Lessons in Leadership

President Brennan's Legacy and Why It Matters

Perhaps for most of us, sooner or later we have to choose between a successful career and a successful life. However, some are blessed with the character to refuse to make that choice and to insist on both, for themselves and for all with whom they share a life and career.

Those individuals, we call leaders.

Leaders have a vision of the common good and are willing to take personal risks to help achieve it.

For whatever else retiring President Thomas E. Brennan stands, his capacity for leadership stands fully as tall as his own lean and still youthful six-foot-two frame.

An unconventional choice

Leadership lesson number one: Lead, don't follow. Had Brennan been satisfied to take a back seat on the Michigan Supreme Court, that would have been the end of it. After all, just being on the bench is usually the pinnacle of one's law career. But for young Justice Brennan, it was not enough. In 1969, at 39 years of age, Brennan was elected Chief Justice (the youngest in Michigan history).

However, within two years the political climate of the court had changed, and not content to be "a voice in the wilderness," Judge Brennan set out to make a true difference in the world — on his own terms. He resigned from the court without regrets, to pursue his dream at a time when he was also supporting a family with wife Polly, and when the first of their six children was just entering college. The risks were real. The rewards were not guaranteed. But highly creative minds often harbor a restless spirit — as longtime Cooley board member Larry Nolan put it, "Tom Brennan has ideas that sometimes make you drop dead in your tracks. He is always thinking, 'what is so good about the wheel we've got?' and then he looks for ways to make it rounder."

An uncompromising vision

Leadership lesson number two: Bet on your personal vision, not on the odds. Even while sitting on the bench, Brennan had announced and begun to enact his plans to open a law school dedicated to the ideals of a diverse student body and an affordable, quality legal education, traits that distinguish Cooley Law School among its peers to this day. One who thinks such noble goals beyond reproach, underestimates the power of the status quo and those dedicated to preserving it.

A member of the Wayne State University Law School faculty wrote a memorandum accusing Brennan of a conflict of interest. The *Detroit Free Press* took up the cause, and soon even Gov. William Milliken was criticizing the justice. The public relations battle raged. The State Superintendent of Public Instruction convened a special committee of scholars to evaluate the need for a new law school in Michigan. The committee, representing the state's existing law schools, including dominant University of Michigan, decided that no such school was warranted. And then there was the Detroit newspaper reporter who relentlessly carried on about the "storefront diploma mill" opening up on Grand Avenue. To a betting person, the odds of getting Cooley off the ground looked like slim to none. Strong leadership tends to even the odds, however.

A capacity to see the crisis

Leadership lesson number three: Be decisive when you have the opportunity to strike, and roll with the punches when you have to. Brennan freely admits that the lingering military draft threat in the early 1970s helped give Cooley a needed jump-start from students eager to extend their deferments as long as possible. Graduate education was surging all over the country. In fact, Larry Nolan (a graduate of the first class, 1976) was himself a beneficiary of Cooley's fortuitous opening – "I was afraid my dream of being a lawyer might not come true, after all. I had applied to U of M, North Carolina, and University of Detroit…." But Nolan needed the flexibility that Cooley offered, because, as a conscientious objector, he was in the middle of working off an obligation to military service by serving at a Wayne County residential treatment center for boys. Nolan chuckles at recalling how he was so grateful for the opportunity that he showed up at the Supreme Court to thank Justice Brennan personally, looking like a symbol of the times in long hair and full beard. He had shaved and cut his hair by the next time he came around.

Nevertheless, that early advantage doesn't account for all of Cooley's growth from a modest 76 students in the beginning to some 1,200 by the mid-1980s. Growth was helped by expert administrators, talented faculty and staff, and serious students, all of whom Cooley could boast in abundance as it built on a steady stream of small successes. But reverses can come quickly.

As in a chess match, most growing businesses and institutions build to a crisis point in their histories when the game can go either way, if one has the eye to see it. A chess master, or an astute leader, is prepared to recognize the crisis, prepared to transform challenges into opportunities. An anonymous philosopher summed it up in plainer language: "If you snooze, you lose." So when enrollment suddenly plunged from a high of 1,200 to only 900, Brennan weighed the alternatives in some plain language of his own: "We could sell the farm, tighten the

sails, pray for rain, or go to the whip." He explains: "Selling the farm" meant giving up and selling out Cooley's hard-won identity as a free-standing, independent professional school. "Tighten the sails" meant stricter control of expenses. "Pray for rain," well, it couldn't hurt, but one could do something while waiting. "The whip" was the creative alternative. It meant marketing more efficiently and more effectively, competing for students. It meant advertising in *Time* magazine. And it was another opportunity to lead – for it is no secret that many in the academic community traditionally either ignore or underestimate the impact of market forces, and to many the idea of actually advertising their services is anathema. For eight years, such innovations helped the school build enrollment back to its former level. During this time, in what Judge Brennan calls "Phase Two," Cooley and Brennan prepared to meet the next leadership challenge, which arose in the mid 1990s.

A generous spirit

Leadership lesson number four: Share the wealth. Wealth isn't all gold and dollars. Wealth is valued by the worth of many personal labors and experiences invested in a creative work. To be able to pass the baton of leadership, to share and delegate responsibility, to give deans and professors and administrators their heads, and to support them through tough issues — all these are paramount qualities in a leader. Thus, when it was time for Cooley to elect its third dean, Brennan trusted the faculty to choose, though he could have capitulated to demands for a national search and risked nothing personally. The faculty chose Don LeDuc. Brennan supported the choice, which helped preserve the continuity of the institution and its founding principles. Brennan reiterated these principles in a 25th anniversary (1998) *Benchmark* article: "Long ago, I realized that there are many, many places in America where legal education for working people is simply not available. The school teacher in Appleton, Wis. and the deputy sheriff in Augusta, Ga. don't have the same opportunity to advance their careers through legal education as they would have if they lived in Chicago or Detroit. Through our flexible scheduling and weekend classes, we have reached out to many such people." LeDuc heartily shares Brennan's commitment to "preparing lawyers to practice, keeping Cooley a practitioner's law school." And even into the future, "Future lawyers will practice high-tech law, and you can't be the practitioner's law school of the future unless you are on the cutting edge of technology." To keep up the Cooley tradition of innovation, "We have no choice but to learn the technology and manage it well."

A promising future

Cooley as an institution also shared its wealth, taking the leadership position among the nation's law schools and dominating the niche for which virtually none but Brennan saw a need 30 years ago. The wealth continues to grow and spread with each graduating class.

And it grows from much the same trunk that nourished it from the beginning. Incoming President LeDuc, who will preside over a law school of about 1,800 students – with an enviable library, seven stories of fully utilized classrooms, and a new 10-story Cooley Center – says that even with the growth in physical assets, he is still proud that there has been almost no change in the senior faculty, "…they are happy working here, and student evaluations in the last three of four years have been off the charts. The faculty is accessible and sincerely committed to the mission." Even the considerable challenges that new technology can present to an aging faculty, says LeDuc, have been balanced by the demand for good teaching.

The premise supporting practical legal education helped produce a group of distinguished alumni that includes a governor as well as many other accomplished elected officeholders, solo practitioners, law firm associates and partners, corporate counsel, judges and prosecutors, and lawyers in other leadership roles open only to those with a good legal education. It is a group that earned sufficient reputation to attract a former U.S. senator and Cabinet member to its faculty, along with other high achievers and distinguished legal minds. It helped propel an exemplary externship program that extends far and wide in the nation and world to give graduating students practical exposure to diverse legal environments.

Says LeDuc, "Tom Brennan has stayed with the vision and has been willing to take the brunt of controversy, to throw his personal future into it. He saw the opportunity, saw what was essential – an example is the year-round program (still unique among law schools) and weekend classes."

Bill Molner, an early graduate (1976) who continues his distinguished service as Assistant Attorney General for the state of Michigan, a career he began shortly after law school, also praises Brennan's "extraordinary vision and perseverance," adding, "This man had the will to proceed with his vision despite many obstacles and much opposition to his plan. He had the 'right stuff' and succeeded where most others would have failed under similar conditions. He has given the chance to countless people to become practitioners of the law."

Especially significant in view of the fact that Cooley Law School is number two in enrollment in the entire nation — is that Cooley alumni come from all strata of society and from all ethnic backgrounds. This is the result of a straightforward admission policy that recognizes the importance of the widest possible individual participation in a society that continually strives to be the world's model for "a nation of laws, not men." While other institutions talk about the value of diversity, Cooley developed its diverse student population in a most natural way.

Judge Beverley Nettles-Nickerson of Lansing's 54-A District Court, is a 1983 Cooley Law School graduate who agrees that Cooley's admissions policy will be an important part of Brennan's legacy, for it promoted "equal opportunity for less advantaged students," whether they find themselves at a disadvantage "for social, educational, economic..." or any other reason. Nettles-Nickerson allows that once admitted, it is up to the student to meet the challenge to succeed, but she, among others, remains grateful that "Cooley afforded us all an opportunity to go to law school," when that opportunity was lacking elsewhere.

Nolan recalls Brennan's reflective answer to an implied criticism of the profession, which usually comes in the form of a question: Are there too many lawyers? – "He said, 'How can we as a society be worse off having more people educated in the law?'"

How, indeed.

The Cooley Niche

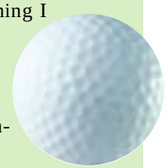
Of Judge Brennan's three sons who followed his footsteps into a law career, Tom Jr. is a longtime district court judge, John is a professor at Cooley, and Bill serves as Vice President / General Counsel for Bissell Corporation, while also teaching at the University of Michigan Law School. It was Bill who inspired a survey of Cooley's graduates for the past five years, modeled on a similar survey done by U of M. The results make an interesting comparison between graduates of one of the country's biggest-name law schools and Cooley alumni.

- U of M graduates tend to work in big cities with populations of more than a million. Cooley graduates tend to practice in smaller communities of less than a million.
- U of M graduates tend to represent larger (Fortune 500) firms; Cooley graduates, smaller firms.
- Cooley graduates rate themselves more highly satisfied with their careers. U of M graduates rate themselves as having higher ability in writing than in negotiating, while Cooley graduates rate themselves the opposite ("more tenacious … fighters … entrepreneurial," says the elder Brennan).
- It is worth noting that Cooley graduates working in government average higher earnings than U of M graduates working in government, even though, as one would expect, the Michigan graduates earned more on average.

For what such comparisons are worth, it seems that the niche in underserved populations — a niche that Cooley meant to fill from the beginning — is getting its due.

GOLF
the new spectator sport

Thomas E. Brennan may be retiring as president of Cooley, but he is still doing things his own way ("Polly says that at 72, I can do anything I want") and still doing things that no one else dared envision.



Check out www.american-golfleague.com.

Brennan and his associates have developed a format for Team Golf that has already seen the organization of teams from club pros in four major locations (Detroit, Chicago, Minnesota, Cleveland).

If Cooley's success is a gauge, you can expect the American Golf League to someday rank in popularity right behind pro football (or even ahead?) – well within your lifetime.

POLLY
The Woman Behind the Man

"I'm blessed with having a good wife and we have a good life together. She's very concerned about my health and welfare and basically, if I didn't have the golf league or anything else I am working on, just to spend the day with her is a privilege that I thank the Lord for."