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## Finley Focuses on Women's Concerns

UB Law Forum

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# Finley Focuses on Women's Concerns

**B**ecause scholarship in areas of concern to women is valued by her colleagues at UB Law School, Lucinda Finley — one of our newest faculty members — has found a comfortable teaching niche here. Finley came to UB in the spring from Yale Law School, where she had taught since 1983. A 1980 Columbia Law School graduate, she is an expert in torts and labor law as well as gender issues.

During her first semester at UB, Finley taught a course on employment law, which she describes as “a look at all of the ways the law affects the employment relationship beyond what is taught in a collective bargaining, labor law or employment discrimination course.”

She also co-taught a seminar with Professor Isabel Marcus on Production, Reproduction, and Power. This class explored power and privacy issues in child-bearing and child rearing, both in the home and in the workplace.

“The spheres of work and home are often thought to be completely separate worlds, but actually they are interconnected and interdependent,” she says. The seminar also explored how legal doctrines such as privacy, ownership, and evaluation of work can have different implications depending on whether an issue is thought primarily to involve reproduction or production.

She spent two months last year as a visiting lecturer on feminist theory at the University of Sydney Faculty of Law in Australia. Last fall, she taught torts and a seminar on feminist legal theory.

One of Finley's research projects at Yale examined the different ways men and women react to law school and their different problem solving approaches. Her conclusions were featured last year in a thought provoking article in the

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ABA Journal that explicated the work of some of the nation's leading female law professors.

Finley says that women are more likely to express concern for the people in law cases, while men are more likely to formulate abstract principles from them. She believes that many male law professors don't take seriously what female students have to say. “If women's answers are at odds with traditional legal responses to problems, maybe professors have to realize that something has been missing from the analysis,” Finley says.

She feels the traditional Socratic method common in many law schools should go: “The point of asking questions should not be to trick or trap or scare a student. The point should be to provoke thinking and elicit responses we can all learn from”

Gender discrimination remains a serious problem in the legal profession, she says. While serving as the reporter for the ABA's Commission on the Status of Women in the Legal Profession, Finley heard testimony on “the surprising amount of continued overt discrimination in our profession.” This includes discriminatory treatment of women in the judicial system; sexual harassment on the job; difficulties in gaining tenure at law schools; lack of maternity leave and child care assistance, and other difficulties confronting women working toward a partnership in law firms.

To help support her research in feminist theory, Finley was awarded a fellowship at the Bunting Institute of Radcliffe College during the 1988-89 academic year. The Rockefeller Foundation also awarded her a grant to study gender and professional socialization.

But women's concerns are not her only interest. To research prospects for alternatives to litigation on toxic tort disputes, Finley had a grant from the National Institute for Dispute Resolution. She also does legal consulting work on employment law issues such as wrongful discharge.

Finley has had numerous articles published in the Columbia Law Review, Yale Law Review, Northwestern Law Review and the Yale Journal of Law and Feminism, on topics ranging from “Transcending Equality Theory” to “A Break in the Silence: Including Women's Issues in a Torts Course.”

A native of “the Amtrak Northeast corridor” — she's lived in practically every major stop along the track — and a Phi Beta Kappa graduate of Barnard College, she was articles editor of the Columbia Law Review and winner of the Samuel Rosenman Prize for Academic Excellence



*Professor Lucinda Finley makes a point in her torts class.*

and Public Service, and the Emil Schlesinger Labor Law Prize while at law school.

After earning her J.D., she served as a law clerk to Judge Arlin M. Adams, U.S. Court of Appeals, Third Circuit, Philadelphia, and then became a specialist in litigation and regulatory work for the Washington, D.C., law firm of Shea & Gardner from 1981 to 1983. She had always intended to go into teaching, but "I want to have the experience of private law practice," she explained.

At Yale Law School, she taught labor relations law, employment law, workplace democracy, torts, toxic torts, women and the law and feminist legal theory. She was also faculty adviser to the Yale Environmental Litigation Program and the Labor Law Clinic Program and served as chair of the board of directors of the Initiative for Public Interest Law.

Combining her interests in women's is-

suess and torts, Finley is now writing a book about victims of DES, a synthetic estrogen once widely prescribed for use by pregnant women. The book will relate the plight of the women, called "DES daughters," and their experiences with the legal system.

Dozens of DES victims who continue to suffer the effects of the carcinogenic drug have opened their hearts to Finley and told her their stories. "Physically, the effects range from sometimes fatal cervical cancer to infertility to extremely premature delivery when they do get pregnant.

"Most of the women are angry at the drug companies and at the treatment they received from lawyers for the drug companies—and sometimes from their own lawyers. But they aren't defeated by their injuries or by their difficulties with the legal system. Many of them have become

activists, lobbying for legislative change and participating in a nationwide network of DES victims."

According to Finley, the standards of tort damages, which focus on lost income and physical pain and suffering, are inadequate for evaluating reproductive harm.

While researching case histories, she learned that the case of only one infertile DES daughter made its way to a jury verdict. In that case, the plaintiff was awarded \$50,000—far from a significant amount—despite two ectopic pregnancies and years of painful and expensive infertility treatment. And even that award was reduced on appeal, she noted.

In her spare time, Finley relaxes by riding and showing horses in hunter and jumper classes. She owns a thoroughbred mare which she shows in top-rated competitions. ■