

# JENNIFER S. HENDRICKS

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## ACADEMIC APPOINTMENTS

### UNIVERSITY OF COLORADO LAW SCHOOL.

- Professor of Law.
- Co-Director, Juvenile & Family Law Program.
- Visiting Scholar, Spring 2012.
- Courses: Family Law; Parent, Child & State; Civil Procedure; Math for Lawyers; Topics in Family Law; Equality & Sports.

### UNIVERSITY OF TENNESSEE COLLEGE OF LAW.

- Associate Professor of Law, 2005–12.
- Richard Rose Research Scholar, 2009–12.
- Emory Law School, Visiting Scholar-in-Residence, March 2011.
- Provost's Junior Faculty Fellow, 2008–10.
- Courses: Civil Procedure; Complex Litigation; Constitutional Law; Race, Gender, and the Law; seminars on constitutional family law and constitutional theory; Case Briefing & Analysis (1L orientation).

## PUBLICATIONS

TITLE 9<sup>3/4</sup>—NEGOTIATING EQUALITY OUTSIDE THE SHADOW OF THE LAW (embryonic).

ESSENTIALLY A MOTHER (in progress).

*Disputed Conceptions of Motherhood* in THE OXFORD HANDBOOK OF FEMINISM AND LAW IN THE UNITED STATES (eds. Deborah Brake, Martha Chamallas & Verna Williams, forthcoming 2021).

*America's Care Crisis Is Exploding and Women Lawyers Are Being Forced to Pick Up the Pieces*, ABOVE THE LAW (8/6/20) (with Shruti Rana and Cyra Akila Choudhury).

*Guest Commentary: CU–Boulder Pay Cuts Are Unjust and Regressive*, BOULDER DAILY CAMERA (6/25/20).

*Arguing with the Building Inspector About Gender-Neutral Bathrooms*, 113 NW. U. L. REV. ONLINE 77 (2018).

*The Wages of Genetic Entitlement: The Good, the Bad, and the Ugly in the Rape Survivor Child Custody Act*, 112 NW. U. L. REV. ONLINE 75 (2017).

*Fathers and Feminism: The Case Against Genetic Entitlement*, 91 TULANE L. REV. 473 (2017).

☞ Jules Milstein Award for Faculty Scholarship.

☞ Reprinted in *WOMEN AND THE LAW* (Tracy Thomas, ed., West 2018).

*Genetic Essentialism in Family Law*, 26 HEALTH MATRIX 109 (2016).

*Schrödinger's Child: Non-Identity and Probabilities in Reproductive Decision-Making*, 69 STUD. L. POL. & SOC'Y 221 (2016).

☞ Peer reviewed.

*Guest Commentary: Colorado Fetal Homicide Law Goes Too Far*, with Aya Gruber, DENVER POST (4/19/15).

*Undue Burdens in Texas*, 127 HARV. L. REV. FORUM 145 (2014).

*Not of Woman Born: A Scientific Fantasy*, 62 CASE WESTERN RESERVE L. REV. 399 (2012).

☞ Revised and reprinted as *Law, Science, and the Ideology of Reproduction in the West*, in *FEMINISM IN THE SUBCONTINENT AND BEYOND: CHALLENGING LAWS, CHANGING LAWS*, (EBC Publishing, Lucknow, Uttar Pradesh, India; eds. Jaya Sagade, Christine Forster, and Vedna Jivan 2014).

*Pregnancy Equality, and the U.S. Constitution*, in *FEMINIST CONSTITUTIONALISM: GLOBAL PERSPECTIVES* 263 (Beverly Baines, Daphne Barak-Erez & Tsvi Kahana eds., Cambridge University Press 2012).

*The Flight from Judgment: Reflections on Ben Barton's Empirical Study of Supreme Court Justice Pre-Appointment Experience*, 64 FLA. L. REV. 34 (2012).

*Renegotiating the Social Contract*, 110 MICH. L. REV. 1083 (2012) (review of Maxine Eichner's *THE SUPPORTIVE STATE: FAMILIES, GOVERNMENT, AND AMERICA'S POLITICAL IDEALS*).

*Teaching Controversial Topics: Reproductive Rights*, with Beth Burkstrand-Reid and June Carbone, 49 FAM. CT. REV. 678 (2011).

*In Defense of the Substance-Procedure Dichotomy*, 89 WASH. U. L. REV. 103 (2011).

☞ Selected for the Junior Faculty Federal Courts Workshop.

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

*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).

☞ Substantially revised for *"The Compelling State Interest in Substantive Equality,"* in *CONTROVERSIES IN EQUAL PROTECTION CASES IN AMERICA* (ed. Anne Richardson Oakes & Centre for American Legal Studies, Ashgate 2015).

*"We reserve the right to refuse service to anyone,"* 76 TENN. L. REV. 417 (2009).

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

☞ Peer reviewed.

*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*.

*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).

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.

*Women and the Promise of Equal Citizenship,* 8 TEX. J. WOMEN & L. 51 (2000).

☞ Winner, Notre Dame National Feminist Jurisprudence Writing Contest.

## LEGAL PRACTICE

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

Plaintiffs' trial and appellate firm practicing in the areas of discrimination, constitutional law, products liability, environmental protection, and media law. Montana Trial Lawyers' Appellate Advocacy Award, 2004.

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

Clerkship.

## EDUCATION

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

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

Mathematics, with sociology minor and concentration in women's studies

## SELECTED SERVICE

### UNIVERSITY OF COLORADO

University service

- Faculty Assembly, Fall 2018.
- Faculty Assembly, Academic Affairs Committee, Fall 2018.
- Faculty Assembly, Administrator Appraisal Committee, 2015–18.

Law school service

- Co-Director, Juvenile and Family Law Program, 2012–present.
- 1L mentoring lunch series, Spring 2021.
- Organizer, Professors Against Magical Thinking, Fall 2020.
- Convener, Feminist Jurisprudence Reading Group, 2015–17.
- 1L Faculty Adviser, 2013–15, 2021.

Committee assignments for the law school

- Faculty Peer Review, Co-chair, 2018, 2019.
- Admissions, 2014–15, 2016–18.
- Faculty Peer Review Design, 2016–17.
- Faculty Evaluations, 2015–16.
- Budget Review, 2015–16.
- Academic and Student Affairs, 2013–14, 2020–21.
- Clinical Evaluations, 2013–14.
- Faculty Appointments, 2012–13.

### UNIVERSITY OF TENNESSEE

University service

- Faculty Senate, 2010–12. Chair, Ad Hoc Committee on Research Misconduct Appeals Committee. Research Council.
- Dissertation Committee, Dawn Howerton, Ph.D. in Psychology, 2010–12.
- Fellow, Center for the Study of Social Justice, 2009–12.

Law school service

- Faculty Mentor, 2010–11.
- Faculty Adviser, UT Lambda, 2009–11.
- 1L Faculty Adviser, 2006–11.
- Judge, moot court practices, 2005–11.
- Coach, Constitutional Law Moot Court, 2006–10.

Committee assignments for the College of Law

- 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.

**AMERICAN ASSOCIATION OF LAW SCHOOLS**

- House of Delegates, 2010.
- Section on Women in Legal Education, Mentoring Committee, 2010–12.
- Section on Constitutional Law, Executive Committee, 2010–11.
- Section on New Law Professors, Executive Committee, 2006–07.

**BOULDER VALLEY SCHOOL DISTRICT**

- Boulder High School, Instrumental Music Parents' Association, 2016–19.
- Informal consultation, gender-neutral bathrooms, 2016–17.
- District Advisory Committee for Gifted Education, 2014–16.
- Math Team Coach, Casey Middle School, 2012–15.
- Strategic Planning Action Design Team for Math Education, 2014.

**MONTANA PRIDE**

- Board Member, 2002–05.
- Secretary, Executive Committee, 2003–05.
- Chair, Legal Committee, 2002–05. Organizational plaintiff in *Snetsinger v. State* (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.

**OTHER COMMUNITY/PROFESSIONAL SERVICE**

- Working group on the Covid Care Crisis in Academia, 2020.
- Election protection: voter advocacy through the Lawyers Committee for Civil Rights and/or the Democratic Party, even years.
- Testimony to the Colorado Senate, on the matter of fetal personhood, 2015.
- Chair, Feminist Legal Theory Research Network, June 2013 Conference.
- Planning Committees, Feminist Legal Theory Research Network, January and October 2012 Conferences.

- Planning Committee, Symposium, “Reflections on *Geier*: The Role of the Courts in Higher-Education Policy,” University of Tennessee, 2010.
- Chair, Montana Human Rights Network, Conference on Separation of Church and State, 2000.

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## NON-ACADEMIC PRESENTATIONS

- Cobalt, *From Reproductive Rights to Reproductive Justice*, 2021.
- CU Mini-Law School, *The Electoral College and the National Popular Vote Compact*, 2020.
- Boulder Women’s Leadership Luncheon, *Reproductive Rights*, 2018.
- CU Mini-Law School, *Family Law*, 2012–15.
- Colorado NARAL, *Choice Under Fire: Navigating Reproductive Health Care in an Increasingly Hostile Era*, 2015.
- CU Pre-Law Society, *Law School and Lawyers’ Careers*, 2013.
- Continuing Legal Education seminar, *Contracting for a Child: Ethics of Reproductive Technology and Surrogacy*, 2012.
- CU Federalist Society Debate, *Is Feminism Still Relevant?*, 2012.
- UT College of Law, Success Seminars, *Exam Tips & Strategies*, 2007–11.
- UT Federalist Society Debate, *The Feminist Dilemma*, 2010.
- UT Lambda Society, *Working Together: Feminist and LGBT Movements*, 2010.
- UT Alumni Council Football CLE, *The Future of Government Policies to Promote Integration and Equality*, 2009.
- Baker Center Constitution Day Forum on Faith-Based Initiatives, panelist, 2008.
- UT Commission for LGBT People, *The Lens of Law*, 2008.
- UT Women’s Coordinating Council Debate on Abortion, moderator for debate between speakers from the Archdiocese of Chicago and NARAL, 2007.
- University of Montana, *On Being a Woman Trial Lawyer*, 2005.
- *Montana Law Review* Symposium on Children & the Law, *Lesbian and Gay Parenting*, 2004.
- Montana Trial Lawyers Association Annual Convention, *The Empty Chair Defense*, 2002.

## ACADEMIC PRESENTATIONS

2020

- CLASIC (Critical Legal Academics & Scholars International Collective), *Essentially a Mother*.

2018

- Law and Society Annual Meeting, Feminist Legal Theory Collaborative Research Network, Chair and Commenter, “Care, Privacy, and Intimacy.”

2017

- Austin W. Scott Lecture, University of Colorado Law School, *Essentially a Mother*.
- International Society of Family Law, World Conference on Family Law and Family Realities, *Fathers and Feminism*.

## 2015

- Case Western Law School, Symposium, “The Rhetoric of Reproduction,” *Genetic Essentialism in Family Law*.

## 2014

- Emory Law School, Feminist Legal Theory Project, “An Uncomfortable Conversation: The Universal and the Particular,” *Re-Making Relational Feminism*.
- Law and Society Annual Meeting, Feminist Legal Theory Collaborative Research Network, “Feminist Legal Theory Half a Century After the Second Wave.”

## 2013

- Law and Society Annual Meeting, Feminist Legal Theory Collaborative Research Network, Chair and Commenter, “Gender Roles and Social Norms.”
- Emory Law School, Feminism and Legal Theory Project, “Sex and Reproduction: From Privacy and Choice to Resilience and Opportunity?” *Non-Identity, Probability, and Reproductive Ethics*.
- Emerging Family Law Scholars Conference, Brooklyn Law School, *Schrödinger’s Child: Non-Identity and the Ethics of Reproduction*.
- University of Colorado Law School, Workshop on the Feminist Influence on Criminal Law, Moderator, “Gender, Crime Control, and Women’s Empowerment.”
- Feminist Legal Theory Roundtable, Fordham Law School, *Schrödinger’s Child: Non-Identity, Probabilities, and Reproductive Decision-Making*.

## 2012

- University of Maryland School of Law, Legal Theory Workshop, *Not of Woman Born*.
- Indian Law Society, College of Law (Pune, India), International Conference on Feminism and Law, *Not of Woman Born*.
- Law & Society Annual Meeting, Feminist Legal Theory Network: chair, panel on Pregnancy, Motherhood, and Reproductive Rights; commenter, Melissa Murray’s *The New Sexual Regulation*.
- Guest Blogger, live blog of oral argument on the Affordable Care Act, Concurring Opinions.

## 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 *Transitional Maternity: The Gap Between Giving Birth and Motherhood*.
- University of Denver, Sturm College of Law, Motherhood: Reclaiming Our Past Transforming Our Future, *Pregnancy, Motherhood, and Equality*.

- 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*.
- 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 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, *Women and the Promise of Equal Citizenship*.