

# JENNIFER S. HENDRICKS

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## ACADEMIC APPOINTMENT

UNIVERSITY OF TENNESSEE COLLEGE OF LAW, Knoxville, Tennessee.

- Associate Professor, 2005–present.

### *Courses*

Civil Procedure  
Law and Gender  
Constitutional Law  
Advanced Constitutional Law  
Complex Litigation

## EDUCATION

HARVARD LAW SCHOOL, J.D. *magna cum laude*, 1998.

- Research Assistant, Prof. Laurence Tribe.
- Instructor, Legal Reasoning & Analysis, Profs. Peter Murray & Charles Ogletree.
- Teaching Assistant, Civil Procedure, Prof. Bruce Hay.
- Tutor, First-year subjects, Office of Student Life Counseling.
- Co-Chair, Student Public Interest Network.
- Court Advocate, Battered Women's Advocacy Project.
- Member, Board of Student Advisers.

SWARTHMORE COLLEGE, B.A. with honors, 1993.

- Major in Mathematics, minor in Sociology, concentration in Women's Studies.
- Goldwater Mathematics Scholar.
- Writing Tutor.

## CLERKSHIP

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT,  
JUDGE KAREN NELSON MOORE, Cleveland, Ohio, 1998–99.

## PUBLICATIONS

*Teaching Values, Teaching Stereotypes: The Judicial Role in the Battle for the Hearts and Minds of Children* (working title).

*The Supreme Court's Inherent Power Over Procedure, From the Bottom Up* (working title).

*Body and Soul: Pregnancy, Equality, and the Unitary Right to Abortion*, 45 HARV. C.R.–C.L. L. REV. \_\_ (forthcoming 2010) (draft available on SSRN).

*Pregnancy, Equality, and the U.S. Constitution*, in FEMINIST CONSTITUTIONALISM (Rebecca S. Cook et al. eds., Cambridge University Press, forthcoming 2010) (draft available on SSRN).

*Contingent Equal Protection: Reaching for Equality After Ricci and PICS*, 16 MICH. J. GENDER & L. \_\_ (forthcoming 2010) (draft available on SSRN).

*Teaching Controversial Topics: Reproductive Rights*, with Beth Burkstrand-Reid, June Carbone, and Barbara Glesner Fines, 43 FAM. L.Q. \_\_ (forthcoming 2010).

*"We reserve the right to refuse service to anyone,"* 76 TENN. L. REV. 417 (2009) (reflections on teaching constitutional law in Tennessee).

*Instead of ENDA, a Course Correction for Title VII*, 103 NW. U. L. REV. COLLOQUY 209 (2008).

*Popular Election of the President: Using or Abusing the Electoral College?*, 7 ELECTION L.J. 218 (2008).

ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES, ed. David S. Tanenhaus et al. (2008), entries on *Wimberly v. Labor & Indus. Relations Comm'n* and *Califano v. Goldfarb*.

*Essentially a Mother*, 13 WM. & MARY J. WOMEN & L. 429 (2007).  
☞ Honorable Mention, AALS Scholarly Papers Competition.

*Preemption of Common Law Claims and the Prospects for FIFRA: Justice Stevens Puts the Genie Back in the Bottle*, 15 DUKE ENVTL. L. & POL'Y FORUM 65 (2005).

*Women and the Promise of Equal Citizenship*, 8 TEX. J. WOMEN & L. 51 (2000).  
☞ Winner, Notre Dame National Feminist Jurisprudence Writing Contest.

Montana reporter, Media Law Resource Center, 2000–05:  
50-STATE SURVEY: MEDIA LIBEL LAW.  
50-STATE SURVEY: MEDIA PRIVACY AND RELATED LAW.  
50-STATE SURVEY: EMPLOYMENT LIBEL AND PRIVACY LAW.

Montana reporter, Reporters Committee for Freedom of the Press, 2000–05:  
TAPPING OFFICIALS' SECRETS: A STATE OPEN GOVERNMENT COMPENDIUM.

## LEGAL PRACTICE

MELOY TRIEWEILER, Helena, Montana, 1999–2005.

Plaintiffs' trial and appellate firm practicing in the areas of discrimination, products liability, environmental protection, media law, and constitutional law.

### *Selected reported decisions*

- Evel Knievel v. ESPN*, 393 F.3d 1068 (9th Cir. 2005) (holding that statement was not defamatory as a matter of law) (featured in Aaron Dunn, *Knievel v. ESPN: Demonstrating the Need for a Common-Sense Subjective Standard for Meaning in Defamation Law*, 28 U. HAW. L. REV. 231 (2005)).
- Phillips v. GM with LA Times*, 307 F.3d 1206 (9th Cir. 2002) (remanding for a decision that allowed public access to information about products liability settlement) (note case in Marcus & Sherman, *COMPLEX LITIGATION: CASES AND MATERIALS ON ADVANCED CIVIL PROCEDURE* (4th ed. 2004)).
- Trout Unlimited v. Mont. Dep't of Natural Resources*, 133 P.3d 224 (Mont. 2006) (limiting *Chevron* deference and requiring greater protection of water supplies in the Upper Missouri River Basin).
- Mont. Environ. Info. Ctr. v. Mont. Dep't of Environ. Quality*, 112 P.3d 964 (Mont. 2005) (invalidating an air quality permit for a coal plant and defining the scope of the agency's duty to evaluate a permit application).
- Big Spring v. Jore*, 109 P.3d 219 (Mont. 2005) (disqualifying over-voted ballots in a tied race that determined party control of state legislature).
- Wheat v. Brown*, 85 P.3d 765 (Mont. 2004) (striking down legislation that interfered with the redistricting process).
- Great Falls Tribune v. Pub. Serv. Comm'n*, 82 P.3d 876 (Mont. 2003) (overruling prior recognition of a corporate right to privacy).
- Bryan v. Yellowstone County Elem. Sch. Dist.*, 60 P.3d 381 (Mont. 2002) (enforcing, for the first time, the state constitutional right of public participation in governmental decisions) (featured in Fritz Snyder, *The Fundamental Human Rights Compared in Two Progressive Constitutions: Japan and Montana*, 14 INT'L LEGAL PERSP. 30 (2004)).
- Sleath v. West Mont Home Health Servs., Inc.*, 16 P.3d 1042 (Mont. 2000) (holding that FIFRA does not preempt tort claims), *cert. denied sub nom. Dow Agrosciences LLC v. Sleath*, 534 U.S. 814 (2001).
- Ries v. Mont. High Sch. Ass'n*, Mont. Human Rights Comm'n (2000) (finding that the high school association discriminated on the basis of sex in scheduling girls' volleyball and basketball seasons).

NORTHWEST WOMEN'S LAW CENTER, Seattle, Washington, Summer 1997. Nonprofit law firm working in the areas of divorce reform, prison conditions for women, fetal protection legislation, and employment discrimination.

ARTHUR BENSON & ASSOCIATES, Kansas City, Missouri, Summer 1996. Plaintiffs' civil rights firm litigating in the areas of school desegregation (*Jenkins v. Missouri*), prisoners' rights, and employment discrimination.

## SELECTED PRESENTATIONS & SERVICE

### ACADEMIC PRESENTATIONS

- University of Denver, Sturm College of Law, Conference on Motherhood, *Pregnancy, Motherhood, and Equality*, 2010 (scheduled).
- University of Tennessee College of Law, Alumni Council Football CLE, *Contingent Equal Protection: The Future of Government Policies to Promote Integration and Equality*, 2009.
- University of Virginia Law School, May Gathering, Tara Grove's *The Structural Case for Vertical Maximalism* (commenter), 2009.
- University of Colorado School of Law, Conference on Emerging Family Law Scholarship, Shari Motro's *The Price of Pleasure* (commenter), 2009.
- Queen's University (Ontario), International Conference on Feminist Constitutionalism, *Contingent Equality and Abortion*, 2009.
- University of Baltimore School of Law, Conference on Applied Feminism, *Perfecting the Audacity Factor? Productivity, Placement, and Practical Feminism*, 2009.
- William Mitchell School of Law, Future of Family Law Education, *Teaching Controversial Topics: Reproductive Rights*, 2009.
- University of Tennessee College of Law, Marc Poirier's *Ocean Grove v. Ocean Grove: Property, Community, and the Where of a Same-Sex Civil Union Ceremony* (commenter), 2009.
- University of Tennessee College of Law Half-Baked Lunch Series, *Abortion and Equality*, 2009.
- Washington University School of Law Junior Faculty Workshop, *Power Grab and Category Error*, 2008.
- Society of American Law Teachers, Boalt Hall School of Law, Teaching for Social Change, "We Reserve the Right to Refuse Service to Anyone," 2008.
- Villanova University School of Law, *Contingent Equal Protection*, 2008.
- American Association of Law Schools Annual Meeting, Scholarly Papers Competition, Honorable Mention Award, *Essentially a Mother*, 2007.
- University of Kansas Law School, *Popular Election of the President*, 2007.
- University of Virginia Law School, May Gathering, *Essentially a Mother*, 2006.
- Southeastern Association of Law Schools, *Essentially a Mother*, 2006.
- University of Notre Dame Law School, Feminist Jurisprudence Award, *Women and the Promise of Equal Citizenship*, 1999.

## UNIVERSITY OF TENNESSEE COLLEGE OF LAW

### Regular activities:

- Faculty Adviser, UT Lambda, 2009–present.
- Faculty Adviser, American Constitution Society chapter, 2009–present.
- Coach, Constitutional Law Moot Court, 2006–present.
- Success Seminars, *Exam Tips & Strategies*, 2007–present.
- Instructor, Case Briefing & Analysis (1L Orientation), 2007–present.
- 1L Faculty Adviser, 2006–present.
- Judge, moot court practices, 2005–present.

### Committee assignments:

- Faculty Appointments, 2007–08; 2009–10.
- Strategic Planning, 2008–09; 2009–10.
- Judicial Clerkship Advising, 2007–08; 2008–09; 2009–10.
- Academic Standards & Curriculum, 2006–07.
- Search Committee for Dean of Students, 2006–07.
- Community Committee, 2005–06

## UNIVERSITY OF TENNESSEE

- Fellow, Center for the Study of Social Justice.
- Provost's Junior Faculty Fellow, 2008–10.
- Panel member, Baker Center Constitution Day Forum on Faith-Based Initiatives, 2008.
- Presentation, *The Lens of the Law*, University Commission for LGBT People, 2008.
- Moderator, Women's Coordinating Council Debate on Abortion, between representatives of the Archdiocese of Chicago and NARAL, 2007.

## AMERICAN ASSOCIATION OF LAW SCHOOLS

- Delegate, House of Delegates, 2010.
- Mentor, Section on Women in Legal Education, 2009–present.
- Executive Committee, Section on New Law Professors, 2006–07.

## BAR ADMISSIONS AND ACTIVITIES

- Admitted to the bars of the State of Montana, the U.S. District Court for the District of Montana, and the U.S. Court of Appeals for the Ninth Circuit. Provisionally admitted to the bar of the Blackfeet Nation.
- Delegate, Sixth Circuit Judicial Conference, 2008.

## SELECTED PRO BONO REPRESENTATION

- Litigation and other representation for the Montana Environmental Information Center, 2000–present.
- Volunteer for the Election Protection Project of the Lawyers Committee for Civil Rights, 2008.

- Freedom of Information Act litigation against the FBI, BIA, and other federal agencies, 2003–08.
- Consultation with NARAL about state-level restrictions on abortion, 2007.
- Consultation with city attorney on sexual harassment prosecution, 2005.
- Representation of indigent clients on family law matters, through referral from the Montana Legal Services Association, 2000–06.

#### MONTANA PRIDE (advocacy organization for gay and lesbian civil rights)

- Board Member, 2002–05.
- Secretary, Executive Committee, 2003–05.
- Chair, Legal Committee, 2002–05. Plaintiff in *Snetsinger v. State*, 104 P.3d 445 (Mont. 2004) (holding that state university could not deny health benefits to domestic partners of gay employees where domestic partners of straight employees could obtain benefits).
- Montana attorney general's appointee to prepare voter guide arguments against state constitutional initiative banning same-sex marriage, 2004.
- Panelist, "Lesbian and Gay Parenting," *Montana Law Review* Symposium on Children & the Law, 2004.

#### MONTANA TRIAL LAWYERS ASSOCIATION

- Panelist, *On Being a Woman Trial Lawyer*, University of Montana, 2005.
- Appellate Advocacy Award, 2004, for *Great Falls Tribune v. Public Service Commission*, 82 P.3d 876 (Mont. 2003) (overruling prior recognition of a corporate right to privacy).
- Presentation, *The Empty Chair Defense*, Annual Convention, 2002.
- Co-author of amicus brief, *Dorwart v. Caraway*, 58 P.2d 128 (Mont. 2002) (state version of *Bivens*, finding implied right of action for money damages for violations of Montana Constitution).
- Delegate, Montana Community–Labor Alliance, 2000–02.
- Author of amicus brief, *Finstad v. W.R. Grace & Co.*, 8 P.3d 778 (Mont. 2000) (striking down restrictions on jury verdicts).

#### INSTITUTE FOR PARALEGAL EDUCATION

- Instructor, Legal Research and Analysis for the Paralegal, 2003.

#### MONTANA HUMAN RIGHTS NETWORK

- Chair, Conference on Separation of Church and State, 2000.