying others' sense of humor gives us a connection with them.

Lesson Six: Treat Everyone with Respect

No one can equal the Justice in teaching the importance of treating everyone with respect. During her first term on the Court, her innate graciousness must have been sorely tested at times but, if so, it never became apparent. Strangers approached her constantly, usually beginning their comments with the phrase, "Justice O'Connor, I don't mean to interrupt you, but," after which they proceeded to do precisely that. The attention she received in public diminished little during her years on the Court, but in all that time she was unfailingly gracious and respectful to those who wanted to speak with her. She demonstrated the same grace and dignity in her relationships with those who worked at the Court, those she met at

professional and social gatherings and those with whom she came in contact while carrying out all the mundane daily activities that occupy us all.

I suspect that the Justice's respectful approach to others derives from the fact that, at least according to my observations, she accords respect to a persons, not to their position or occupation. Her interest in and attitude toward a person depends not upon whether he or she is a farmer, a teacher, a nuclear physicist, a secretary, a professor, a government official or a supreme court justice, but rather upon the person and his or her character.

The lesson of treating others with respect should be so basic that we don't need reminding, but we all see incidents daily that tell us frequent reminders indeed are necessary. I am not certain that most of us can attain the level of respectful behavior that Justice O'Connor evidences, but I am quite certain that our relationships with others will benefit if we try.

Conclusion

As an undergraduate student in the 1960s, I followed the path taken by many women and obtained my teaching certification. The one lesson I recall from a education methods class came from a professor who told us, "Remember that you are always teaching your students something. Your concern must be with what you are teaching." Justice O'Connor, through her actions, continually taught me and others with whom she came in contact. I hope that the lessons I learned are those that she intended to teach.

Justice Sandra Day O'Connor's Influence Outside the Courtroom

When Justice Sandra Day O'Connor joined the Supreme Court of the United States in 1981, the Court gained much more than a Justice who, during the next quarter-century, would play a major role in determining the direction of the Court's jurisprudence. It gained the services of a woman who would use her influence, coupled with her considerable intellect and energy, to improve justice systems here and internationally. She became personally and deeply involved in efforts to improve the status of women in the legal profession, to spread the rule of law, and to increase professionalism among lawyers. Much of her success in each area depended upon her willingness to sacrifice anonymity and to become more accessible and visible than most past Justices had been. Any analysis of the impact of Justice O'Connor's tenure on the Court is incomplete if it does not consider her impact outside the courtroom.

The effect of Justice O'Connor's appointment upon the status of women in the legal profession cannot be overstated. With Justice O'Connor's confirmation, the axis of the legal world for women shifted, never to return to its old position. By 1981, women were making their presence felt as law students, but had only the most precarious toehold on positions of influence within our profession. Many areas of practice were, for all practical purposes, closed to women. Few major law firms included women on their roster of partners. Women in the judiciary, both state and federal, were noted primarily for their rarity. The persuasiveness of the rationalizations used by those in control of the legal profession to justify the absence of women faded after Justice O'Connor took her place on the Court. If a woman could serve, with distinction, on the nation's most important judicial body, how could women as a class be regarded as incapable of filling any challenging role in the legal profession? If Justice O'Connor could resolve this country's most difficult legal issues while also fulfilling her roles as a wife, mother, daughter, and friend, how could other women be barred because family commitments allegedly would prevent them from devoting sufficient time and energy to their professional obligations? If a woman could serve as a Supreme Court Justice, how could anyone argue that women should not be considered to fill judicial positions on other courts? And what little girl should ever be told that becoming a Supreme Court Justice was beyond her grasp?

Justice O'Connor's very presence on the Court did much to enable women, but, typically for her, she worked actively to make certain that other women could advance. Since joining the court, Justice O'Connor has been an active supporter of women's organizations, including the National Association of Women Judges. She has chided—sometimes gently, sometimes less so—those in our profession who would limit opportunities for women. She has served as a role model, motivator, and mentor for countless women. As young girls listen to Justice O'Connor tell the story of a girl from a dusty Arizona ranch who overcame every obstacle placed in her path, their rapt expressions and starry eyes tell her that they understand their unlimited options. Every woman who is a part of or who aspires to join the legal profession owes a debt of gratitude to Justice O'Connor.

Justice O'Connor also took advantage of every opportunity to serve as an ambassador for the rule of law. She did more than simply voice her belief that all nations should live under the rule of law, which requires that democratically elected legislatures enact laws that independent judiciaries enforce. She worked tirelessly to encourage emerging nations to adopt this basic principle and to remind us that this country could lose the rule of law if we do not act to protect our precious heritage. No Justice has been more open to meeting with judicial leaders from other countries to exchange ideas about the need for and place of the rule of law. When the American Bar Association responded in 1990 to the needs of emerging independent nations by forming the Central and Eastern European Law Initiative (now the Central European and Eurasian Law Initiative) to help establish independent judicial systems, Justice O'Connor immediately joined its Executive Board, a position she continues to fill, and pledged her support for the CEELI goals. Her commitment has been real and personal. She has attended numerous international CEELI meetings to encourage and motivate those working to establish a functioning system of law for countries in which such a principle was previously unknown. She has literally crisscrossed the globe through her activities to expand the rule of law, traveling to Brazil, China, Bahrain, Mongolia, the Baltic States, Eastern Europe, and seemingly every point between. To each country, she brings the message of the United State's history in establishing the rule of law and the knowledge gained from those sometimes-painful experiences. From each country, she takes new ideas and lessons learned from seeing the excitement in countries making a greater commitment to the rule of law. Her presence at conferences to address the rule of law brings increased energy to discussions and calls attention to the critical need for continuing work in this area.

Justice O'Connor also has devoted her time and expertise to focus attention on the need for greater professionalism and commitment to public service among lawyers. The legal profession spent years talking about the need for greater civility and professionalism; Justice O'Connor took action to see that something was done. Following her usual practice, she both supported organizations that foster professionalism and acted individually to further this goal. She became an ardent supporter of the American Inns of Court Foundation, which advances the cause of professionalism through a system based on the English Inns of Court model. Countless students and lawyers at universities, law schools, and legal organizations have heard Justice O'Connor speak about the importance of acting professionally and in a manner that is mindful of a lawyer's role as an officer of the court. No law student or young lawyer could fail to appreciate the urgency of Justice O'Connor's admonition that entry to the legal profession requires that lawyers use their special privileges and advantages by giving back through some form of public service. By insisting that lawyers look beyond the accumulation of wealth and use their skills for the greater public good, Justice O'Connor has herself performed yet another great public service.

Justice O'Connor could not have accomplished so much in these areas had it not been for her accessibility, which enabled her to bring a new dimension to the role of Supreme Court Justice. Whereas members of the Court previously were regarded as distant and aloof, thousands of students and citizens will remember Justice O'Connor for being willing to talk with them. I can only guess how many young children proudly display pictures taken when their classes met with Justice O'Connor. I wonder how often those encounters led to a decision by a student that she or he would study the law and try to be "just like Justice O'Connor." Those adults and law students who met with the Justice or heard her speak left knowing that her words would affect their lives, and many responded to her calls for action. She convinced judges, lawyers, and government leaders across the globe of the strength of her commitment to a system of laws by appearing personally and speaking directly with them. She could have remained in her Court chambers and made some difference. Instead, she left her Chambers and made a substantial difference.

As the legal academy examines Justice O'Connor's influence upon the Court's decisions, we should not lose sight of the important and lasting contributions she made in these other areas. She brought to the Court a

unique combination of intellect, commitment, caring, and personal strength and used these qualities to change the face of the Court, the legal profession, and the justice system. We may never see another Justice like her.

Harvard Law Review
March, 2006

***1242 A TRIBUTE TO JUSTICE SANDRA DAY O'CONNOR**

On the occasion of her retirement from the Supreme Court of the United States, the editors of the Harvard Law Review respectfully dedicate this issue to Justice Sandra Day O'Connor.

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Ruth V. McGregor

Justice Stephen G. Breyer[FN1]

Sandra Day O'Connor was born in El Paso, Texas and raised in rural Arizona on a cattle ranch that her grandfather founded. She loved life on the "Lazy B," where she learned to mend fences, ride horses, fire a rifle, and drive a truck--all by the age of eight. Her favorite pets included a bobcat named Bob, a horse named Chico, and a sparrow hawk named Sylvester. She left the ranch to enter Stanford University, where she attended both college and law school. Despite graduating third in her law school class, she had to deal with considerable gender-based discrimination on her way to becoming a lawyer, a legislator, and a judge. Given Sandra's love of riding, fishing, and the outdoors, I have no doubt she would have made a great rancher. But luckily for all of us, she chose law and became a great Supreme Court Justice instead.

*1243 Justice Byron White used to say that with each new appointment the Supreme Court is a different Court. I know only the most recent Court, the Court of the past eleven years. But that is time enough for me to understand the enormous benefit--for the Court, for its members, and for the law itself-- of having Sandra Day O'Connor as a judicial colleague.

Justice O'Connor has brought to the Court's work, among other skills, a particularly strong practical understanding of the institutional role that courts must play in America's system of government. She has been able to translate that understanding into decisions that help to maintain the kind of nation that the Constitution foresees: a democracy, protective of basic human liberty, equally respectful of each citizen, with power dispersed among different levels and among different branches.

Two recent cases illustrate the kind of practical understanding that I have in mind. In *Grutter v. Bollinger*, [FN1] the Court considered whether the Constitution's Equal Protection Clause prohibits a state law school from using minority race as a special favorable factor in admissions. The Court concluded that the clause permits this kind of affirmative action--to a limited degree. Justice O'Connor's opinion for the Court places important weight on the practical consideration that student body diversity is necessary to maintain the kind of society the Constitution envisions, namely an inclusive democracy in which the nation's civic, military, business, and professional institutions are racially diverse. "Effective participation by members of all racial and ethnic groups in the civic life of our Nation," Justice O'Connor wrote for the Court, "is essential if the dream of one Nation, indivisible, is to be realized." [FN2]

In *Hamdi v. Rumsfeld*, [FN3] the Court considered the military's constitutional authority to detain an American citizen who the military claimed (but the citizen denied) had fought against American forces in Afghanistan. The Court concluded that the Due Process Clause requires that the detained citizen be given an opportunity to present

evidence and argument to contest his detention before a neutral decisionmaker. As in *Grutter*, Justice O'Connor's opinion explores the practical and institutional considerations that help the Court "strick[e] the proper constitutional balance"--here, between individual freedom and national security during wartime. [FN4]

*1244 As these and many other O'Connor opinions make clear, the institutional considerations she has in mind are constitutional in nature. They arise out of the Framers' efforts to create a Constitution that will in practice secure its permanent values for generations to come. In my view, Sandra O'Connor has an often unerring sense of how our nation's democracy works. And that means that, whatever the debates that arise out of our Court's decisions in any particular case, her opinions, taken as a whole, are properly seen to embody a balance, common sense and sound judgment necessary for our Court--and for the Constitution--to function well.

Justice O'Connor once said that a constitutional judge's initial decisions leave "footprints" that later decisions almost inevitably will follow. Her legal writing has left footprints that courts will follow for many years to come.

Justice O'Connor's contribution to the law is not limited, however, to her opinions. Due to the prominence of the Supreme Court at home and the reputation of the American judicial system abroad, a Justice of our Court can often work with nonprofit organizations or use public appearances to help bring about a better-functioning judicial system. No one knows how to use the "Supreme Court" label in the public interest better than does Sandra. She works tirelessly, traveling during Court vacations to American Indian reservations; meeting with Asian, African, and European judges; planning with bar association representatives about how to advance the rule of law, democracy, and independent judicial systems in the nations of the former Soviet bloc; encouraging women lawyers and judges by sharing her own life experiences; speaking to high school, college, and law school students about the Court's work. Throughout, she speaks, she listens, she teaches, and she learns. And she has urged others--both bench and bar--to do the same. [FN5]

Justice O'Connor's professional achievements explain why the Law Review is dedicating this issue to her. The other tributes elaborate upon those achievements. As her colleague, I want to add that we members of the Court treasure her presence for personal reasons as well. Sandra has a special talent, perhaps a gene, for lighting up the room that she enters; for helping to restore good humor in the presence of strong disagreement; for helping to produce results that are constructive; for helping those at odds today to remember that "tomorrow is a new day." These personal qualities improve the quality of the personal as well as the professional lives of the most recent Court's members. *1245 Luckily for all of us, Justice O'Connor will maintain an office at the Court. She will continue her "off the bench" activities. And we shall have the benefit of her company and friendship for many years to come.

Ruth V. McGregor[FN2]

When Justice **Sandra Day O'Connor** joined the Supreme Court of the United States in 1981, the Court gained much more than a Justice who, during the next quarter century, would play a major role in determining the direction of the Court's jurisprudence. It gained the services of a woman who would use her influence, coupled with her considerable intellect and energy, to improve justice systems here and internationally. She became personally and deeply involved in efforts to improve the status of women in the legal profession, to spread the rule of law, and to increase professionalism among lawyers. Much of her success in each area depended upon her willingness to sacrifice anonymity and to become more accessible and visible than most past Justices had been. Any analysis of the impact of Justice O'Connor's tenure on the Court is incomplete if it does not consider her impact outside the courtroom.

The effect of Justice O'Connor's appointment upon the status of women in the legal profession cannot be overstated. With Justice O'Connor's confirmation, the axis of the legal world for women shifted, never to return to its old position. By 1981, women were making their presence felt as law students, but had only the most precarious toehold on positions of influence within our profession. Many areas of practice were, for all practical purposes, closed to women. Few major law firms included women on their roster of partners. Women in the judiciary, both state and federal, were noted primarily for their rarity. The persuasiveness of the rationalizations used by those in control of

the legal profession to justify the absence of women faded after Justice O'Connor took her place on the Court. If a woman could serve, with distinction, on the nation's most important judicial body, how could women as a class be regarded as incapable of filling any challenging role in the legal profession? If Justice O'Connor could resolve this country's most difficult legal issues while also fulfilling her roles as a wife, mother, daughter, and friend, how could other women *1246 be barred because family commitments allegedly would prevent them from devoting sufficient time and energy to their professional obligations? If a woman could serve as a Supreme Court Justice, how could anyone argue that women should not be considered to fill judicial positions on other courts? And what little girl should ever be told that becoming a Supreme Court Justice was beyond her grasp?

Justice O'Connor's very presence on the Court did much to enable women, but, typically for her, she worked actively to make certain that other women could advance. Since joining the Court, Justice O'Connor has been an active supporter of women's organizations, including the National Association of Women Judges. She has chided--sometimes gently, sometimes less so--those in our profession who would limit opportunities for women. She has served as a role model, motivator, and mentor for countless women. As young girls listen to Justice O'Connor tell the story of a girl from a dusty Arizona ranch who overcame every obstacle placed in her path, their rapt expressions and starry eyes tell her that they understand their unlimited options. Every woman who is a part of or who aspires to join the legal profession owes a debt of gratitude to Justice O'Connor.

Justice O'Connor also took advantage of every opportunity to serve as an ambassador for the rule of law. She did more than simply voice her belief that all nations should live under the rule of law, which requires that democratically elected legislatures enact laws that independent judiciaries enforce. She worked tirelessly to encourage emerging nations to adopt this basic principle and to remind us that this country could lose the rule of law if we do not act to protect our precious heritage. No Justice has been more open to meeting with judicial leaders from other countries to exchange ideas about the need for and place of the rule of law. When the American Bar Association responded in 1990 to the needs of emerging independent nations by forming the Central and Eastern European Law Initiative (now the Central European and Eurasian Law Initiative) to help establish independent judicial systems, Justice O'Connor immediately joined its Executive Board, a position she continues to fill, and pledged her support for the CEELI goals. Her commitment has been real and personal. She has attended numerous international CEELI meetings to encourage and motivate those working to establish a functioning system of law for countries in which such a principle was previously unknown. She has literally crisscrossed the globe through her activities to expand the rule of law, traveling to Brazil, China, Bahrain, Mongolia, the Baltic states, Eastern Europe, and seemingly every point between. To each country, she brings the message of the United States's history in establishing the rule of law and the knowledge gained from those sometimes-painful experiences. From each country, she takes new ideas and lessons learned from seeing the excitement in countries making a greater commitment to the rule of law. Her presence at conferences *1247 to address the rule of law brings increased energy to discussions and calls attention to the critical need for continuing work in this area.

Justice O'Connor also has devoted her time and expertise to focus attention on the need for greater professionalism and commitment to public service among lawyers. The legal profession spent years talking about the need for greater civility and professionalism; Justice O'Connor took action to see that something was done. Following her usual practice, she both supported organizations that foster professionalism and acted individually to further this goal. She became an ardent supporter of the American Inns of Court Foundation, which advances the cause of professionalism through a system based on the English Inns of Court model. Countless students and lawyers at universities, law schools, and legal organizations have heard Justice O'Connor speak about the importance of acting professionally and in a manner that is mindful of a lawyer's role as an officer of the court. No law student or young lawyer could fail to appreciate the urgency of Justice O'Connor's admonition that entry to the legal profession requires that lawyers use their special privileges and advantages by giving back through some form of public service. By insisting that lawyers look beyond the accumulation of wealth and use their skills for the greater public good, Justice O'Connor has herself performed yet another great public service.

Justice O'Connor could not have accomplished so much in these areas had it not been for her accessibility, which

enabled her to bring a new dimension to the role of Supreme Court Justice. Whereas members of the Court previously were regarded as distant and aloof, thousands of students and citizens will remember Justice O'Connor for being willing to talk with them. I can only guess how many young children proudly display pictures taken when their classes met with Justice O'Connor. I wonder how often those encounters led to a decision by a student that she or he would study the law and try to be "just like Justice O'Connor." Those adults and law students who met with the Justice or heard her speak left knowing that her words would affect their lives, and many responded to her calls for action. She convinced judges, lawyers, and government leaders across the globe of the strength of her commitment to a system of laws by appearing personally and speaking directly with them. She could have remained in her Court chambers and made some difference. Instead, she left her chambers and made a substantial difference.

As the legal academy examines Justice O'Connor's influence upon the Court's decisions, we should not lose sight of the important and lasting contributions she made in these other areas. She brought to the Court a unique combination of intellect, commitment, caring, and personal strength and used these qualities to change the face of the Court, the legal profession, and the justice system. We may never see another Justice like her.

[FN1]. Associate Justice, Supreme Court of the United States.

[FN1]. 539 U.S. 306 (2003).

[FN2]. Id. at 332.

[FN3]. 124 S. Ct. 2633 (2004).

[FN4]. Id. at 2648.

[FN5]. See, e.g., Justice Sandra Day O'Connor, Keynote Address Before the Ninety-Sixth Annual Meeting of the American Society of International Law (Mar. 15, 2002), in 96 Am. Soc'y Int'l L. Proc. 348, 350 (2002); Sandra Day O'Connor, Broadening Our Horizons: Why American Lawyers Must Learn About Foreign Law, Fed. Law., Sept. 1998, at 20, 20.

[FN2]. Chief Justice, Arizona Supreme Court; law clerk to Justice **Sandra Day O'Connor**, October Term 1981.

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