

## BREAKING IN: THE RISE OF SONIA SOTOMAYOR AND THE POLITICS OF JUSTICE

BY JOAN BISKUPIC

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Reviewed by Elizabeth Kelley

In 2009, shortly after the U.S. Senate confirmed her appointment to the Supreme Court, Justice Sonia Sotomayor signed a \$3 million book deal with Knopf. Other justices had written their memoirs and books about law while serving on the high court, but none had ever received so large an advance, particularly after such a brief period of service. This, like much of Sotomayor's life, was precedent-shattering.

When Sotomayor's book, *My Beloved World*, was released in January 2013, it soared to the top of bestseller lists, where it remained for months. (I reviewed it in *The Federal Lawyer's* June 2013 issue). People lined up for hours to greet the justice on her book tour. While Sotomayor was writing and promoting her autobiography, journalist Joan Biskupic was working on the book under review, *Breaking In: The Rise of Sonia Sotomayor and the Politics of Justice*, and would receive Sotomayor's assistance in doing so.

Why, you might ask, would I bother to read another book about Sotomayor just two years after reading *My Beloved World*? What could Biskupic possibly add to our knowledge of Sotomayor? As for the first question, as an autobiography, *My Beloved World* was written through the lens, indeed, the filter, of its author/

subject. Although Sotomayor is frank in *My Beloved World*, Biskupic can take a more probing look at some of the more controversial aspects of her history, including her decision as a judge on the Second Circuit in the reverse discrimination case of *Ricci v. DeStefano*, and the criticisms that she lacks the traditional judicial temperament and that she is more concerned with establishing her own identity on the Court than with building consensus among the other justices.

As for what Biskupic's book adds to our knowledge, she devotes much of its first half describing the political environment for Latinos from the 1960s up to the day that Sotomayor was nominated as the first Hispanic justice by the nation's first African-American President. In particular, she describes the shrewd political maneuvers Sotomayor made over the years, from her days as a law student at Yale through her service on the Second Circuit. The second half of the book analyzes Sotomayor's judicial legacy thus far, a legacy that is inextricably bound with her public persona, or what could easily be called her celebrity.

If you are reading *Breaking In* in order to get a better handle on Sotomayor, however, you will be disappointed. But, then, perhaps her power—indeed, her allure—is that she is not easily categorized. Is she a talented politician, a distinguished jurist, or someone who has parlayed her achievements to celebrity status? From the day when, as a little girl watching *Perry Mason*, Sotomayor decided to be a lawyer, she knew that her gender, nationality, and economic status could be barriers. *Breaking In* tells of how she used these to her advantage: by cultivating supporters such as Sen. Daniel Patrick Moynihan, by serving on non-profit boards supporting the Puerto Rican community, and by building a nationwide network of support through speaking engagements.

*Breaking In* also tells of how Sotomayor built her legal résumé: by thriving in the gritty, rough and tumble of the Manhattan district attorney's office led by Robert Morgenthau, and by gaining commercial law litigation experience at a New York City firm. Sotomayor put in her time on the federal benches of the Southern District of New York and the Court of Appeals for the Second Circuit, always looking out of the corner of her eye, Biskupic would have us

believe, as to whether the time was right—whether it was *her* time—to ascend to the Supreme Court.

Make no mistake: Biskupic does not portray Sotomayor as being more flash than substance. Rather, she shows how the little girl from the Bronx afflicted with juvenile diabetes developed a million-dollar personality, which she has used to distinguish herself from her peers, including her colleagues on the Court. In her speeches and in her writings, Sotomayor has been frank that affirmative action opened doors for her. But she emphasizes that her abilities—and her determination to compensate for any shortfalls—enabled her to thrive. Today, she easily moves between writing opinions and pressing the button for the countdown ball for New Year's Eve in Times Square. And Sotomayor revels in the niche she has created, having become an important voice on the Court and, in public, being treated as a rock star and serving as a role model.

In the opening chapter of *Breaking In*, Sotomayor is attending the traditional end-of-term party at the Court for the justices and their clerks. The party always features a comedy routine in which staff members parody the habits of their bosses. At the end of this particular party, Sotomayor announces that it has all been too dignified, and she begins to salsa dance. The image of her attempting to get Justice Samuel Alito to dance is priceless. And the image of her coaxing Justice Ruth Ginsburg, who had recently lost her husband, out of her seat and whispering, "Martin would want you to dance," is touching. This is Justice Sonia Sotomayor: undaunted, and as always, precedent-shattering. ©

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