

## Capital Markets MVP: Latham & Watkins' Kirk Davenport

By Zachary Zagger

*Law360, New York (November 16, 2015, 11:13 PM ET)* -- Latham & Watkins LLP partner Kirk Davenport II has been at the center of the burgeoning yieldco investment vehicle and continued the work this year advising the underwriters of TerraForm's \$675 million initial public offering, a deal that helped land him on Law360's list of Capital Markets MVPs for 2015.

Over his 30-year tenure at Latham & Watkins, Davenport has been instrumental in spearheading innovative deals and investment vehicles such as the one used in the energy sector known as the yieldco. The vehicle resembles a traditional master limited partnerships but usually features investments that do not qualify for pass-through taxation and have been the go-to vehicle for combining renewable energy assets.

This year was no different as Davenport advised a diverse group of underwriters — which included the likes of JPMorgan, Barclays, Citigroup, Morgan Stanley, Goldman Sachs & Co., BofA Merrill Lynch and Deutsche Bank Securities, among others — in launching the clean energy-focused yieldco TerraForm Global Inc., a unit of SunEdison.

The yieldco's initial portfolio featured 42 clean energy projects, including solar projects located in China, India, South Africa, Uruguay, Malaysia and Thailand; wind projects in China, Brazil, India and South Africa; and hydro-electric projects in Brazil and Peru, altogether representing 1,406.1 megawatts of energy generation. In helping prepare the IPO, Davenport led a Latham & Watkins team that looked at myriad potential issues in each country.

"That was particularly interesting because each of those projects requires its own scrubbing to make sure that we understand all of the ways cash could get trapped between the solar panel in South Africa and the dividend payment" on the stock exchange, Davenport told Law360.

The deal is also an example of the kind of work that brings Davenport, who studied solar energy at Brown University, immense pride as it will help finance projects much-needed clean energy.

"What I am really most proud of is that we were able to find a new form of financing for renewable energy," Davenport said. "The world needs renewable energy ... so being part of a team that helped develop a new kind of financing for these assets, that was great."



Kirk Davenport  
Latham & Watkins

The collaborative and social nature of capital markets is really what drew him to the field as he knew early on studying law at the University of Michigan Law School that this is where he wanted to end up.

“Whether you are on the issuer side or the underwriter side, everybody is working together to have a happy outcome, either an IPO or big financing,” Davenport said. “It is just a very satisfying line of work compared to some things lawyers do where if it goes fabulously, everybody is still grumbling in the end. ... I feel very lucky to have fallen into it.”

Davenport has brought his experience to representing both companies and underwriters but really made a mark this year on the underwriter side in several major offerings including advising Deutsche Bank in private equity-backed chemical distributor Univar Inc.’s \$770 million IPO in June that hit the high end of its upsized offering on its first day of trading.

He further advised JPMorgan in the expectations-beating July IPO for natural pet food maker Blue Buffalo Pet Products that raised \$778 million and became one of the largest food and beverage IPOs on record. The company focuses on producing dog and cat food with all-natural ingredients in what Davenport said is just a “great idea” that “has really caught the mood of the country.”

“It is so much fun to learn about all these things going on in the world and all these different businesses,” Davenport said.

Some of his other major deals over the past year included advising Barclays in connection with cereal asset acquirer Post Holdings Inc.’s offering of 2024-2025 senior notes valued at a combined \$1.2 billion and advising BofA Merrill Lynch in packaging company Ball Corp.’s \$1 billion notes offering.

Davenport has further contributed to Latham & Watkins’ stand-out capital markets practice as the co-chairman of the national office, which he describes as a sort of “think tank” that serves as a resource for the entire firm.

“We stay in touch with the thought leaders and their clients and make sure we know what they are worried about and also are involved in most of the tricky situations that come up at Latham & Watkins,” Davenport said. “We are available to be the SWAT team for those tricky situations.”

Whether it is working yieldcos and other new investment vehicles or helping unique companies as they seek to raise capital on the public markets, Davenport said he is proud to have helped build the global capital markets team at Latham & Watkins.

“I have been here a long time so I have seen the growth in the firm,” he said. “I am just thrilled to be one of the many partners on that team.”

--Editing by Christine Chun.

All Content © 2003-2015, Portfolio Media, Inc.

---