

A close-up portrait of Professor Taunya Lovell Banks, a Black woman with short, curly brown hair, smiling warmly. She is wearing a dark brown, button-up jacket over a red top. The background is softly blurred, showing a warm, yellow light source on the left. The text is overlaid on the lower half of the image.

# LEGAL LEGACY: TAUNYA BANKS

*Groundbreaking critical race theory scholar Professor Taunya Lovell Banks retires.*

*By Wanda Haskel*



**T**aunya Lovell Banks, Jacob A. France Professor of Equality Jurisprudence, taught her final class at the University of Maryland Francis King Carey School of Law in fall 2021. The legendary critical race theory scholar and first tenured Black woman on the law school faculty retired after an illustrious career in which she trained her sharp scholarship on exposing systemic sexism and racism and inspired generations of students and colleagues to dedicate their legal careers to the fight for social justice.

One of those students was Avatara Smith-Carrington '19, who served as Banks' research assistant during their third year. "With Professor Banks, I found a brilliant and wise teacher, mentor, and friend—committed to igniting and keeping lit the passion and drive of students striving for a better and more equitable society," says Smith-Carrington, a civil rights attorney with Lambda Legal Defense and Education Fund. "Professor Banks is an abundance of warmth, a northern star for any student looking to find their way, and a phenomenal teacher committed to creating and providing a space for students to go further while carrying the lessons of the past with them forward."

### Lifelong Activist

Born to educator-activists in Washington, D.C., Banks' original ambition to become a book illustrator lost its luster as the civil rights movement marched through

the 1960s. While an undergraduate at Syracuse University, Banks changed her major from art to political science. Then it was on to Howard University School of Law, where the high achieving student was a successful editor both on law review and an underground newspaper she co-founded, which commented on political issues and called out internal unfairness to students at the law school. After her 1968 graduation, Banks headed to Mississippi ("where the action was"), litigating voting rights and housing discrimination cases and providing assistance to Black elected officials.

Looking back on her career, Banks describes her activist path as less a choice than a necessity.

"The choice was either to live a life in which I felt I was treated like less than a citizen," she says, "or to try and make things better for not only myself but for my children and people after me. That was just what you did."

Banks began her teaching career in 1976 with posts at Tougaloo College and Jackson State. The switch to law school teaching came with an offer from Southern Texas where she became the first tenure-track Black woman and associate dean. After discovering stubborn pay inequities between male and female faculty at the Houston school, she moved on to a position as full professor at the University of Tulsa law

school—again breaking ground as the first tenured Black woman faculty member.

In Tulsa, she was introduced by a mutual friend to Professor Anita Hill who taught at Oral Roberts law school. The two bonded over lunches and the shared experience of being what Banks believes were the only two Black women law professors in the state of Oklahoma. Some years later when Hill faced a hostile panel of lawmakers during the Judge Clarence Thomas Supreme Court nomination hearings, Banks was part of the support system seated behind her and speaking with the press on her behalf.

During her time at Tulsa, Banks ramped up her writing efforts, producing scholarship through a lens that came to be known as critical race theory (CRT), which asserts that racism is a social construct embedded in legal systems and policies. As a foundational thinker in the



*Critical Race Theory Workshop, 1989*

movement, Banks was an original member of the historic Workshop on Critical Race Theory in which she and colleagues from around

the country, including Derrick Bell, Kimberlé Crenshaw, Stephanie Phillips, Richard Delgado, and Neil Gotanda honed the structure of this new area of scholarship. Banks remembers the workshop as “the key moment in my intellectual life when I moved into a style of writing and analysis that has carried me through to the present.” Annual CRT conferences followed for the next few years, including one co-organized by Banks. After the 1989 workshop, literature in critical race theory exploded, and its relevance continues to expand as the country reckons with systemic racism, and as the teaching of CRT has come under fire by conservative politicians across the nation.

Banks herself has been a prolific contributor to the literature, producing more than 70 articles, books and book chapters in her career. Her most recent work explores the continuing impact of gender, race, racial formation, and racial hierarchies on the quest for social equality. She also writes about law, lawyers, and legal issues in film and on television.

### Legacy of Mentorship

In 1989, Banks made her final career move to the University of Maryland School of Law after a full court press recruitment from faculty including Robin West '79 (now at Georgetown) and renowned law professor, historian, and political operative Larry Gibson.

Banks fondly remembers the collegial and supportive atmosphere among the Maryland faculty, one of whom was Sherrilyn Ifill, now president and director-counsel of the NAACP Legal Defense Fund. When Ifill

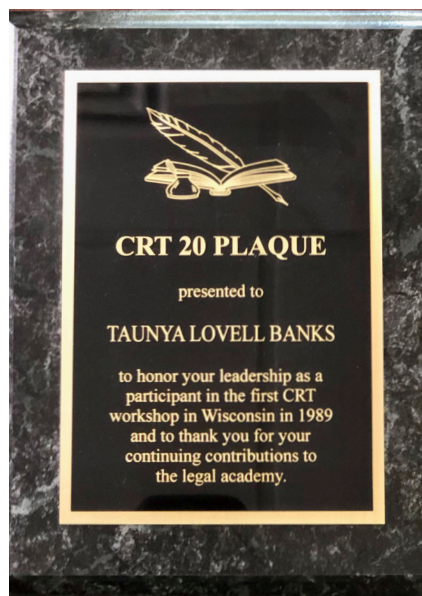
was recruited to Maryland Carey Law, it was Banks' turn to be on the hiring committee.

“Over decades she generously shared her deep knowledge of the academy, her relentless intellectual curiosity, and her decades of teaching and writing to develop multiple generations of teachers and scholars – especially scholars of color,” says Ifill. “... She became my dear friend during my 20 years on the faculty at the law school, and her advice and counsel were critical to my development as a lawyer, teacher and scholar.”

During her tenure at Maryland Carey Law, Banks, now professor emerita, taught courses in torts, constitutional law, citizenship, and critical race theory, as well as her highly popular seminars in law in film and literature.

Banks' CV is packed with evidence of the many ways she contributed to the legal profession and community throughout her career, such as when the 2015 Mid-Atlantic People of Color Conference named a junior faculty award after her and Phoebe Hadden, former dean of Maryland Carey Law, in recognition of their trailblazing scholarship and commitment to mentorship. She served on the executive committee of the Association of American Law Schools and was a two-term member of the Board of Trustees of the Law School Admission Council. Additionally, she is past president of the Maryland Humanities Council and current member of the Board of Trustees of Center Stage, the state theater of Maryland.

But when Banks reflects on her accomplishments, those that make her proudest are when her





scholarship directly influenced law, like when her article on public toilet equity helped get Maryland's "potty parity" bill passed, and when the New York Court of Appeals cited her scholarship on colorism in a jury selection case.

Students and colleagues are well aware of Banks' important scholarly contributions, but when asked about her, they tend to highlight her impact on the people around her.

Maryland Carey Law's Associate Dean for Diversity and Inclusion Russell McClain '95 says Banks has been his mentor for nearly 30 years. His comments are representative of what Taunya Banks means to the people whose lives she has touched throughout her career.

"For me, Professor Banks has been instructor, mentor, motivator, role model, sage, protector, inspirer, and, for the last 15 years of my time as a faculty member, colleague and friend," says McClain. "No one can replace her, nor is there another like her. All we can hope for is that those of us who remain on the faculty can pick up the mantle and, collectively, collaboratively, try to do some small part of what she—as practitioner, teacher, and scholar—has done for the last half century."

Banks says she might have retired a couple of years earlier but was determined to match her father Professor John Lovell, Jr.'s number of years teaching literature at Howard University. His memory is with her now as she contemplates her next project,

which will likely involve his work from the 1950s on the Black theatre movement. And while she will continue to write, Banks also looks forward to spending more time with her grandchildren.

When Banks thinks back on her career, she says she has met a lot of interesting people who have become friends and colleagues. It is the people, she adds, that she will miss the most in retirement, especially the students, whose energy and enthusiasm have sparked her intellect throughout her 44 years teaching law. ■



*University of Maryland Francis King Carey School of Law faculty, 2001*