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## My Dinner With Ruth

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My Dinner With Ruth<sup>31</sup>

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Never underestimate serendipity, especially when it can lead to dinner with Justice Ginsburg,

who at the time was on the D.C. Circuit.

I was getting off an elevator in Washington, and there was Marty Ginsburg. Seeing him always brought a smile. We first met years ago at the nefarious Eagle Lodge,<sup>32</sup> where New York University sponsored an off-the-record meeting among government officials (including the Treasury assistant secretary for tax policy, the IRS commissioner, the IRS chief counsel, and high-level Justice Department decision-makers) and a select group of private sector lawyers and law professors. Invitation only, let your hair down, and no journalists or the public allowed.

Marty held court there. His intellectual prowess was legendary as was his hysterical New York sense of humor, and I loved kibitzing with him.

He was also very kind,<sup>33</sup> so how could I refuse an invitation to join him and a small group of his minions for dinner? It was late, and it turned out that both of us had just finished a major project, and were in that special state of giddiness, relief, and exaltation. Off we trotted to a nearby restaurant for a celebratory meal.

He called Ruth to join us. I only heard part of the conversation, but it went something like this:

<sup>31</sup> No disrespect is intended in calling the Justice Ruth. That is the way she introduced herself and the way her husband introduced her. And it captures who she was.

<sup>32</sup> See Jonathan Barry Forman, "Eagle Lodge 11: How I Taught the Treasury to Keep a Secret," *Tax Notes*, Feb. 26, 1990, p. 1065; Lee A. Sheppard, "Behind Closed Doors at Eagle Lodge," *Tax Notes*, Mar. 18, 1985, p. 1077; and Sheppard, "The Inner Circle at Eagle Lodge," *Tax Notes*, Mar. 11, 1985, p. 960.

<sup>33</sup> Marty was the quintessential mensch. His love and support for the justice has been the stuff of movies and countless articles. Just about every one of my women friends has said they wished they had a husband like him. I suspect my wife has probably harbored similar sentiments but is wise enough not to say so — at least to me.

"You have to eat, Ruth. And it will be too late for me to cook when I get home."<sup>34</sup> You can leave the dinner anytime you want."

The fear that she might have to confront the kitchen — alone — must have won the argument because she arrived shortly. Marty knew she would not tolerate a lot of schmoozing when she had briefs to work on, so we immediately sat down. As hungry as I was, I quickly lost my appetite when Marty bellowed out, "Ruth, sit here next to the professor." Others might have strenuously lobbied for this opportunity, especially those appearing before her, but I was paralyzed with fear.

I lost my confidence, even if she had not yet become that cultural icon, "RBG." I am not great at small talk, which I suspect she would have viewed as a waste of time anyway. But how could I possibly be a worthy dinner companion? I of course knew about the *Moritz* case that she and Marty had won, and I knew of her background and history before the Supreme Court, but I could only mentally muster boring and predictable thoughts about how to break the ice. How could I waste her precious time on my drivel?

I was tongue-tied and intimidated. Luckily, she broke the ice first and rescued me. "So what are you working on?" Never ever, either before or since, has anyone in a social situation asked me that, and she was totally sincere, not feigning interest just to mark time until she could escape and get back to work.

Given that she was married to the preeminent tax professor in the country, and that I actually was working on something, I took the bait, and through appetizers and our entrees, she listened, became the Socratic professor she once was, cross-examined me, peppered me with questions, and insightfully suggested new connections and themes that I might pursue. All of this was done with gentleness, warmth, encouragement, and with her blue eyes sparkling. (And, yes, I did rewrite parts of what I was working on.)

Buoyed by that, I felt I could move on to something more personal, her days at Harvard

<sup>34</sup> The justice was a notoriously bad cook. By contrast, everyone tried to finagle a home-cooked meal with Marty because of his famous culinary skills. Apparently, he cooked every New Year's Eve for the Scalias and the Ginsburgs.

Law School. Although I was a decade behind her, my class nevertheless had fewer than 30 women. In her era, there were still traditions like “Ladies’ Day,” in which a particularly infamous, elderly professor would call the few female students to the front of the class and quiz them about cases with questions calculated to embarrass them, to the great amusement and entertainment of the men.

And we gossiped. (I am comfortable using that term because many others have used it as well about her.) We talked about Columbia, Harvard, the pompous and self-important, articles that never should have been published, and memorable moments in our classrooms, both good and bad. We talked about Jackie Robinson and growing up in Brooklyn, and how similar it was to my growing up in Newark, New Jersey. I sensed I was with an old, wise friend.

And we must have talked about my life because Marty interjected, “Ruth, stop being Yente,”<sup>35</sup> to which she immediately responded, “Well, Marty, it did work for us.” Later I learned that he met her on a blind date arranged by his roommate, their yente, at Cornell.

What an evening. Her warmth, wit, and genuineness were so nurturing. I felt like I had become part of her extended family. I knew I was in the presence of greatness not because of her intellect, and not because she was this extraordinary lawyer and judge who had transformed our country, but because of her warmth, humanity, and wisdom. What a rare combination — desperately needed to heal the country at this fragile time.

<sup>35</sup> A reference to the matchmaker in *Fiddler on the Roof*.




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