

A Window on (a) Justice

BY ELIZABETH G. THORNBURG

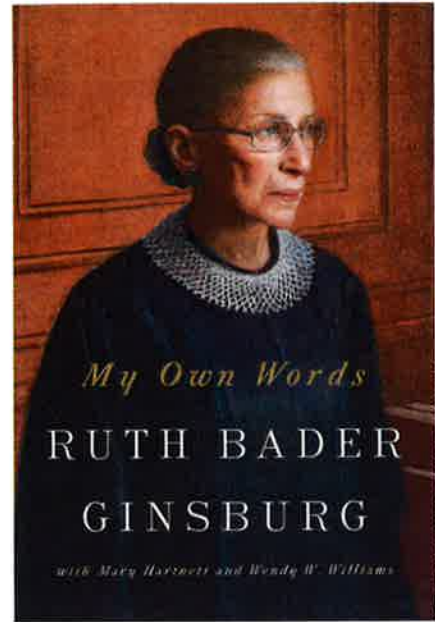
Fans of the “Notorious RBG” will find much to love in this collection of Justice Ruth Bader Ginsburg’s writings—but they will not be the only ones. *My Own Words* (Simon & Schuster, 2016) combines a little bit of biography with a curated set of essays, speeches, and more that provide insight into her philosophy and career. Taken together, Ginsburg’s words paint a picture of a smart, hard-working lawyer with a passion for equality. They also show a strategic pragmatist with the ability to engage in constructive conversations with people whose views differ from her own.

The book is divided into five main sections. Part one documents Ginsburg’s early years, showing that the roots of her commitment to justice run deep. It begins with a school newspaper editorial

from 1946, when Ginsburg was in the eighth grade, celebrating the newly adopted United Nations charter. Part two contains a number of endearing tributes to various individuals who helped pave the way for today’s more diverse legal profession. The stories remind the reader of the social changes that have occurred during Ginsburg’s lifetime. She was born in the year that Adolf Hitler became chancellor of Germany and the first concentration camp was established at Dachau. Even by the time she went to law school, discrimination against both women and Jews remained significant. Nor have all problems been solved. One anecdote within the profile of retired Justice Sandra Day O’Connor shares the fact that when she and Ginsburg were both on the U.S. Supreme Court, lawyers during oral argument would call the female justices by each other’s names.

Part three contains the bulk of the book’s content directly related to legal arguments for gender equality. Among the most notable passages are those that provide backstories to classic gender discrimination cases like *Moritz v. Commissioner*, *Reed v. Reed*, *Frontiero v. Richardson*, *Wiesenfeld v. Weinberger*, and *Craig v. Boren*. Part four relates to Ginsburg’s Supreme Court nomination, while part five addresses a number of issues about judges and judging (including remarks on the increasingly hot topics of judicial independence and citation of non-U.S. law).

Even lawyers with no interest in gender issues can learn valuable lessons from this collection. Some of those relate to litigation strategy. An effort to dismantle the framework of gender discrimination in the 1970s was more radical than it may now appear. And so the cases chosen for that project deliberately targeted contexts that would be less threatening, such as those where men were the ones who suffered from the classification and those where the stakes appeared to be low, including an Idaho probate provision and an Oklahoma “near beer” statute.



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Other entries serve as a how-to manual for litigators. Essays in this category include the excellent “Workways of the Supreme Court,” and multiple others on judicial opinion writing (with advice that would also serve brief-writers well).

Ginsburg herself wrote a preface to the book, and she chose to end it with a 1990 quote from O’Connor, the first woman on the Supreme Court. Its words are equally applicable to Ginsburg, and to this book:

For both men and women the first step in getting power is to become visible to others, and then to put on an impressive show. . . . As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we’ll all be better off for it.

As Ginsburg noted, “Amen.” **TBJ**



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