



JUSTICE GINSBURG AT A 2015 DUKE LAW SCHOOL EVENT.
PHOTO BY JAY MALIN FOR DUKE LAW.

In memoriam

Ruth Bader Ginsburg

ASSOCIATE JUSTICE

SUPREME COURT OF THE UNITED STATES

“The longer you knew her, the more you liked her.”

Shortly after I learned of Ruth’s passing, I thought: A great Justice; A woman of valour; A rock of righteousness; and my good, good friend.

Ruth will be remembered as a brilliant judge, a great jurist who did much for women (indeed for everyone) both before and after she became a justice. Ruth was intelligent, logical, and hardworking. Her opinions reflect her principles. When I wanted to know what she was thinking — and I always wanted to know what she was thinking — I would read her memos and her drafts. Her analysis of a case would be clear, true to the record, and true to the parties’ arguments. She would explain the law succinctly, but without omitting necessary detail. Her opinions reflect her basic decency. She understood the basic indecency of discrimination and unfair treatment. She correctly assumed that law seeks to help people live better lives.

Ruth’s attention to detail extended to her clothes. She dressed well. She loved the ruffs she wore with her robes on the bench. She paid attention to the details of human relations. Just a few weeks ago she sent to my newly born grandchild a t-shirt with the words, “Future RBG Law Clerk.” Her note said: “This is too large for you. It’s going to have to be for Ryan” (an older half-brother) “until you get big enough to fill it.” A recent birthday note (which she thought was very funny) said, “To my younger colleague, stay cool and well.”

She would often send her colleagues personal notes. She was a thoughtful person.

Ruth did not emphasize social chit-chat. She would think before she spoke, even on social occasions. But she did have a good sense of humor. I might go into her office, tell her something I had found funny, and say, “Ruth, what do you think of this?” We could talk about it — as long as I did not stay too long. She would want to get back to work.

What was it like to work with Ruth? Interesting. Challenging. Educational. The longer you knew her, the more you liked her. And I did know her many years. And I did like her very much.

I shall miss Ruth very much indeed.

— **STEPHEN BREYER**, Associate Justice, Supreme Court of the United States

A justice for all

I first crossed paths with Ruth Bader Ginsburg in 1975, when I was a third-year student at Georgetown Law and she was a professor at Columbia Law School. She graciously answered my over-the-transom plea for materials on sex discrimination. Her willingness to reach out became her hallmark with so many aspiring lawyers and, for me, that generous gesture blossomed into a wonderful friendship over the years — teaching together in France, communing over meals, engaging in international rule of law



JUSTICES GINSBURG AND BREYER IN 2006. GERALD HERBERT / ASSOCIATED PRESS.

ventures, and sharing a love of music. What I could not have known those many years ago was that she would be a role model for me as a judge.

Beginning with her time as a lawyer, Justice Ginsburg changed the conversation about gender equality. She didn’t expect change to come in one fell swoop and instead recognized the importance of building blocks. In her view, “[r]eal change, enduring change, happens one step at a time.” One of those steps came in the Virginia Military Institute case, when she elevated the bar for a gender classification to require an “exceedingly persuasive” justification. She was an incrementalist who became a revolutionary.

Her writing — clear, exacting, accessible, and economical — serves as a model. She wrote with flair, although without flash, and had the ability to turn a memorable phrase. Harkening back to her dissent in *Shelby County v. Holder*, we recall her succinct warning that throwing out preclearance in the Voting Rights Act “is like throwing away your umbrella in a rainstorm because you are not getting wet.” And in another election case, she presciently wrote that “[t]he greatest threat to public confidence in elections in this case is the prospect of enforcing a purpose- ▶

fully discriminatory law . . . [that] risks denying the right to vote to hundreds of thousands of eligible votes.” Her writing reflected the clarity of her vision.

She is famous for her dissent collar, a style that distinguished her on the bench. Her nearly 150 dissents were powerful, but never mean, caustic, or snarky. She intuitively elevated the importance of collegiality, even in the midst of sharp disagreement. Trying to bring others along, she sought consensus, not division. Although her dissents were meant to appeal to the intelligence of a future day, she situated those views within her respected role on the Court.

Importantly, Justice Ginsburg brought real world experience and humanity to the bench. Having been the victim of sex discrimination, she recognized Lilly Ledbetter’s dilemma in suing her employer, pointing out that “the court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination.” She also understood a young girl’s humiliation over being strip-searched when she dissented in part in *Safford Unified School District v. Redding*.

Although she was a serious person, she also had a light and funny side. She surprised me when she embraced the Notorious RBG phenomenon. She did many public interviews, and I had the pleasure of interviewing her on a number of occasions. The last time was in February 2020 for a celebration of the Nineteenth Amendment. When I asked her to contribute to the Nineteenth Amendment Cookbook, she cheerfully admitted there was one area where she did not excel — cooking. Her wonderful husband Marty was the Supreme Chef, though in the end she contributed two recipes. She was a romantic when it came to her remarkable relationship with Marty. But she was a pragmatist in terms of the work/



JUSTICE GINSBURG AT HER SWEARING-IN CEREMONY IN 1993, WITH PRESIDENT BILL CLINTON; HER HUSBAND, MARTIN GINSBURG; AND CHIEF JUSTICE WILLIAM H. REHNQUIST. ARNIE SACHS / CNP / MEDIAPUNCH.

life juggle, acknowledging that you can’t have it all, all of the time.

We can never thank Justice Ginsburg enough for her contribution to gender equality. She forever changed the landscape and the language of the law. She had a stunning intellect, a warm heart, a playful spirit, and a moral compass that was all in for justice and equality. Ruth, my friend, I will miss you.

— **M. MARGARET MCKEOWN**,
Judge, United States Court of
Appeals for the Ninth Circuit

“Someone for whom the law was not about abstractions.”

That Ruth Bader Ginsburg was a path-marking legal mind as the litigating architect of gender equality, we know. That she was a jurist of extraordinary distinction, who left an indelible mark on the law, with a keen understanding of the noble aspirations for her country, keeping in mind the rights of individuals, especially

those most vulnerable in society, her opinions written with her methodical, precise prose, attentive to nuance and style — that we know, too. That the world is a better place because of her, we honor and treasure, and we all know. That apart from being a brilliant, compassionate jurist, she took hold of life and embraced every moment, as an appreciator of music, art, literature, the world, we also know.

Justice Ginsburg’s passing led to an unprecedented outpouring of grief across the nation, and she was suitably honored by being the first woman, the first justice, the first person of Jewish heritage, to lie in state in the Capitol. Perhaps sometimes there’s no full accounting for greatness. It’s here, and we do well when we recognize it and honor it. Her life, of course, offers some clues to the visceral connection that so many, so many who never met her, felt toward Justice Ginsburg.

In Justice Ginsburg, the public observed someone for whom the law was not about abstractions. Her life in the law was about working to ensure that each of us can realize his or her potential. For her, life could entail the most difficult of challenges, both professional and personal, but she was always determined to meet them, to struggle through the obstacles to



JUSTICE GINSBURG'S "RUFFS" – HER JUDICIAL COLLARS – BECAME POP CULTURE ICONS IN THEIR OWN RIGHT. WDC PHOTOS / ALAMY.

secure a better future for those of us here and now and those who follow. She did so with grace, prodigious work habits, good humor, dignity, and style.

The enduring connection that she established with the American people was based on their perception that in an age too often gripped by glitz and self-promotion, Ruth Bader Ginsburg was someone whose virtues were real. She struck a resonant chord with all of us, when, in response to a question at her confirmation hearing, she quietly said: "I would like to be thought of as someone who cares about people and does the best she can with the talent she has to make a contribution to a better world."

That, I think, captured Justice Ginsburg's essence. She was a person with a seemingly limitless capacity for friendship and kindness, in ways large and small, no matter the weighty burdens of her daily life; she was a friend for the chilly winters of life; someone who placed others before her own convenience; someone, as I said, of conviction and determination; a person with a true sense of the aesthetic. To know her family, her incompara-

ble partner, Marty, her accomplished children, Jane and James, and her grandchildren (granddaughter Clara Spera was for me a superb law clerk), is to have a sense of what, for her, are life's blessings, and makes each of us appreciate what is truly important.

For more than a quarter century, Ruth Bader Ginsburg was the circuit justice for the Second Circuit. In that role, she evidenced over and over again that her commitment to do her best for others wasn't simply a lofty ideal but an unyielding standard that selflessly guided her at all times. Even when her health was challenged, she was determined to do whatever she had promised. In 1999, she insisted on honoring what was for her a steadfast part of her commitment as our circuit justice to come to New York to swear me in at my public induction, just weeks after undergoing colon cancer surgery, because she wanted me to get off to a good start – and even though I suggested that she conserve her health and not come. And, as my chief judgeship ended at the end of August 2020, she recorded a video for a Federal Bar Council gathering, even while confronting her health challenges. The Second Circuit Judicial Conference takes place in June every year in an out-of-the-way place, at a very busy time for the Court, but she was committed to attending each conference, even when her health was uncertain. Indeed, her attendance record at the conference was unmatched. Her report to the conference and dialogue with our judges was the high point for all of us.

Apart from the circuit judicial conference, Justice Ginsburg was a loyal participant in various events of the Court's 125th anniversary commemoration. She inspired the young lawyers of the Immigrant Justice Corps, speaking to them at a gathering at the New York

Historical Society about the importance of access to justice for everyone, even though, unbeknownst to the rest of us, she was battling a painful case of shingles. Justice Ginsburg also was a faithful participant in the NYC Bar's annual Ruth Bader Ginsburg Lecture.

The entire circuit loved her, and we are hugely grateful for her time and generosity. A highlight of my tenure as chief judge came when my court voted to dedicate the 25th floor library of the Thurgood Marshall U.S. Courthouse to Justice Ginsburg. The dedication, with these words I had the privilege of crafting, read:

In honor of Associate Justice Ruth Bader Ginsburg:

Our beloved Circuit Justice for more than a quarter century,

Jurist of exceptional intellect, precision, and humanity,

Pathmarker renowned for a lifetime of dedication to equality for all,

Inspiration for her personal example of resilience,

Child of Brooklyn, and law clerk in this courthouse to Southern District Judge Edmund L. Palmieri,

Friend for all seasons and lover of life: We hereby dedicate the library as:

"The Justice Ruth Bader Ginsburg Library."

Our nation is so much in Justice Ginsburg's debt. We will always remember and cherish her, as a person of high principle and character, of grace and dignity and joy of life, whose example inspires each of us and gives strength to all of us, who fulfilled her hope and commitment that she would do her best to make the world a better place, as she was a grand human of authentic greatness.

— **ROBERT A. KATZMANN**,
Judge, United States Court of Appeals for the Second Circuit