Lessons Learned and Taught: Christine Haight Farley '94 Had Good Models for the Law Professor's Craft

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“Had I not gone to UB Law, I do not think I would be a professor today,” says Farley, who has taught at American for seven years. “I probably would not have seen teaching as an attractive position, and would not have received the mentoring and encouragement that I got there anywhere else.

“When I arrived in Buffalo, I immediately started thinking about teaching. One of the great things about UB Law is that the professors are so accessible. Most engage on a personal level with their students and they love their jobs.”

Not only did she find at UB Law the inspiration for a professor’s life, she also stumbled onto the field of legal studies that has occupied her ever since: intellectual property law. Farley was an art history major at Binghamton University, and in her second year at the Law School she took Professor James Atleson’s seminar on Law and the Visual Arts.

“I loved that course,” she says, “loved everything we covered. But there was a small section on IP, and somehow that section really grabbed me. IP law is a natural fit for people who are interested in art. It was just so hard to pin down the legal rules here. I was immediately fascinated by what this law was trying to do and whether it was doing it right.”

After graduation, she taught two sections of a yearlong Research & Writing course at UB Law, and taught a first-year course in legal writing at Columbia Law School, where she also earned the master of laws degree. (She recently completed her S.J.D. degree at Columbia.) Before starting to teach at American, she practiced trademark and copyright law for two years in New York City with Rabinowitz, Boudin, Standard, Krinsky & Lieberman, a boutique firm known for its civil liberties litigation.

Until recently, at American, she has taught exclusively upper-level courses, including courses in IP law, U.S. and international trademark law, and law and the visual arts (using Atleson’s course outline as a guide to developing the course). In January she will teach an intellectual property course for first-year students.

All of it, she says, is informed by what she learned and what she saw in O’Brien Hall.

“When I saw so many different models of good teaching,” she says, “I knew there was no cookie cutter approach. I realized early on that you have to be yourself to be a good teacher. You cannot mimic anybody else’s style. Students will appreciate your sincerity. I learned that from Buffalo and from my own early experiences.”

By all accounts she was a successful student. She edited the Buffalo Women’s Law Journal and won a Ford Foundation fellowship in public international law. But, she says, “Nothing in Law School came easily to me.” She credits great support, advice and recommendation letters from her UB Law professors, including Lucinda Finley, David Engel and Frank Munger, who, she says, “in the earliest stages of my applications to be a law professor, said, ‘I could see you at American.’ They have been supportive of me every step of the way.”

Farley’s research interests center on two broad areas. One is the intersection of law and art. “In my scholarship I have discussed a number of instances where the two meet and how both have been changed by that meeting.”

One example, she says, is how the law treated the art of photography in its earliest days. “When photography was invented, it was a struggle to see it as art at all. The attitude was, ‘God invented the landscape, this machine was the transcriber; where is the authorship?’ The art and the law had to redefine itself.”

Her other major research interest is in the unstable basis of rights in the development of trademark law. “Trademark law is interesting because it has been developed with the consistent story that its raison d’etre is to protect consumers from confusion. But that is more of a ruse that masks other objectives in the law, mainly to protect the property notions of the trademark holders. I am trying to take a historic look back to say it was not always just about the con-
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Farley, who as an undergraduate spent time in India on a Rotary International Fellowship, also has worked internationally on intellectual property law. She has taught in France, Chile and Turkey.

“The United States is doing a great job of exporting its notions of IP,” she says, “and has developed expertise in the field earlier than a lot of other countries. I am very interested in having conversations with people who want to develop IP law in these countries. There is no perfect universal approach.” She spoke, for example, about a planned trip to Namibia: “I will be talking to people interested in developing their cultural industries in music, arts and handicrafts. They think IP law can help them, and I am interested to find out what their needs are and what statement of the law can best serve those needs.”

At home, she finds herself a frequent source for media inquiries about intellectual property cases, including such offbeat topics as the patentability of the crustless peanut butter and jelly sandwich, and the Fox Network’s lawsuit against liberal commentator Al Franken over his use of the phrase “fair and balanced.”

“There is just a bunch of fun stuff in IP that the media like to talk about,” Farley says. “But I think there are important stakes here. And so I am happy to be in the media if it helps to bring some of these more serious issues to the attention of the public.”

She and her husband, Bill Farley – a 1995 graduate of UB Law School – have two young boys.

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“There is such a thing as doing IP law in the public interest,” Farley says. “One of the most rewarding aspects of the clinic is that students do not come in with an intuitive sense of how IP is in the public interest. They then develop that sense along the way.”

In addition, she says, the clinic has produced 10 amicus curiae briefs in IP cases before the U.S. Supreme Court in the past five years, urging the court to rule in a way that would serve the public interest.

Beginning in January, Farley will serve as associate dean for academic affairs at Washington College of Law. She also co-directs, with Professor Peter Jaszi, the school’s Program on Information Justice and Intellectual Property, which sponsors events, projects, scholarly work and activism. And she is associate director of the Glushko-Samuelson Intellectual Property Law Clinic, one of the first of its kind in the nation, in which students do IP work for clients who cannot afford legal services. Clinicians advise creative artists, non-profit organizations, small inventors and entrepreneurs, and represent them before agencies including the U.S. Copyright Office and the Patent and Trademark Office.

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