

Inside the Court: Eyewitness Accounts

Justice Stephen Breyer

Joe Bankman and Richard Thompson Ford. Stanford Radio

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"Jenny Martinez: It's a real pleasure to be here today with both of you and to talk about my old boss, Justice Breyer. It was a wonderful clerkship before becoming a judge, Justice Breyer had been a law professor at Harvard, and I think he was famous on the bench for a kind of professorial air to some of his questioning. It put some lawyers imagining themselves back in their first year law school seats, answering questions of great difficulty from a faculty member. But he also brought that same attitude to working with his clerks. That is, of really learning from them, of helping teach them about the law, of wanting to explore the law with them. And so he was, as I said, quite famous for elaborate hypotheticals and he definitely practiced those in chambers, as well as on the bench. We had one famous hypothetical the year I was clerking that involved a goat that was also a chicken.

And I can't quite remember the statute that he was trying to interpret that led to that hybrid animal being in the hypothetical questions we were tossing around, but I think it was all an example of the way in which he has a very curious mind and really tries hard to get to the right answer and to explore the implications of the law for the real world and how it's going to play out in a bunch different scenarios in the future that the court needs to be cognizant of as it decides the case in front of it."

SOURCE : <https://law.stanford.edu/stanford-legal-on-siriusxm/the-legacy-of-justice-stephen-breyer-with-jenny-martinez/>