

2010

Law School Awards Marshall-Wythe Medallion to Justice O'Connor

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By Jaime Welch-Donahue

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Retired U.S. Supreme Court Justice Sandra Day O'Connor received the 2009-10 Marshall-Wythe Medallion at a dinner in her honor at William & Mary's Alumni House on May 14. The medallion, presented to O'Connor by Retired U.S. Supreme Court Justice Sandra Day O'Connor received the 2009-10 Marshall-Wythe Medallion at a dinner in her honor at William & Mary's Alumni House on May 14. The medallion, presented to O'Connor by Law School Dean Davison M. Douglas, is the highest honor conferred by the law faculty and recognizes members of the legal community who have demonstrated exceptional leadership and accomplishment. O'Connor became Chancellor of the College of William & Mary in 2006 after she stepped down from the Court.

In his remarks, Douglas harkened back to July 1981 and the excitement that swept the nation when O'Connor was nominated to serve on the Supreme Court. Her nomination as the Court's first female justice, he said, ranked "among the momentous events in the history of our nation." Now regarded "as one of the Court's most influential justices of the past half century," he also noted that in the years since her retirement from the Court she has emerged as a champion for judicial independence and as a passionate advocate for civic education of young people.

Douglas sketched the trajectory of her life prior to her nomination to the Court - from her childhood on a desert ranch to her graduation near the top of her Stanford Law School class to her career as a legislator and a judge in her home state of Arizona. As one of the few women in that era in a position of political power at the state level, she served as a role model for women, said Douglas, and also garnered accolades for her "stellar intellect, impressive accomplishments, and plain hard work."

In a similar fashion, he said, she enjoys a significant place in American history as the first female justice and as one of the most influential jurists of her time. "I have a feeling," he said, "that Justice O'Connor doesn't like the term, but for the last several years of her tenure, many observers referred to the Supreme Court not as the Rehnquist Court, but as the O'Connor Court."



In many areas, he continued, her opinions were "extraordinarily influential. "In the church-state area," he noted, "her endorsement test helped shape the Court's Establishment Clause doctrine."

Douglas singled out two of the more important opinions she wrote for the court: in *Grutter v. Bollinger* she upheld the constitutionality of the consideration of race in admissions by the University of Michigan Law School; in *Mississippi University for Women v. Hogan* she declared unconstitutional a state university nursing school's exclusion of men from its program, noting that the school's policy "perpetuates the stereotyped view of nursing as an exclusively women's job."

In addition, on many occasions she was "an important and dynamic dissenting voice" on the Court. He reminded the audience of "her powerful dissents in the *Apprendi* case involving criminal sentencing guidelines, and the *Kelo* case involving property takings for private commercial use."

The Dean concluded his remarks by relating a story recounted by O'Connor's biographer Joan Biskupic. In 2005, after the Justice announced that she would step down from the bench, she was a guest at the annual judicial conference hosted by the 9th Circuit Court of Appeals. When, during the course of the gathering, she was asked to ponder her legacy, O'Connor said: "I don't know what opinions I've written that are going to have lasting significance. ... In terms of the terrorist threats we face today, I was privileged to write [the opinion in the] *Hamdi* case, in ways that may point a useful direction." She ended her remarks on that occasion, reported Biskupic, by reading a poem titled "There Is No Indispensable Man." In it, the poet Saxon Kessinger playfully suggests a metaphorical experiment to anyone who has an exaggerated sense of his or her own importance: "Take a bucket, fill it with water; Put your hand in, up to the wrist; Pull it out, and the hole that's remaining; Is a measure of how you'll be missed."

"I resonate with the metaphor expressed by the poet," Douglas concluded. "At the end of the day, whether we like it or not, none of us is indispensable. But I think we can say with some confidence, that in Justice O'Connor's case, she has left a legacy - and is continuing to leave a legacy - that will live on for decades to come in the jurisprudence of the United States Supreme Court, in her work for judicial independence, and in her efforts to encourage civic education among our youth."