

# JENNIFER S. HENDRICKS

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## ACADEMIC APPOINTMENTS

### UNIVERSITY OF TENNESSEE COLLEGE OF LAW.

- Associate Professor of Law since 2005; tenured in 2010.
- Richard Rose Research Scholar, 2009–present.
- Emory Law School, Visiting Scholar-in-Residence, March 2011.

#### Courses taught:

Civil Procedure  
Complex Litigation  
Constitutional Law  
Race, Gender, and the Law  
Seminars:

The Constitution of the Family  
Theory & Method of Interpretation  
Supreme Court Litigation  
Unenumerated Rights

#### Also interested in teaching:

Family Law  
Federal Courts

## EDUCATION

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

- Research Assistant, Prof. Laurence Tribe.
- Member, Board of Student Advisers.
- 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.

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

- Major in Mathematics, minor in Sociology, concentration in Women's Studies.
- Goldwater Mathematics Scholar, U.S. Foundation for Excellence in Education.
- Writing Associate.

## CLERKSHIP

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

## PUBLICATIONS

### *Work in Progress*

SEX EQUALITY IN PARENTAL RIGHTS AND REPRODUCTION (monograph).

*Truth, Justice, and the Brandeis Brief: The Family as Seen Through Amicus Briefs, from Muller to Carhart II* (article).

*The Law and Neurobiology of the Sexual Division of Labor* (article).

*Relational Feminism, Separate Spheres, and Good and Bad Mothers: A Reply to Erika Bachiochi*, AMICUS (online supplement to HARV. C.R.–C.L. L. REV.) (forthcoming 2011) (essay).

*Is There a Compelling State Interest in Equality? Structural Inequality as a “Real Difference,”* in CONTROVERSIES IN EQUAL PROTECTION CASES IN AMERICA (ed. Anne Richardson Oakes & Centre for American Legal Studies) (Ashgate, scheduled for 2013).

### *Articles*

*In Defense of the Substance–Procedure Dichotomy*, 89 WASH. U. L. REV. \_ (forthcoming 2011).

☞ Selected for the University of Illinois Junior Faculty Federal Courts Workshop.

*Of Woman Born? Technology, Relationship, and the Right to a Human Mother*, 62 CASE WESTERN RESERVE L. REV. \_ (forthcoming 2011-12).

*Teaching Values, Teaching Stereotypes: Sex Ed and Indoctrination in Public Schools*, with Dawn Howerton, 13 U. PENN. J. CONST. L. 589 (2011).

*Body and Soul: Pregnancy, Equality, and the Unitary Right to Abortion*, 45 HARV. C.R.–C.L. L. REV. 329 (2010).

*Contingent Equal Protection: Reaching for Equality After Ricci and PICS*, 16 MICH. J. GENDER & L. 397 (2010).

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

*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 Competition.

### ***Other Publications***

*Renegotiating the Social Contract*, 110 MICH. L. REV. \_ (forthcoming 2012) (review of Maxine Eichner's THE SUPPORTIVE STATE: FAMILIES, GOVERNMENT, AND AMERICA'S POLITICAL IDEALS).

*Pregnancy, Equality, and the U.S. Constitution*, in FEMINIST CONSTITUTIONALISM (Beverly Baines, Daphne Barak-Erez & Tsvi Kahana eds., Cambridge University Press, forthcoming 2011).

*Teaching Controversial Topics: Reproductive Rights*, with Beth Burkstrand-Reid and June Carbone, 49 FAM. CT. REV. \_ (forthcoming 2011).

*Converging Trajectories: Interest Convergence, Justice Kennedy, and Jeannie Suk's "Trajectory of Trauma"*, 110 COLUM. L. REV. SIDEBAR 63 (2010).

*Reprinted in* WOMEN AND THE LAW (Tracy Thomas, ed., West 2011).

*"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).

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*.

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

### PRO BONO REPRESENTATION

- Consultation and amicus briefing in civil rights litigation, 2009–present.
- Consultations with journalists on Freedom of Information Act requests, 2010.
- Litigation and other representation for the Montana Environmental Information Center, 2000–09.
- Volunteer for the Election Protection Project of the Lawyers Committee for Civil Rights, 2008.
- Freedom of Information Act litigation against the FBI 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.

**MELOY TRIEWEILER**, Helena, Montana, 1999–2005.

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

#### *Selected reported decisions*

- Evel Knievel v. ESPN*, 393 F.3d 1068 (9th Cir. 2005) (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 to protect 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 law 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 sex discrimination 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 SERVICE

### EVENTS ORGANIZED

- Collaborative Research Network on Feminist Legal Theory, January 2012 Conference.
- Symposium, "Reflections on *Geier*: The Role of the Courts in Shaping Higher-Education Policy," University of Tennessee, 2010.
- Junior Faculty Writing Retreat Series, University of Tennessee College of Law, 2009–10.

### UNIVERSITY OF TENNESSEE COLLEGE OF LAW

College activities:

- Faculty Mentor for Wendy Bach, 2010–11.
- Faculty Adviser, UT Lambda, 2009–present.
- Success Seminars, *Exam Tips & Strategies*, 2007–present.
- 1L Faculty Adviser, 2006–present.
- Judge, moot court practices, 2005–present.
- Coach, Constitutional Law Moot Court, 2006–10.
- Instructor, Case Briefing & Analysis (1L Orientation), 2007–09.

Committee assignments:

- Governance, 2010–2011.
- Tenure Committee for Iris Goodwin, 2010–11;
- Faculty Appointments, 2007–08; 2009–10.
- Strategic Planning, 2008–09; 2009–10; 2010–11.
- Judicial Clerkship Advising, 2007–08; 2008–09; 2009–10.
- Academic Standards & Curriculum, 2006–07.
- Search Committee for Dean of Students, 2006–07.
- Community, 2005–06; 2010–11; 2011–12.

## UNIVERSITY OF TENNESSEE

- Law School Representative, Faculty Senate, 2010–present.
  - Chair, Ad Hoc Committee on Research Misconduct.
  - Appeals Committee.
  - Research Council.
- Member of Dissertation Committee for Dawn Howerton, Candidate for Ph.D. in Psychology, 2010–present.
- Fellow, Center for the Study of Social Justice, 2009–present.
- Provost’s Junior Faculty Fellow, 2008–10.
- Panel member, Baker Center Constitution Day Forum on Faith-Based Initiatives, 2008.
- Presentation, *The Lens of Law*, University Commission for LGBT People, 2008.
- Moderator, Women’s Coordinating Council Debate on Abortion, speakers from the Archdiocese of Chicago and NARAL, 2007.

## AMERICAN ASSOCIATION OF LAW SCHOOLS

- House of Delegates, 2010.
- Section on Women in Legal Education, Mentoring Committee, 2010–present.
- Section on Constitutional Law, Executive Committee, 2010–11.
- Section on New Law Professors, Executive Committee, 2006–07.

## BAR ACTIVITIES

- Admitted to the bars of the State of Montana, U.S. District Court for the District of Montana, and U.S. Court of Appeals for the Ninth Circuit.
- Member, Society of American Law Teachers.
- Delegate, Sixth Circuit Judicial Conference, 2008.

## MONTANA PRIDE (advocacy organization for LGBT civil rights)

- Board Member, 2002–05.
- Secretary, Executive Committee, 2003–05.
- Chair, Legal Committee, 2002–05. Organizational plaintiff in *Snetsinger v. State*, 104 P.3d 445 (Mont. 2004) (requiring the state to provide health benefits to same-sex domestic partners of employees).
- 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, University of Montana Law School, 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* (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* (state version of *Bivens*).

## MONTANA HUMAN RIGHTS NETWORK

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

## ACADEMIC PRESENTATIONS

## 2012 (scheduled)

- University of Maryland School of Law, Legal Theory Workshop.
- Indian Law Society, College of Law (Pune, India), International Conference on Feminism and Law.
- Conference of the Collaborative Research Network on Feminist Legal Theory.

## 2011

- AALS Mid-Year Meeting, Workshop on Women Rethinking Equality, *Of Woman Born?*
- Law & Society Annual Meeting, Feminist Legal Theory Network: Paper presentation, *Body and Soul*. Commenter, Jessica Dixon Weaver's *The First Father*.
- Emerging Family Law Scholars Conference, UC–Hastings College of Law, *Of Woman Born?*
- Guest Blogger, Concurring Opinions.

## 2010

- University of Illinois College of Law, Junior Faculty Federal Courts Workshop, *In Defense of the Substance–Procedure Dichotomy*.
- Washington University School of Law, Junior Faculty Workshop, *Teaching Values, Teaching Stereotypes*.
- LatCrit XV, University of Denver, Sturm College of Law: Work-in-Progress, *The Right to a Human Mother?* Panelist, *Reflections on Subordination: Sites and Bodies*. Commenter, Ana Romes's *Transtitial Maternity: The Gap Between Giving Birth and Motherhood*.
- Emerging Family Law Scholars Conference, University of Missouri–Kansas City School of Law: Work-in-Progress, *The Right to a Human Mother*. Commenter, Gaia Bernstein & Zvi Triger's *Over-Parenting*.
- University of Denver, Sturm College of Law, Conference on Motherhood: Reclaiming Our Past Transforming Our Future, *Pregnancy, Motherhood, and Equality*.
- University of Tennessee College of Law, Lambda Society, *Working Together: Feminist and LGBT Movements*.
- University of Tennessee College of Law, Federalist Society Debate, *The Feminist Dilemma*.
- Guest Blogger, Feminist Law Professors.

## 2009

- Queen's University (Ontario), International Conference on Feminist Constitutionalism, *Contingent Equality and Abortion*.
- University of Virginia Law School, May Gathering, Tara Grove's *The Structural Case for Vertical Maximalism* (commenter).

- University of Colorado School of Law, Emerging Family Law Scholars Conference, Shari Motro's *The Price of Pleasure* (commenter).
- William Mitchell School of Law, Future of Family Law Education, *Teaching Controversial Topics: Reproductive Rights*.
- University of Tennessee College of Law, Alumni Council Football CLE, *The Future of Government Policies to Promote Integration and Equality*.
- University of Baltimore Law School, Applied Feminism Conference, *Perfecting the Audacity Factor? Productivity, Placement, and Practical Feminism*.
- University of Tennessee College of Law, Marc Poirier's *Property, Community, and the Where of a Same-Sex Civil Union Ceremony* (commenter).
- University of Tennessee College of Law Half-Baked Lunch Series, *Abortion and Equality*.

#### 2008

- Washington University School of Law Junior Faculty Workshop, *Power Grab and Category Error*.
- Villanova University School of Law, *Contingent Equal Protection*.
- Society of American Law Teachers, Boalt Hall School of Law, Teaching for Social Change, "We Reserve the Right to Refuse Service to Anyone."

#### 2007

- AALS Annual Meeting, Scholarly Papers Competition, Honorable Mention Award, *Essentially a Mother*.
- University of Kansas Law School, *Popular Election of the President*.

#### 2006

- Southeastern Association of Law Schools, *Essentially a Mother*.
- University of Virginia Law School, May Gathering, *Essentially a Mother*.

#### 1999

- University of Notre Dame Law School, Feminist Jurisprudence Award, *Women and the Promise of Equal Citizenship*.