

A Conversation With Dean Kenneth B. Davis, Jr.

Q. After 20 years on the faculty, what led you to consider becoming Dean of the Law School?

A. I really saw this as a critical time in the life of the Law School. The building was completed, and that had been the focus of our attention for several years. We found ourselves both free—and challenged—to think seriously about our direction over the next couple of decades. We were free to address the issues of programs and curriculum which had crept up over the last few years, and which had been put on hold pending completion of the building.

Q. As a professor who has repeatedly earned awards for excellence in teaching, do you feel that you miss being in the classroom?

A. That's an easy one: I do miss teaching a lot. I don't think there's anything I've done in my life that matches it in the immediacy of the feedback. The feelings you get when you teach a good class, or lead students to see things in a new light, or to master new skills are exceedingly gratifying—you can see it on their faces. But being Dean of a major Law School involves a significant component of travel and external relations, and having had a mixed schedule of teaching and traveling while I was Interim Dean, I know that the rescheduling burdens on the students made it practically unworkable. One thing I won't miss, though, is the time and effort I spent on grading exams!

Q. Were you surprised by the work of the Dean once you took over the reins?

A. I knew it would be a difficult and challenging job, and for that reason I talked a lot with my family before undertaking it. What I found was that the good parts of the job are much more rewarding than I had expected, while the bad parts were no worse than I thought they would be.

Q. And what are those “good parts”?

A. A favorite part of the job for me is getting out and seeing alumni—many of whom are my former students whom I haven't been able to see for the last few years. I am really impressed by the extent of the warm feelings that our graduates everywhere have about their experience at the University of Wisconsin Law School, and the pride they feel in this institution, and their sense of it as playing a special role in U.S. legal education.

Q. And the “bad parts”?

A. Well, as Dean, I'm dealing with a community of roughly 1,000 people when you count the students, faculty, staff—all of whom regard the Dean as something of a “court of last resort” for their concerns and grievances. As a practical matter, given the limits on our resources, it means that I'm often in the position of having to say no to a variety of worthy projects and proposals.

Q. Obviously, one of the biggest challenges today in education generally and legal education specifically is limited funding. What is the situation that you find here in Wisconsin?

A. As demonstrated by the popular ranking of law schools, we always excel in terms of our reputation within the legal community, but that is offset by the fact that we score quite poorly in available resources. I think the building project, in which we were required to match the state's contribution of \$10 million with \$6.5 million of private funds, may well be representative of what we can expect in the future. Right now, state funds represent only about 60% of our overall budget, and I don't think we can realistically expect that to grow. That means that if we are to maintain our stature as a truly national law school, we're going to have to be more aggressive in exploring additional sources of funding, including enhanced alumni giving.

Q. Deans sometime have the reputation of saying that every problem is attributable to not having enough money. Are resources really the issue here?

A. Like so much else in the world, including the legal profession over the last few years, we see increased competition for the best faculty and for the best students. Typically, the resources of the schools that we're competing against give them a competitive edge, in terms of higher faculty salaries, increased support for research, and more student scholarships. I regularly hear stories

about other schools—and we’re not just talking about Ivy League schools—that are offering substantially in excess of what we can offer. Right now, our junior faculty is as strong, energetic and talented as at any point in the life of this School, and not surprisingly, these people are increasingly attracting attention and offers from other schools, so retention of them is going to be a major challenge in the years ahead.

As for students, historically the University of Wisconsin Law School has been able to attract the best and brightest students in the state, as well as significant numbers from outside the state. With the decline of law school applications nationally, we’re seeing more competition for good students. We’re hearing about Wisconsin residents who might have readily chosen Wisconsin a few years ago, both for the quality education and the relatively low tuition, who are now getting all-expense-paid scholarships to a private school out-of-state. Without being able to make some kind of a matching award, it’s very difficult to attract those students, even though Wisconsin may have been their first choice.

Q. One of the strengths of the University of Wisconsin Law School traditionally has been its diverse student body. With the changing legal climate, what is Wisconsin’s approach in the area of diversity going to be?

A. Through the hard work of many people on our faculty and staff, Wisconsin has developed a national reputation for its commitment to diversity, through programs such as the Hastie Fellowship, promoting the careers of minority lawyers who are interested in teaching, and through the Legal Educational Opportunities program for our J.D. students. I am deeply committed to maintaining our commitment to diversity in the years ahead. In fact, with both the Hastie and the LEO program now in their thirtieth year, we have a substantial number of prominent graduates of both those programs around the country, and these alumni can be a source of opportunity for our new graduates.

Q. What are the opportunities for new graduates, and how do you see these opportunities changing in the years ahead?

A. The overwhelming majority of our graduates go into private practice, and we have worked hard to expand our Career Services efforts. The number of firms from within the state and out-of-state has increased annually since 1990, and we continue to be the principal provider of lawyers to both large and small firms throughout the state.

Q. Do you see the Law School’s role as training people for professions other than the practice of law?

A. Definitely. It’s always been the case that a number of our graduates go into public service or governmental jobs. But the one thing that I hadn’t fully appreciated before I became Dean and got to know more about our alumni is the significant number of our alumni who’ve gone on to prominent careers in the business world. They include CEO’s of several major corporations, both within the state and nationally. As one who specializes in business and corporate law, I’m very excited about this, and think we should explore ways to recognize in our curriculum that we are training people for leadership roles in a variety of professions in addition to the practice of law.

Q. What changes do you see coming for the Law School curriculum?

A. As someone who has been on the faculty for twenty years, and also spent a year as Associate Dean for Academic Affairs before being appointed to the Deanship, I’ve thought a lot about the curriculum in general. My sense is that our First-Year programs work very well. They are resource-intensive, because we give each student a small-section experience that provides them with direct opportunities to exchange and debate ideas with a faculty member and their fellow students, as well as direct feedback on their writing and exam papers. I also

think that our advanced courses offer an exceedingly broad and rich variety of opportunities for our students, taught by recognized experts in specific areas of law. No law school faculty can staff the level of expertise necessary for teaching focused courses on the whole spectrum of problems that lawyers face, and we are thus extremely fortunate to have the services of so many practitioners who come to the Law School to share their expertise with our students. We also have a tremendous investment in clinical education, where students can get direct supervision in a variety of areas including criminal law, consumer law, labor law, judicial internships. In addition, we take great pride in the General Practice Program, which has become a national model in terms of giving students some confidence and experience in handling the day-to-day work of a private practice.

Where I think we have a problem—not in the quality of our offerings, but in their scheduling—is in the general second-year or “bar” kind of course, such as Commercial Law, Family Law, Business Organizations Law. In virtually every other state, students’ course selections are dictated by what will be on the bar exam. That has never been part of our experience. So I think one of the things we need to explore is what are the ways to standardize

our scheduling of some of the basic courses so that students have some guidance on what to take, and we need to sequence the courses on a regular basis so that students will be able to know when various courses will be offered.

Legal education has always been about teaching people to think analytically rather than to memorize a set of rules. Certainly with the current pace of technological change and globalization, that is now truer than ever. And you can see that in the makeup of law school faculties and legal scholarship. Today’s leading legal scholarship is typically interdisciplinary—a tradition that Wisconsin has always had. Just as our legal scholars on the faculty can bring to the educational experience their expertise from other disciplines, we also need to add the skills and insights of people who have direct involvement with the practice of law. We’ve always been successful in including outside practitioners in our curriculum as instructors in the General Practice course, and we continue to explore new avenues to enhance our partnership with the profession, to give our students exposure to people with substantial experience and insights who can help them understand what they’re likely to encounter in the practice of the law.

Q. This is always a difficult question to ask, but what do you think the greatest weakness of the school has been?

A. We haven’t been active enough in telling people what we’ve been doing. We’ve made a lot of valuable contributions to the national body of legal scholarship, and to both the state of the law in general and to the Wisconsin legal system, that have practically gone unnoticed just because we didn’t think to actively promote our role. As I mentioned earlier, I see legal education as a much more competitive environment today, and it is incumbent for us to try to get our story out there, so one of the things I’m going to be emphasizing in my deanship is a greater investment in publications, and in outreach to the state in terms of faculty speakers who can address various groups.

But on the whole, the Law School’s strengths significantly exceed its weaknesses. One of the challenges for any Dean is not to let the immediate problems of the day obscure the “big picture.” And when we look at the big picture, I think the Law School’s future is quite exciting.