

Inside the Court: Eyewitness Accounts

Justice Stephen Breyer

Long Shadow of Stephen Breyer

By Liz Mineo. The Harvard Gazette, Harvard University – April 7, 2022

Pratik Shah: "Shah (2003) was a first-year law student at the time. And he was very nervous after having been summoned to the office of his boss, U.S. District Court Judge Charles Breyer, after turning in a draft memo he'd written involving due process, even though he hadn't taken constitutional law yet... 'I worked hard on it, and the next morning, Judge Breyer calls me into the office and says, 'I haven't had a chance to review your memo all that closely, but my brother has some questions for you,' said Shah, who clerked for Breyer in 2003. 'And off to the side is sitting Justice Breyer, whom I had never met.'"

Caitlin Halligan: "Halligan (1997) recalled one of Breyer's most memorable hypotheticals about a case involving California's medical marijuana law and the federal government's role in policing drug use. Breyer wondered about the implications of the law by asking about a farmer who 'grows heroin, cocaine, tomatoes that are going to have genomes in them that could, at some point, lead to tomato children that will eventually affect Boston.'... Along with the "tomato children," Breyer used "marshmallow guns," and "aspirin fingers" in other hypothetical questions that offered some levity to the proceedings of the court. 'His hypotheticals were legendary,' said Halligan."

SOURCE : <https://news.harvard.edu/gazette/story/2022/04/former-clerks-discuss-stephen-breyers-impact/>