

Spring 1995

Remembering Banks

Robert B. Kent

Cornell Law School, rbk5@cornell.edu

Follow this and additional works at: <http://scholarship.law.cornell.edu/facpub>

 Part of the [Legal Profession Commons](#)

Recommended Citation

Kent, Robert B., "Remembering Banks" (1995). *Cornell Law Faculty Publications*. Paper 1365.
<http://scholarship.law.cornell.edu/facpub/1365>

This Article is brought to you for free and open access by the Faculty Scholarship at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Faculty Publications by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

Remembering Banks

Robert B. Kent[†]

Banks McDowell and I first met at the Edgewater Beach Hotel outside Chicago, in those days the perennial site of the annual meeting of the Association of American Law Schools. The annual meeting and the recruitment conference were one and the same, and so it was nothing out of the ordinary for Dean Elwood H. Hettrick of the Boston University School of Law to invite a young colleague to join him as he interviewed a prospective member of his faculty. Immediately after the interview the dean made his decision, as deans could do in those days. It was the right one, and so in fall of 1959 Banks McDowell and I became colleagues at Boston University and remained so for twenty-one years, until my departure for Cornell in 1981.

The memories are warm and they are many. From day one this man's commitment to his students and to his responsibilities as their teacher was total. He became an excellent teacher because he worked at it and thought about it in a most painstaking fashion. Intellectually, he was among the liveliest of us, inquisitive, provocative, ever thoughtful. He said things with which I did not agree. This disturbed our relationship not one whit. I remember him telling me during the height of the Cold War that he believed that the threat to values we both held dear would come more from our right than our left. I was skeptical then; I am not any more.

As too few of us did in those days, Banks ranged beyond the walls of the law school into the world of the greater university. "Interdisciplinary" was more than a code word to him. These wanderings led to his involvement, to use Holmes' phrase, "in the action and passion of his times." The universities generally, and Boston University in particular, were not easy places in the sixties and seventies. Banks became Faculty Chair of the University Senate, and thus he was at the center of some storms. Banks believed that he could build a bridge between the faculty and the administration, which were incessantly at odds. This even he could not do, but it is to his everlasting credit that he tried. In that role he caused me some grief by tendering an appointment to an ad hoc committee of three charged with investigating an alleged offense committed by a faculty member whose academic neck was in considerable jeopardy.

[†] Professor of Law Emeritus, Cornell Law School.

The culprit had done wrong, but arguably not enough to warrant a sentence of termination. After long and hard negotiations we worked it out on terms satisfactory to most if not all the participants. I growled at Banks during this process, but in retrospect I am grateful for the opportunity to take part.

In June of 1980 I attended a week long workshop for civil procedure teachers at Cornell, my first visit to the place which has become my home. There I met two worthies from Washburn, Carl Monk and Jim Concannon. I enjoyed immensely their company, as I have our all too infrequent and all too brief meetings since. In 1982 they brought Banks to Washburn, and ever since when I have encountered either he has expressed great satisfaction at having done so.

I am confident that Banks' teaching has been as dedicated and effective as ever. I know that his scholarship has prospered at Washburn to a far greater extent than it had before, a credit both to him and to the institution. His old friends at Boston University were delighted when Washburn designated him a Distinguished Professor of Law, because he is.

A few weeks ago Banks and I returned to Boston University for a memorial service for a colleague who was a close friend to us both. On that occasion we had lunch with two other old comrades. It was like old times.

This kind and gentle teacher, possessed of a quiet inner strength, has had the unique ability to express strong views with a smile on his face and with unfailing respect for the views of others. Now he retires, and he and Ellen look northward, toward "the true north strong and free." 'Tis Canada's gain.