



Of Counselors and Kings: Lessons for a Life in the Law

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University of Wisconsin Law School
Commencement

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Congratulations Graduates, families and friends.

It is a special honor to be introduced by Dean Margaret Raymond, a distinguished legal scholar and the first woman ever chosen to lead this great law school.

Thank you for that kind introduction. Sometimes, when I hear myself introduced, it sounds like they're describing some person I've never met. A life in the law can take you places you never expected to go, and even now that the outline of my career has been fixed in lines on a resume – and the once new places and new jobs recede further into the past – still, my sense of wonder at it all remains.

I can assure you that when I was sitting where you are, awaiting my JD degree in a steamy Memorial Union Theatre in 1983, I never dreamed that I would one day return as commencement speaker. In part, that was because I, like you, was convinced that I had not really passed that last, critical final exam. Mine was in Constitutional Law, a required class that I was taking pass/fail. It met, sometimes without me, at 7:45 am. I was relying on Gilberts and my best friend to get me through.

My final grade was “Pass,” but somehow, I have always believed that that eventually my exam would be re-graded, and my degree would be lifted from me ex post facto, like basketball victories after an NCAA recruiting scandal.

By law school graduation I had already gotten a sense of the twists and turns life can take. Thus I had abandoned any expectation that my path might be a well-marked one, of the type that might land you on this podium.

Now, this afternoon, there may be some among you who have meticulously planned every step in the road ahead; there may even be some who will never have to diverge from that path, nor to redefine goals. To you, I'm afraid, I have little useful advice to offer this afternoon beyond suggesting you make good use of this time by updating your Twitter account.

For the rest of you, I want to tell you a little bit about how I got,

not to this podium, but to where you are now seated, and how the qualities that got me there have sustained me throughout my career.

It is ultimately, I think, a story about the life of the law: You are defined not by your challenges – but by how you face them.

My story begins with a confession. As proud as I am to hold two degrees from one of this country's finest institutions of higher education, the University of Wisconsin was not my first choice for college.

In the fall of 1971, I was a senior at a small all-girls Catholic high school in Milwaukee, not yet 17, and the Madison campus looked huge. It had recently been rocked by violent anti-Vietnam War protests and frankly, it intimidated me.

Then I learned about a test known by the name “the NMSQT,” today known by a slightly less cumbersome name, the PSAT. We were told back then that if we scored well in the test and met other criteria, we could be named a “National Merit Finalist,” and that distinction carried with it the possibility of a college scholarship.

That was music to my ears. I was the second oldest in a family of eleven children, and money was tight.

I was a good student. And now a vast new horizon appeared before me: if I could score well on the NMSQT, I might be able to attend a small liberal arts college that felt more in my comfort zone, but had not considered because of the steep tuition.

So I paid the registration fee, and, with the determination of one whose reach exceeds her grasp, I took the test. And when the results came out I was thrilled to learn that I had qualified as a National Merit Semifinalist. My hopes went through the roof, when I learned that I had been chosen to receive a scholarship at a small private college - an institution that shall remain nameless, for reasons that will shortly become clear.

With the certainty of a scholarship, I applied only to that college, and in return received the fat envelope of acceptance ... but

then I saw the problem. When I looked at the financial aid package, and subtracted the amount of my National Merit Scholarship from the cost of tuition and fees, I saw that financially the school still remained far outside of my ballpark.

I scrambled and quickly applied to UW, and was accepted into the Honors College, but by then UW's scholarship money had already been handed out and I had only enough funds to make it through my first semester. I felt cheated. I felt defeated.

That's when I brought to bear all of the maturity of my 17 years. On the day I realized I had to drop out, I wrote to the Chairman of the National Merit Scholarship Board and told him that he, and his whole program, were a cruel scam.

I don't know what I expected him to do. Apologize? Give me a scholarship to cover the full ride? I think I probably expected him to do nothing. But I soon received a reply. Inside that envelope I found no check. No apology. And no sympathy. But I don't exaggerate when I say that what I found was far more valuable.

Inside was a two page letter. The man who had established the National Merit Scholarship Corporation, Dr. John Stalnaker, gave me a dose of tough love.

He told me I had been wrong to pin so many of my hopes on what others might do for me. "One succeeds through one's own efforts, properly directed, no matter how bright one might be." He added, "There are some things that even a king must do for himself."

He said that wherever I went to school, I would have to do three things: commit myself, challenge myself, and *take responsibility for obtaining my own education*.

By the time I received the letter, I was working at a car rental agency in Milwaukee – shoveling snow, taking cars through the wash and fetching cigarettes for my boss. This message was not what I wanted to hear.

My first impulse was to tear up the letter. But I did not. In fact,

I have carried it with me across many miles and many years, from dormitory to group house, to summer jobs to reporting jobs, through law school and out to New York. I still have it. I kept it because that letter contained profound wisdom about how to live your own – emphasis own – rich and fulfilling life.

Eventually *I* found my way back to the University Of Wisconsin and committed *myself* to a career in journalism. I *challenged myself* to take advantage of the opportunities that this great institution had to offer. Finally, I stopped whining – I took responsibility for putting myself through school.

As it turned out, twice I could not meet the next tuition bill and had to drop out of school. But more importantly, twice I returned. And in so doing, I *educated myself*. I learned a lot working as a car jockey, a waitress, an excavator, and at a brewery.

Those experiences have broadened my outlook, and informed me, and certainly made me a better lawyer. I find the same is true of the young lawyers with similar experience who come to work in my office.

Upon graduation, I landed a job as a television reporter. I learned what it was to be a working journalist. I grew frustrated with my own shortcomings as a reporter, especially covering criminal cases.

I knew I could do better – I could educate myself about the law. So I applied to law school - only one. But this time, it was the University of Wisconsin.

I envisioned a career as legal reporter after getting my JD and I continued to work covering news throughout law school. I also went through the same travails that you and every other law student has – memorizing case names and holdings, and parsing through some pretty obtuse legal prose.

And notwithstanding my lukewarm performance in Con Law, after three years, found myself sitting where you are today.

Although I began law school with no interest in practicing law, and certainly no plans to move to New York City, a professor who has been a mentor throughout my career, Professor Frank Tuerkheimer, inspired me to challenge myself. He urged me to apply for a job as an assistant district attorney in Manhattan, in the office of legendary D. A. Robert Morgenthau.

To that point I had never even visited New York – talk about intimidating. But as soon I met Robert Morgenthau, I knew that I belonged in his office, and I accepted a job with the Manhattan District Attorney.

This was in the early 1980s and Mr. Morgenthau had inherited an office with dedicated public servants and a great history, but the city's streets were rampant with violent crime.

Just about the time I was unpacking my bags, a new drug called “crack” appeared, and as I walked to work I would pass its victims, emaciated, glassy eyed, with only enough vigor left to try to score their next dose.

As for those who were selling the drug, they defended their turf with automatic weapons, and their bullets frequently struck not a rival dealer, but a bystander, all too often a child.

The most profound tragedy was an attitude of despair – a belief that the causes of crime were so deep, and so intractable, that no one could do anything that would make a difference; that law-abiding New Yorkers could only lock their doors and watch, as the City deteriorated into lawlessness.

I saw the job as an opportunity to rein in the ugliness. Before long Mr. Morgenthau named me to the homicide panel, and the sex crimes unit.

On the job, I saw that much violent crime was a product of narcotics abuse. I was anxious to do more than fight for justice in each single prosecution I handled. So I welcomed an appointment to the Office of the city-wide Special Narcotics Prosecutor, which investigates international drug trafficking cartels and violent local

drug organizations. This is the office that I am now proud to lead today.

As Special Prosecutor, I have seen the devastation when neighborhoods are flooded with the latest fad in addictive and destructive substances. We have battled back crack, illegal prescription drugs and now we are fighting heroin abuse.

We have brought precedent – setting cases, collaborated with public health experts, and have been relentless in our approach. And we are making headway.

We succeed when we do what lawyers do best: break problems down into their elements, tackle each one on its merits, and use the law as a tool for crafting a remedy, creatively and fairly. But to accomplish this, you must master the law.

Your education is not ending today – it is just beginning. Which brings us back to the expression: “There are some things even a king must do for himself.”

I found it is a reference to the Bible, to the book of Deuteronomy. There we learn that the very first thing a king must do upon taking the throne, is to make a copy of the law. This the king must do himself, in his own hand.

Scholars tell us that this great ceremony made clear to the kingdom, and now makes clear to us, millennia later, that the law is such a precious thing, that our leaders must take personal responsibility for its transmittal, and that even a king must not just know it, but master it, and abide by it.

My sisters and brothers at the bar, at this triumphant moment in your lives, I offer you the same advice, for I can think of none better.

You have reached this threshold because you have proven that you can educate yourself. Now, as you accept your degree as a doctor of law, challenge yourself not just to practice the law, but to master it.

Commit yourself to use it in a way that will make you proud. Bring to this profession everything that makes you unique and impassioned and even quirky.

Take responsibility - never assume that someone else will do your job for you.

Exactly how you will translate an ancient command to the realities of your own life, how you will find an interesting, rich and fulfilling career - this I cannot tell you. I have nothing to offer beyond my encouragement.

For the answer to these questions you, like a king, must find for yourselves.

Thank you and best of luck.