



How I Got Here

Kenneth B. Davis, Jr.

By Denise Thornton

For fourteen years, Kenneth B. Davis, Jr. has been charting a new course for the University of Wisconsin Law School, so it's only fitting that he got his first inkling that business law would be his focus on board a ship.



Davis spent much of his childhood in Ohio, but his father's work with BFGoodrich carried the Davis family far and wide.

"When I was eleven and twelve, we lived in Brazil," he says. "Back then, it was still quite common to travel by ship rather than by airplane. We would go back and forth to Brazil on what could charitably be called ocean liners." On those small liners, the Davis family often found themselves sailing with the celebrities of the day. "On one trip, I played with Joan Crawford's kids every day," he says, "and on another, I played with the kids of Louis Wolfson, who was then something of a Wall Street legend, but would later run afoul of the law."

The young Ken was intrigued by Wolfson and soon began reading about the workings of the stock market. Although his interest was piqued early, his path to business law was not a straight one. "I've always been interested in business and financial markets and assumed that would be the basis for my career," he says, "but going to college as I did in

the 1960s, we were all faced with an increasing sense of personal responsibility to do what we could to make the world a better place."

He graduated from the University of Michigan unsure of his next step. "It was during the Vietnam War," he says. "In terms of career paths, it was hard to think beyond next month, given the state of the world." As Davis continued working with a stock brokerage firm where he had interned during school, he began looking for ways to have his voice heard. A position as research assistant at the Federal Reserve Bank in Cleveland fit the bill. Most of the senior economists there had held teaching positions, and it gave him his first real chance to work with advanced academics and helped form his determination to study law.

Davis chose Case Western Reserve University School of Law, and his first summer, he gained experience in a small plaintiff-oriented law firm on class action litigation against General Motors involving the Chevy Corvair.



A young Ken Davis

Even without that, though, the early 1970s was an exciting time to be studying law. The Vietnam War was a major issue, and the firm where Davis worked was involved with a number of very politically active people. The named partner, Howard Metzenbaum, who later became a United States Senator, was an ardent George McGovern supporter who was active in his 1972 presidential campaign. “I remember spending an afternoon with George McGovern and his campaign manager, Gary Hart, who went on to become a presidential candidate himself, when they talked to labor audiences at a UAW hall,” Davis says. “The work was interesting, and there was this heady political atmosphere going on at the same time. I became convinced this was the career for me.”

Davis spent his second summer of law school in a large law firm where he saw how issues can be pursued in considerable depth when the stakes are high. “I found my place,” he says. “Large-firm corporate practice both allows you to be intellectually engaged in the law and also [to] affect the world.”

The future dean was increasingly intellectually engaged. He became editor-in-chief of the Case Western Reserve *Law Review*, which he compares to running a small business. “Everybody says that in your first serious management position, you will probably be too bossy and demanding, and I was,” he says. “That was my first experience of managing a group of really talented people. What I learned from that is pretty simple. Hire the smartest people you can find and give them lots of room.”

After graduating number one in his class in 1974, Davis clerked for Chief Judge Richard H. Chambers of the U.S. Ninth Circuit Court of Appeals. “Justice Richard Chambers was a remarkable guy,” Davis says, and he found his new location exciting. “While I had lived in Brazil, I had never even been west of Chicago. I got to split the year between Tucson and San Francisco—two very different living environments.”

Davis also found 1974 and 1975 an invigorating time to be involved in the judicial system. Watergate made the rule of law and the resiliency of the U.S. judicial system a universal topic of discussion in legal circles.

After his clerkship, Davis considered staying in San Francisco, but decided against it. “This was pre-Silicon Valley,” he says. “I thought of New York and Washington, D.C., as the two places that would be the most exciting legal markets. And between the two, it struck me that D.C. seemed like the one where young lawyers would be more involved.”

“The issues that end up in Washington are frequently the

kind of cutting-edge legal issues for which there is no established answer. People are trying to better understand or shape an emerging legal doctrine. I suspect if you looked at all the people in law school teaching, you would find many of them have practiced in Washington. It’s certainly true of the University of Wisconsin Law School.”

Davis read up on Washington law firms, and managed to line up an interview with Covington & Burling, LLP. By lunchtime of the interview day, he knew it was the place for him.

“It felt right,” he says. Interview protocol meant spending the day with partners of the firm, but interviewees got to meet some of their peers at lunch and get a sense of the work environment. Davis liked what he saw — young lawyers who were intellectually challenged and enthusiastic about the importance of their projects. “That made an immediate impression on me,” he says.

Davis spent three happy, productive years at Covington & Burling.

“They gave full credit for being a clerk, and you became a partner in your eighth year,” he says. “So in effect, I was halfway to partnership. I thought it would be good to step back and see if this was something I really wanted to do. My law firm always sent a number of people into teaching and government service. Many Harvard and Yale professors have come from Covington & Burling. They made a practice of sending young lawyers to teach for a semester at the University of Iowa Law School.”

Davis decided to create his own teaching opportunity using this

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Iowa model. He made a list of three top national law schools located in high quality-of-life locations. Madison made the list because of a summer conference Davis had attended there. The conference proved to be of lasting value, and so did his memories of the beauty of Lake Mendota on a summer day.

Davis found himself in Madison that pivotal summer thanks to one of the Covington & Burling partners, who was working on an interesting project involving U.S.-based copper companies in Peru. “It was exactly the kind of thing every young lawyer loves,” says Davis, “a complex, major project that involved international law, financial law, and negotiations. I was of an age where international travel seemed exotic and exciting. The idea of negotiating with a foreign government was appealing. I wanted to get involved in this.” The partner insisted that Davis be trained in estate planning and directed him to a summer program in Wisconsin.

“The nice part of that story was that I created a permanent image of Wisconsin in June, and estate planning also turned out to be a lot of fun,” says Davis. “Unlike what a lot of lawyers do at large firms like mine, estate planning involved working with real live individuals on issues that were of tremendous importance to them. They would call me in with all these issues about

their personal finances. That was an unusual opportunity for a young lawyer in a large firm practice — what we now call problem-solving. This made a lasting impression on me about the critical role that judgment and common sense play in the practice of law.”

Having established Madison as a desirable place to spend a semester or two, Davis reached out to the University of Wisconsin Law School.

“I was so naïve, it was laughable,” says Davis. “The strategy for hiring law professors was complicated. All hiring decisions were made in an annual conference, but I didn’t know anything about that. I was truly a babe in the woods. But it turned out that at Wisconsin Law School, George Young, who had been teaching corporate law, was a former dean and was about to retire. The Law School had made a priority of finding someone to teach corporate law.

By pure luck, Davis’s letter arrived just as the law school had a sudden opening for the corporate law position. “My letter arrived saying, ‘I’m interested. I’m a lawyer at Covington & Burling. I intend to go back to Covington & Burling, but would you be willing to have me teach for a year?’ That letter came at exactly the right time, so they decided to invite me out for an interview.”



Dean Davis practiced in Washington, D.C., and taught corporate law before accepting the deanship.

When he was offered a full-time, tenure-track position, Davis explained that he only planned to teach for a year and then return to his law practice. Dean Orrin L. Helstad told Davis that if he chose to return to D.C. at the end of the year, he would be free to do so with no questions asked.

“So I came to Wisconsin thinking I’ll do this for one year or maybe two, and then I’ll return to D.C.,” says Davis. “That was 1978, and I’ve been here ever since.”

Davis remembers the first winter as absolutely miserable. “When you are in law practice, you are talking to people constantly,” he says. “The phone is ringing relentlessly. The hardest adjustment to academic life was the quiet. I would be in my office preparing for class or thinking about class or articles to write. The sheer uninterrupted time for reflection took me a while to get used to. But midway through the year, I decided to stay the second year. By the time I got into that second year, I realized this was the career for me.”

The new professor quickly

became a successful and popular teacher with specialties in Business Organizations and Securities Regulation, winning both the University's and the Law School's Distinguished Teaching Awards.

"I knew that with the subjects I was teaching, only a small minority of the students came with a pre-existing interest. Most of the people in the room were there because they had been told this was a subject they needed to know, so my goal was to

was incredibly positive, and we had a loyalty among the alumni of that program that I think most schools and colleges would envy. The five of us have very different approaches to teaching and extremely different backgrounds. Many times we marveled about our collegial, mutually supportive, and informal structure as we developed program issues and pedagogy."

The summer program was designed to include students no matter

complete revision of the Wisconsin Corporate Law.

A number of takeovers involving Wisconsin companies were highly controversial, but perhaps the most visible was when an Australian firm sought to take over the G. Heileman Brewing Company of La Crosse, Wisconsin.

"I had been out of town," says Davis. "I came back one morning and saw I had an inch and a half of phone slips for calls to return. It reminded me of my days as a practicing lawyer. The common theme was members of the legislature wanting to talk to me about issues arising in this special session where they were being asked to enact legislation to make it more difficult to take over Heileman."

Davis spent the morning going from office to office in the Capitol walking a tight rope. "I knew that whatever I said, I was going to offend someone," he remembers. Both the head of Heileman and the coordinator of the opposing legal teams were prominent alumni, and each side included a former president of the UW Board of Regents.

Davis became a lead witness at hearings in the Capitol, with hundreds in attendance. "It was a great example of the continuing power of what we call the Wisconsin Idea, in which this state relies on faculty from its universities for expertise," he says. "Being a professor at the University of Wisconsin Law School involves you in having a direct effect on state public policy."

Davis took his developing leadership skills to the next level when Dean Daniel Burnstein asked Davis to become his associate dean. A few months later Burnstein stepped

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make the fifty-five minutes of class as interesting and intellectually engaging to them as I could," says Davis. "Obviously, not every class works, but there is nothing — absolutely nothing — that gives you the immediate rush and joy of wrapping up a class where the students were engaged, and you could know with some confidence that they would walk out of the room and still be thinking about some of your points fifteen minutes later. In all that I have done as a lawyer, a dean and a scholar, that is the most exhilarating experience that I've had."

In 1983, Davis created a summer program exploring U.S. law and legal institutions with four other Law School faculty members — Zig Zile, Larry Church, John Kidwell, and Charles Irish. Each summer for twenty-two years, a class of law students, lawyers, and judges from all over the world would gather in Madison.

"That summer program was one of the best things I've done here," says Davis. "The student response

what their resources were, and represented both developing and developed countries. "What made our program work was that the morning lectures were supplemented with [contact with] the Madison legal community: judges, private law firms, legislative leaders," Davis says. "Our students came away with a comprehensive notion about how the U.S. legal system works in practice and a new set of relationships. We tried to make the program low-key enough to break down barriers between the nationalities. We promoted interactions across countries and cultures with the idea they could learn a lot from each other, and take back associations to their home countries."

Shortly after Davis took up his teaching duties, corporate takeovers made front-page news and became a major policy issue for the state of Wisconsin. Being the principal corporate law professor at the state's leading law school, Davis frequently met with legislators and legislative working groups to help shape a

down, and Davis accepted the position of dean, anticipating a term of five years.

He quickly began to appreciate the perspective from the dean's office. "As teachers, we spend fifteen weeks with our students," says Davis. "We get to know them very well, and then they leave. Being dean, you can reconnect with all your former students and learn what has happened to them over the years. This is without question one of the best parts of the job."

"I went into it thinking there would be good and bad parts to the job," says Davis. "The bad parts weren't so bad, and the good parts were very good and much more frequent. By my fourth year, I realized that the Law School was ready for someone who could engage in strategic vision."

In April 2001, Davis launched a strategic plan that gave the Law School a future-oriented focus and earned it a stronger reputation with alumni and with the University as a whole. Seven years later, Davis gave a speech outlining a further Law School Initiative, which defined and celebrated how the University of Wisconsin Law School is different from its peers.

"Our position as the only public law school in a relatively large state is key," says Davis. "While most of our peers were trying to look more like private schools, our niche might best be to instead celebrate our public status and treat it as a source of opportunity to become The Preeminent *and* Public Law School in the country. We are public, and we are stronger for it."

This Public and Preeminent Initiative has had four components



Dean Davis shakes the hand of Governor Tommy Thompson JD '66 at the Wisconsin Business Corporation Law signing ceremony.

- 1) Enhance faculty accountability and provide appropriate compensation for strong performers;
- 2) Recruit top students through niche programs and targeted financial aid;
- 3) Infuse skills-based training and a solid program in business law; and
- 4) Engage the faculty with in-state constituencies to increase the Law School's value to the state.

"I feel we have made some great progress on the components, and I am confident that whoever follows me as Dean will be impressed with the depth and breadth of growth the Law School has gone through in the last five years," says Davis. "I am deeply proud that I have been able to be part of this institution's history."

From Ken Davis' first stirrings of professional direction aboard a ship, he came of age during turbulent times and made a difference through the study of law. He has

steered towards a scholarly understanding of corporate governance and securities regulation in Wisconsin. Taking the helm, he has set a course for the University of Wisconsin Law School to see it through financial challenges unmatched in the history of the institution.

As Davis now returns to his teaching roots, he plans to practice what he has been preaching about the continuing value of the Wisconsin Idea. "My belief is that legal scholarship should strive to produce knowledge that is valuable to people in addressing real-world problems," Davis says. "Working with those people can in turn inform scholarship, and both can inform teaching. I want to explore preserving that as a workable model in today's law school environment."

