



2003

A New Face for UND Law School - Say It Ain't So, Jerry

Christine Hogan

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Hogan, Christine (2003) "A New Face for UND Law School - Say It Ain't So, Jerry," *North Dakota Law Review*: Vol. 79 : No. 1 , Article 1.

Available at: <https://commons.und.edu/ndlr/vol79/iss1/1>

This Article is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

A NEW FACE FOR UND LAW SCHOOL? SAY IT AIN'T SO, JERRY

CHRISTINE HOGAN

North Dakota's only law school has undergone a change-of-face. The human face that the University of North Dakota School of Law has shown to the world since 1983 was that of Dean W. Jeremy Davis. Dean Davis's smiling, boyish face has been a familiar one to North Dakota's law students and lawyers for over three decades. And, yes, thank you, we liked that face just fine. Since 1971, about sixty percent of the lawyers practicing in the state have looked up to Jerry Davis's face in the classroom. That was the year when the brilliant and charismatic young law professor and his talented wife, Jackie, arrived on the campus in Grand Forks.

Thirty-one years later, while the boyish grin, like Dennis the Menace's, hasn't changed, and while the face remains remarkably unmarked by the decades, Dean Davis himself has left his own indelible mark on his adopted state. His widespread positive influence extends far beyond the law school and the academic realm of legal education. Of his many achievements, the one that the state's legal profession may ultimately cite as the hallmark of his time here is the partnership he forged and nurtured over the years with the bar. Because of Dean Davis, the lawyers in this state enjoy a close relationship with the law school that may be unique in the nation.

I. HE CAME TO TEACH LAW

Jerry Davis's arrival on campus in 1971, fresh from Denver University School of Law (J.D. 1970) and a short stint in private practice in Denver, was an event that did not long go unnoticed in the legal community. With his rapier wit, razor-sharp mind and a talent for cutting to the heart of a legal problem faster than a surgeon's scalpel, he appeared to be a natural for the role of law professor (okay, at first we feared he could just be a smart aleck). Armed with such formidable intellectual weapons, Davis could have been perfect for the rather hostile brand of the Socratic Method that was *de rigueur* in law schools in those days, and he could easily have become the scourge of the freshman class. (Something about initiating the innocents into the nasty, brutish world they would later have to face in the practice of law.) And, to be sure, there were a few occasions in those early days in civil procedure class when that choirboy face did crinkle into a gleeful (okay, maniacal) grin as he neatly skewered hapless (okay, unprepared)

first-year students, like so many chunks of lamb on a shish kebob. (I should know—I was one of the chunks).

But, as it quickly became apparent, Davis was the real thing—a gifted teacher, never a tyrant. He fell in love with teaching law. And that love was not unrequited. The students discovered their smart young prof was a good and decent man, with a great sense of humor and a kind and generous heart, the heart of a man destined to spend the better part of his professional life in the classroom, sharing his own considerable gifts with his students.

With Jerry Davis, the gift-sharing was by no means restricted to imparting knowledge of the law of civil procedure or evidence. Ask just about any post '71 UND law grad what he or she thinks of Professor Davis, and chances are, he or she would tell you Davis was an inspired teacher, but would then add that he was also something more than that. For many of us, he also served as mentor, advisor, counselor, or, at times, even Father Confessor. But, I'm guessing, quite often, a former student would simply answer: "Jerry Davis was my friend."

Here are some of the comments I have heard from former students:

He was a great teacher and of course I liked his classes. But the thing I appreciated most about him was his empathy. When I struggled with questions about whether the law was the right field for me, I talked with him and he helped me sort things out. I have considered him my good friend ever since.—*Jeff Peterson (Marshall, Minnesota)*

The dean really went to bat for the students—one time the Law Women's Caucus needed money for a project. I'll never forget how he took an active interest in us and took the time to help us get the funding. And, in civil procedure class, Dean Davis helped me appreciate the concept of fairness—so that I suddenly grasped why the rules really do matter—they are all about fairness to both sides.—*Connie Hofland (Bismarck)*

In law school, I considered Dean Davis my friend, but also my mentor—he helped me develop from a student into an adult lawyer.—*District Judge Ralph Erickson (Fargo)*

Dean Davis literally helped me get through law school—he was my sounding board during my freshman year, when I was going through a rough time getting a divorce. I don't know if I would have made it without his support. And even after that he always took a personal interest in how I was doing.—*Shari McPhail (Bismarck)*

I struggled a bit in the first half of my first year of law school. Then, in the second semester, when I took Professor Davis's civil procedure class, a light bulb just came on for me, and everything started to come together. It was at that point I became excited about law and believed I would become a lawyer. As it turned out—I ended up getting the highest grade in that class and won the Book Award. I think that class might have been one of those life-changing experiences. It was a while after that before I told Dean Davis what the class meant to me.—*Gary H. Lee (Minot)*

He was just an excellent professor and a great advocate for the students and for the school. I can't believe he is leaving—it's a huge loss for the law school.—*Daniel Hovland (Bismarck)*.

My own law school experience tracked Gary Lee's story—almost word-for-word, except maybe for the “highest grade” and “Book Award” parts. And, until this moment, I am not too sure if I ever did tell the prof about that light-bulb moment, but I do still remember it and remain grateful for it. In any event, in those three years, we became life-long friends. My story is typical; I suspect Professor Davis made a lot of life-long friends the same way.

Davis did teach a lot of law. You could call him a “full-service” academic. He tackled the core courses like civil procedure and evidence, not to mention decedents estates, wills and trusts, and oil and gas. You name it. He probably taught it. Professor Marcia O'Kelly and Dean Davis once compared notes and realized that, between them, they had taught half of all the courses the law school offered.

Innocent or not, law students are hard to fool for three years. In due course, as the aforesaid newly-initiated innocents began to venture out into the aforesaid nasty, brutish world, the word about Davis began to spread, slowly at first, graduate by graduate. Thus did Jerry Davis's solid-gold reputation for credibility begin to replicate itself around the state of North Dakota. Three decades later, it has never tarnished.

Even after becoming dean in 1983, Professor Davis never forgot his love of the classroom. Unlike most of his counterparts in deans' offices at other law schools, Dean Davis never did give up his beloved job as a classroom professor—he continued teaching civil procedure until Fall 2002. “I love teaching . . . being in the classroom with the students,” Davis said before leaving. “That's why I never could give it up.”

II. THEN HE STAYED TO BECOME THE DEAN . . . AND SOMETHING MORE

He came to teach, but he stayed to become the dean of the law school. He was appointed associate dean in 1981, interim dean in 1982, and dean in 1983. It was no wonder. By 1983, the Wunderkind had established himself as the very backbone of the law school. And he had the credentials. He had attended Yale on a Bush Foundation Fellowship and received his LL.M. from Yale Law School in 1980. He spent his summers studying in Germany under the auspices of the Deutscher Akademischer Austauschdienst.

Just as he had been “something more” than a law professor to his students, he soon became more than a dean to the law school. As already noted, he continued to teach. A peacemaker and human relations guru by nature, he took formal training as a mediator and arbitrator. And, he made a conscious decision to involve himself and the other faculty in the State Bar Association of this state, beginning with sitting for the bar exam, sweating it out alongside his own students. He became a tireless liaison to the bar and the courts, serving on countless Association and Supreme Court committees. He did a lot of good. Among other things, he has given dedicated service on the SBAND Board of Governors for *twenty straight years*. (This has to be a record!) He earned a reputation as a straight shooter, a problem solver, someone who could get things done. As his stature grew and word of his interpersonal skills spread, the University officials retained him as general counsel to oversee their litigation and considered him their go-to guy whenever they had disputes that needed resolving. Before long, the young dean had become part of the very infrastructure that binds this state into a community. Even though he is now only sixty years of age, his tenure at UND qualified him as the third or fourth longest-serving law school dean in the country!

III. AN IMPRESSIVE RECORD

To say that the lawyers in the state respect Dean Davis’s record as dean would be an understatement. To most of the practicing lawyers and to Dean Davis himself, his most important job as dean was to maintain the overall quality of the law school so that ABA accreditation could be preserved. He succeeded in this. The dean was consistently able to recruit and maintain an excellent faculty, to provide excellent academic programs, and to maintain an impressive library despite the law school’s woefully inadequate budget. With respect to the faculty, he perceived his own role as that of a “down-field blocker.” “I see myself as running interference for the faculty,” he told me. “I try to attend to all of the administrative and

financial duties so the faculty will be free to focus on excellence in teaching.”

Most lawyers concur that Dean Davis has indeed performed miracles in attracting exceptionally well-qualified professors to the law school, but they also appreciate his clear, forward-looking vision in anticipating the future needs of the law school. That vision has brought honor and national recognition to the school and enabled our North Dakota law students to stay ahead of their peers in other states on the technology curve. It was Dean Davis who anticipated the potential effect the dawning Information Age would have on legal education, and it was he who advocated aggressive investment in technology to give our kids a leg up in the competition to survive in the 21st Century legal arena. His work in this regard was recognized by a national magazine, which dubbed UND Law School, despite its small size, one of the “most-wired” law schools in the country. The dean’s commitment to keeping the law school abreast of advancements in technology never slackened. Last year, he said, he spent “another ton of money on new computers for the students.”

No one is more humble or self-effacing than Jerry Davis, but he deserves to take pride in several other achievements during his tenure, including the establishment of the Northern Plains Indian Law Center, whose dual missions are to support tribal governments in addressing legal issues and to promote diversity within the legal profession by recruiting American Indian law students. Dean Davis is responsible for establishing the Norway Exchange program at UND. Under this program, UND law students receive credit for summer law study in Norway, and Norwegian law students attend UND School of Law in the spring. As of this year, the dean told me with some pleasure, 250 Norwegian students have studied at UND, and 200 UND students have studied in Norway. He is particularly pleased that five Norwegian students came back to our state to get their law degrees from UND.

IV. THE HALLMARK OF HIS DEANSHIP

No discussion of Jerry Davis’s accomplishments as dean would be complete without recognizing what may be his most lasting legacy: his success in building up the relationship between the law school and the bar. According to Professor Randy Lee, who knows about these things, the relationship between the law school and the lawyers in this state may be unique:

The relationship between the law school and lawyers in this state is now one of mutual support and of great loyalty; the specific

relationship between the law school and SBAND is unique, and is likely the envy of many other bars across the land. Jerry Davis has done much more for the law school in his tenure here than just that, but for me it will always be the hallmark of his deanship that the law school and the bar became, and remain, solid partners.

According to Professor Lee, the idea of bringing the law school and the lawyers together for the good of the profession began with Dean Davis's predecessor, Dean Robert Rushing. Before that time (the mid-1970s), Professor Lee says, a "great distance had grown between the practitioners and the law school." Dean Rushing employed many strategies to close the gap, but his most important initiative was the idea of involving individual faculty members in the State Bar Association. After Jerry Davis was appointed dean in 1983, he revived the Rushing initiative and made it his own mission, beginning with himself.

Randy Lee describes how Dean Davis launched his personal effort to get involved: "I have always considered it one of the gutsiest things I have ever seen a law professor do—sitting among his former students as they together took the bar exam, so that he could be a dues-paying member of the North Dakota bar."

After completing that rite of initiation into the bar, Professor Lee said, "Dean Davis was always involved in some project or another with the bar or for the judiciary." He also encouraged the other faculty members to work with SBAND or to work directly with North Dakota lawyers. As Professor Lee writes, all of these efforts resulted in success:

Nobody would deny the success of the project that Bob Rushing began and Jerry Davis both preserved and advanced . . . the partnership has been to the advantage not only of both partners but also to the state and to the judiciary and, most of all, to those on whose behalf the dean and faculty of the law school are appointed, our law students, among whom are most of the future members and leaders of the profession in this state.

Professor Lee hopes that his old friend's decision to accept the deanship in Virginia does not signal the end of the partnership: "Jerry's decision to take on an equal challenge elsewhere must not mark the end of this project and partnership, for to let this happen would dismantle the best (and, I suspect, the most satisfying to him) monument to his years in North Dakota."

V. THE UNTHINKABLE HAS HAPPENED

On Friday, July 18, 2002, Dean Davis informed the University, the law school faculty and staff, the Supreme Court, and the State Bar Association that he intended to resign at the end of 2002 in order to accept a position as dean of Appalachian Law School in Grundy, Virginia.

Most of the lawyers practicing in the state today can scarcely remember UND Law School without Jerry Davis's confident, competent leadership in the dean's office. North Dakota's lawyers, most of whom are UND law grads, have experienced the luxury of sweeter dreams at night, secure in the comforting knowledge that our *alma mater* was safe in the steady hands of our trusted friend and teacher. For the last twenty years, Dean Davis has done all the worrying for us so we never had to spend much energy fretting about the administration of our law school. Such comfort, like a warm security blanket, we now realize, was something most of us took for granted. Since he had been there for us for so long, we just sort of assumed he would always be there. We now know what Linus felt like the day he lost his blanket. Of course, the fact that we never did have the right to assume the dean would never leave is small comfort now. North Dakota lawyers are collectively staring into the void. We feel like we have lost a friend.

VI. THE CHALLENGE AHEAD

In making his announcement, Dean Davis expressed his own sadness as he contemplated leaving his fellow North Dakota lawyers, colleagues, and friends. But he could not suppress the excitement he felt in undertaking the challenge ahead: the prospect of helping a struggling new law school that has provisional accreditation to achieve full American Bar Association accreditation. "The school is in a remote area of the country whose inhabitants historically have been under-represented in the legal profession," Dean Davis said. "I relish the opportunity to change that."

One person who perhaps understands better than most of us the challenges Dean Davis will have to face at Appalachian is Barry Vickrey, Dean of the University of South Dakota School of Law, in Vermillion. Dean Vickrey, who taught alongside Dean Davis at UND School of Law for eleven years, then served as his associate dean for five years before acceding to his own deanship in South Dakota, said that the deanship of the new school will be "one of the most difficult jobs in legal education." "This is a new, provisionally-accredited law school with a distinct mission to educate lawyers and community leaders for Appalachia, a region that suffers from extreme poverty." And, as if that were not enough, Dean Vickrey said, "earlier this year, the dean, a faculty member, and a student who had

formerly served on the admissions staff were shot and killed by an apparently distraught student.” Vickrey predicted the new dean’s position “will require a person who possesses not only a great working knowledge of legal education but also tremendous sensitivity to the emotional needs of others.” He was confident, however, that Dean Davis is more than equal to the challenge: “I believe Jerry Davis is the perfect person for this immense responsibility and I hope North Dakota, UND, the Law School, and the state’s legal profession will take pride in the fact that one of its own has been selected for this task.”

VII. A PERSONAL NOTE

Contemplating Jerry Davis leaving our state hurts—like getting slapped upside the head would hurt. He obviously had every right to leave and I really am happy for him, but, like everyone else I have talked to, I had hoped he was ours to keep. In trying to think of Jerry’s contributions to our profession over the last three decades for this essay, I know I have barely scratched the surface. I will just apologize in advance for all the omissions.

I met Jerry Davis in 1972, when he was in his second year of teaching. Smart, funny, and upbeat, he definitely had the gift. I learned a lot in his classes, and he made me want to learn more . . . so I could be a good lawyer . . . to please him . . . to show him I could do it . . . to be like him? Who knows? The point is, I might not have even become a lawyer at all if I had not been fortunate enough to have him as a professor. I owe him a lot. I want to say thank you to him for what he did for me, and for all the years he gave to all of us in the classroom, in the dean’s office, on the governing board of our association, at the other end of the telephone line, and in the countless other ways he has always been there for us.

I do concur with Randy Lee’s observation that the hallmark of Dean Davis’s time in the state may be the bond of trust that he forged between the practicing lawyers and the law school. But to that I would add a couple observations.

First, I don’t think the good relations just happened because the dean attended bar meetings and because he encouraged his faculty to get involved too. He did those things, to be sure. But in Jerry’s case, we are talking about years of real commitment, real leadership in his service to the bar. Think about it. Twenty years of active service on the association’s governing board. No one else comes close to that in terms of service, and in terms of the wisdom, knowledge and expertise that accompany such service. We usually think of Jerry Davis as the leader of the law school, but in reality, he is also one of the most respected leaders of our association! We will miss him terribly on the Board of Governors.

Second, make no mistake—Jerry Davis’s leadership role in our association did not just flow from the fact that he had been on the board a long time. Longevity, standing alone, does not count for much, except maybe in retirement benefits or in the U.S. Senate. One need only observe Jerry at a board meeting, or any other meeting for that matter, to appreciate the esteem in which he is held by his fellow lawyers, the quiet authority with which he speaks. I believe the reason Jerry Davis is so revered as a leader of the bar is the same reason he was able to forge the good relationship with the bar in the first place. It is also the same reason each of his former students thinks of him as a personal friend and mentor: Jerry Davis is a good and decent man.

In my book, it all comes down to his human qualities—the goodness, the credibility, the integrity, the even-handedness, the positive outlook on life. In all the years I have known Jerry, I have never seen him say or do anything that did not reflect his essential integrity as a human being and that did not bring honor to himself and his profession. In short, he is one of the finest human beings I have ever met. He has been a force for the good of our profession for the last thirty-one years.

Dean Davis, the lawyers of North Dakota thank you and wish you well. It really hurts to see you go.
