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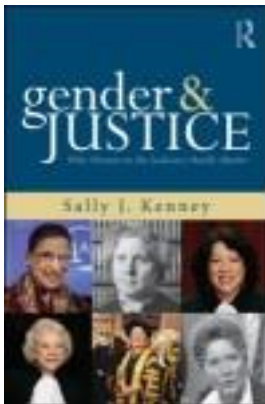
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Education and Employment: Sally J. Kenney became the Newcomb College Endowed chair Executive Director of the Newcomb Institute, and Professor of Political Science in 2010. She is an affiliated faculty member of Law, Public Health, and Africana Studies. From 1995-2009, she was a Professor of Public Affairs and Law and Director of the Center on Women and Public Policy at the Humphrey Institute of Public Affairs at the University of Minnesota. Before that, she held joint appointments in Political Science and Women's Studies at the University of Iowa. She earned her M.A. and Ph.D. in Politics from Princeton University, a B.A. and M.A. in Politics, Philosophy, and Economics from Magdalen College, Oxford (*pronounced maudlin*), and a B.A. in Political Science from the University of Iowa. She has taught law at the University of Iowa, Minnesota, Nijmegen University (Netherlands, *pronounced Niemeagan*), Boğaziçi University (Turkey, *pronounced Bwazichi*) and visited in the Law Departments of the London School of Economics (as an Atlantic Fellow), and Queen's University, Belfast (as a Fulbright Scholar).

Scholarly interests: Her first book, *For Whose Protection? Reproductive Hazards and Exclusionary Policies in the United States and Britain*, examined how courts and judges construct rather than discover gender differences through law by examining cases on women's exclusion from hazardous work. She explored why feminists in the U.S. and U.K. took different positions on protective legislation and how they used litigation to promote feminist social change. That work broadened to several studies of pregnancy discrimination more generally, such as "Pregnancy Discrimination in Comparative Perspective: Toward Substantive Equality" and then an examination of how the equal employment opportunity case law of the European Court of Justice had a progressive influence on pregnancy discrimination in the U.K. ("Equal Employment Opportunity and Representation: Extending the Frame to Courts") She then began a stream of research on the European Court of Justice, examining its use of *référéndaires* (law clerks) and how member states select judges. ("The European Court of Justice: Integrating Europe through Law," "The Members of the European Court of Justice," "Beyond Principals and Agents: Seeing Courts as Organizations by Comparing *Référéndaires* at the European Court of Justice and Law Clerks at the U.S. Supreme Court," "Breaking the Silence: Gender Mainstreaming and the Composition of the European Court of Justice"). She co-edited books on comparative constitutional law, *Constitutional Dialogues in Comparative Perspective*, and on feminist epistemology, *Politics and Feminist Standpoint Theories*.



Publications on gender and judging: Her work on judicial selection and women judges calls for an intersectional nonessentialist approach. She recently updated her arguments about the backlash against women judges for the *Oxford Handbook of Feminism and Law in the United States*. ed. Deborah L. Brake, Martha Chamallas, and Verna L. Williams, Oxford University Press. 2021 and called for a more diverse and representative judiciary in an editorial for *The Hill*.

After Justice Ginsburg's passing, she did a video on her legacy and in response to recent films and biographies. She also wrote an opinion piece for the *Advocate* on RBG's role in striking down the exclusion of women from juries. She wrote the entry on interviewing legal elites for the *Sage Handbook on*

Research Methods and “Towards a Less Essentialist, More Intersectional, and Institutional Approach to Gender and Judging” in the Connecticut Journal of International Law.

In 2018 she and Heather Johnson produced a report on *The Gender and Race of Louisiana’s Judges 1992-2017*, building on the report Salmon Shomade and she did *The Gender and Race of Louisiana’s Judges, 2016*.

In 2017, she wrote a chapter, “Measuring Women’s Judicial Empowerment as Part of Political Empowerment,” in *Measuring Women’s Political Empowerment across the Globe: Strategies, Challenges and Future* which took an intersectional and comparative approach, looking at the first African-American chief justice of the Louisiana Supreme Court and women judges in Egypt and Kenya. As the keynote speaker at the conference celebrating the publication of the U.S. Feminist Judgements Project, (“The Difference Gender Makes to Judging”) she set out her approach to thinking about feminist judging and judicial selection which the *Nevada Law Journal* published: “Toward a Feminist Political Theory of Judging: Neither the Nightmare nor the Noble Dream.”

Her book, *Gender and Justice: Why Women in the Judiciary Really Matter*, was published by Routledge in July of 2013.

She has researched the appointment and election of Rosalie Wahl, the first woman to serve on the Minnesota State Supreme Court. She has published both a public policy teaching case study, “Thank you for being ready: Minnesota’s First Supreme Court Justice, Rosalie Wahl”, a journal article, “Mobilizing Emotions to Elect Women: The Symbolic Meaning of Minnesota’s First Woman Supreme Court Justice,” for publication in the journal, *Mobilization: An International Journal* and a book review on Kathleen A. Cairns’ “The Case of Rose Bird: Gender, Politics, and the California Courts” forthcoming in *Pacific Northwest Quarterly*.

She also wrote an introductory essay and edited a collection of essays on, “Critical Perspectives on Gender and Judging,” in *Politics and Gender* in 2010.

She has written about Florence Allen, the first woman federal judge in the United States, and the role her sexuality played in her ascendancy to the bench and in her failure to become the first woman U. S. Supreme Court Justice. (“It Would Be Stupendous for Us Girls: Campaigning for Women Judges Without Waving” chapter in *Breaking the Wave: Women, Their Organizations, and Feminism, 1945-1985*.)

She has written about whether the type of judicial selection system makes it easier or more difficult for women to ascend to the bench for the paper she presented at the Oñati conference. (“Which Judicial Selection Systems Generate the Most Women Judges? Lessons from the United States”) which was published

in 2013.

Her article, "Choosing Judges: A Bumpy Road to Women's Equality and a Long Way to Go," was published in the *Michigan State Law Review* special issue on Pipelines to Power in 2012. She has written on the significant changes in judicial selection in England and on British efforts to appoint more women to the bench. These include "Gender on the Agenda: How the Paucity of Women Judges Became an Issue" in the *Journal of Politics*, "Equal Employment Opportunity and Representation: Extending the Frame to Courts," in *Social Politics*, and "Breaking the Silence: Gender Mainstreaming and the European Judiciary," in *Feminist Legal Studies*, and "Britain Appoints First Woman Law Lord," and "United Kingdom's Judicial System Undergoes Major Reform," in *Judicature*.

She reviews and critiques the political science literature on women judges in "Thinking about Gender and Judging," in the special issue on Gender and Judging of the *International Journal of the Legal Profession*.

She conducted research on President Carter's appointment of women judges and changes in the judicial selection system, working in the Carter presidential papers, reviewing secondary literature, and conducting interviews. The paper she presented at the annual meeting of the Law & Society Association annual meeting in Berlin explored the role of strategically placed women insiders who work in partnership with outside groups to advance a feminist agenda ("Femocrats, Gender, and Judicial Selection: the Inside Story," paper delivered at the 2007 Law & Society meeting in Berlin.) She compared the Carter and Clinton appointments of women to the federal bench. That paper has been shorted as a chapter in *Gender and Justice*. She has written an essay entitled "Making the Case for Women Judges," delivered at the International Conference on Women in the Legal Professions at the University of Buenos Aires in 2007.

She has urged the Institute for Women's Policy Research to count the number of women judges as it rates states' progress on women, "Counting Women Judges: The Intersection of Law and Politics," and has editorialized about recognizing the inherently political nature of judicial selection, "Politics will inevitably be a part of judicial selection," Guest Editorial, *St. Paul Pioneer Press*, January 14, 2003. Other editorials include, "Senate Holding up Judicial Appointments," Letter to the Editor, *Times Picayune*, January 4, 2013, and "Why Is It That Women Are Seen as Lacking," Letter to the Editor, *Des Moines Register*, June 28, 2011. "To Infinity and Beyond: What Will it Take to Produce a Diverse and Representative Judiciary?" In *The Hill* 2021.

She wrote a chapter, "Judicial Women," for the textbook *Women and Elective Office* in 2014.

She analyzed the confirmation hearings of Justice Sotomayor, examining the Minnesota domestic violence case that gave rise to the "wise Latina woman"

comment for the *Thomas Jefferson School of Law Review* special symposium issue from its Ruth Bader Ginsburg annual women's law conference entitled "Wise Latinas, Strategic Minnesotans, and the Feminist Standpoint: The Backlash Against Women Judges," 2014.

She and Jason Windett wrote a paper delivered at the Southern Political Science Association's conference, the State and Local Policy Conference, and Law & Society Association's conference analyzing the patterns of women state supreme court justices to examine diffusion of innovation to see if state political culture helps explain variation in the timing and number of women judges. ("Diffusion of Innovation or State Political Culture? Explaining the First Women State Supreme Court Justices")

Other gender and judging work: She was one of three co-chairs of the Program for International Research Collaborative on Gender and Judging from 2005-2007 and, along with Ulrike Schultz, was the co-convener of the Collaborative Research Network on Gender and Judging for the Law & Society Association until 2013. She created the Gender and Judging blog, which Jarpa Dawuni now curates.

She was a co-founder of the Infinity Project whose mission is to increase the gender diversity of the federal bench to ensure the quality of justice in the Eighth Circuit and was the principal investigator on its grant. (They take their name from the number eight on its side). President Obama appointed Jane Kelly to the Eighth Circuit in 2013.

She served on the Minnesota Supreme Court's Gender Fairness Implementation Taskforce from 2008-2009 where she convened the judicial selection committee and served on the 20th anniversary conference planning committee. She served on the board of directors of Watch, a Minnesota court monitoring organization on domestic violence and sexual assault.

She has attended numerous meetings of the National Association of Women Judges and served on its judicial academic network from 2002-2004, organizing and presenting at panels. She attended the Dublin meeting of the International Association of Women Judges in 2003 and the London meeting in 2012. She presented at the Belgian conference, "The Judge is a Woman," in 2013. She worked closely with the Louisiana Judges to plan the academic part of the conference in New Orleans in 2013. In 2014, the National Association of Women Judges conferred upon her the Florence K. Murray Award. Instituted by its namesake, the Honorable Florence K. Murray, the award honors a non-judge who, by example or otherwise, has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession.

In 2013, she gave a TED Talk for Tulane's TEDx conference titled, "Why Women in the Judiciary *Really* Matter."

In 2012, she worked to help form a national advocacy network called Why Courts Matter. She attended an organizing conference in Texas and helped launch Louisiana's chapter. In 2013, President Obama invited her to the Rose Garden ceremony where he nominated three judges to the D.C. Court of Appeals, and she participated in a White House Conference on Judicial Selection.

In the summer of 2013, she spoke to the Iowa Judges Association.

In January of 2014, and 2016 she addressed the Kenyan Women Judges Association at the Kenyan Supreme Court. In June of 2014, she worked with the High School of Justice in Tbilisi to train Georgian judges on gender bias, hired by USAID. In the summer of 2021 she did zoom webinars with the federal judiciary in Brazil and Pakistan on RBG and gender diversity for the U.S. State Department.

In 2016, she was invited to speak at a conference on women judges in Cairo Egypt.

In 2016 and 2017, she conducted multiple educational sessions for the Louisiana Judiciary in their annual meeting in Destin, Florida.

She was the discussant for the *Judicial Diversity in Transnational Courts* session of the Association of American Law Schools, sponsored by the European Law and African Law sections in January of 2019.

She has given talks on the legacy of RBG to the Association of Women Attorneys, New Orleans Chapter, and for women's history month to the Louisiana Federal Bar in 2020 and 2021.

In August of 2021, she presented on women of color judges to the Louisiana State Bar Associations Conclave on Civil Rights.

In March of 2021, she presented on the topic of gender equality and the rule of law to the Federal Judiciary of Brazil on behalf of the U.S. State Department.

In May of 2021, she presented on the topic of The Power of One: the role of the U.S. Judicial System in Women's Rights (on RBG) to the Pakistani judiciary on behalf of the U.S. State Department

Bibliography: (in the order referred to in the text)

[*For Whose Protection? Reproductive Hazards and Exclusionary Policies in the United States and Britain.*](#) University of Michigan Press. 1993.

["Pregnancy Discrimination in Comparative Perspective: Toward Substantive Equality,"](#) in *Wisconsin Women's Law Journal*, 10: 351-402. 1996.

["Equal Employment Opportunity and Representation: Extending the Frame to Courts,"](#) in *Social Politics*, 11 (1): 86-116. 2004.

["The European Court of Justice: Integrating Europe through Law,"](#) in *Judicature*, 81 (6): 250-255. 1998.

["The Members of the European Court of Justice,"](#) in *Columbia Journal of European Law*, 5 (1): 101-133. 1998. Partially reprinted in *The Law and Economics of the European Union*, by Paul Stephan, Francesco Parisi, and Ben Depoorter, Newark, NJ: Mathew Bender, 2003.

["Beyond Principals and Agents: Seeing Courts as Organizations by Comparing Référéndaires at the European Court of Justice and Law Clerks at the U.S. Supreme Court,"](#) in *Comparative Political Studies*, 33 (5): 593-625. 2000.

["Breaking the Silence: Gender Mainstreaming and the Composition of the European Court of Justice,"](#) in *Feminist Legal Studies*, 10: 257-270. 2002.

[*Constitutional Dialogues in Comparative Perspective.*](#) Palgrave Macmillan. 1999.

[*Politics and Feminist Standpoint Theories.*](#) Routledge. 1998.

["Backlash Against Feminism: Rethinking a Loaded Concept,"](#) *Oxford Handbook of Feminism and Law in the United States.* ed. Deborah L. Brake, Martha Chamallas, and Verna L. Williams, Oxford University Press. 2021.

2021. ["To Infinity and Beyond: What will it take to create a diverse and representative judiciary?"](#) *The Hill.*

"Remembering Ruth Bader Ginsburg."
[https://www.youtube.com/watch?v=Qpgy2Ryc0U4.](https://www.youtube.com/watch?v=Qpgy2Ryc0U4)

["Interviewing Legal Elites,"](#) in *Sage Research Methods Foundation*, 2019.

["Towards a Less Essentialist, More Intersectional, and Institutional Approach to Gender and Judging,"](#) in *Connecticut Journal of International Law*, 34(3): 400–419. 2019.

[The Gender and Race of Louisiana's Judges 1992-2017.](#)

[The Gender and Race of Louisiana's Judges 2016.](#)

["Measuring Women's Judicial Empowerment as Part of Political Empowerment,"](#) in *Measuring Women's Political Empowerment across the Globe: Strategies, Challenges and Future Research*, Eds., Amy Alexander, Catherine Bolzendahl, Farida Jalalzai. Palgrave, 2017.

["Toward a Feminist Political Theory of Judging: Neither the Nightmare nor the Noble Dream,"](#) in *University of Nevada Las Vegas Law Review*, Vol. 17 : Iss. 3, Article 3.

[Gender and Justice: Why Women in the Judiciary Really Matter.](#) Routledge. 2013

["Thank You For Being Ready: Minnesota's First Supreme Court Justice, Rosalie Wahl,"](#) *Center on Women, Gender and Public Policy, Humphrey School of Public Affairs, University of Minnesota.* 2001.

["Women Judges in Minnesota"](#) in *With Equal Right: the Official Publication of Minnesota Women Lawyers.* July 2009.

["Mobilizing Emotions to Elect Women: The Symbolic Meaning of Minnesota's First Woman Supreme Court Justice,"](#) in *Mobilization: An International Journal*, 15(2): 133-158. 2010.

[Book review of "The Case of Rose Bird: Gender, Politics, and the California Courts"](#) by Kathleen A. Cairns in *Pacific Northwest Quarterly*, Vol. 109, no. 3 (Summer 2018), pp. 144-45.

["Critical Perspectives on Gender and Judging,"](#) in *Politics & Gender*, 6: 433-495. 2010.

["It Would Be Stupendous for Us Girls' Campaigning for Women Judges Without Waving,"](#) in *Breaking the Wave: Women, Their Organizations, and Feminism, 1945-1985*, Routledge, 2010.

["Which Judicial Selection Systems Generate the Most Women Judges? Lessons from the United States,"](#) *Gender and Judging*, edited by Ulrike Schultz and Gisela Shaw. Hart. 2013.

["Choosing Judges: A Bumpy Road to Women's Equality and a Long Way to Go,"](#) in *Michigan State Law Review*, 1499 (2012): 1500-1523. 2014.

["Gender on the Agenda: How the Paucity of Women in Judges Became an Issue,"](#) in *Journal of Politics*, 70(3): 717-735. 2008.

["Equal Employment Opportunity and Representation: Extending the Frame to Courts,"](#) in *Social Politics*, 11 (1): 86-116. 2004.

["Breaking the Silence: Gender Mainstreaming and the Composition of the European Court of Justice,"](#) in *Feminist Legal Studies*, 10: 257-270. 2002.

["Britain Appoints First Woman Law Lord,"](#) in *Judicature*, 87 (4): 189-190. 2004.

["United Kingdom's Judicial System Undergoes Major Reform,"](#) in *Judicature*, 2: 2-5. 2003.

["Thinking About Gender and Judging,"](#) presented at the annual meeting of the Law and Society annual meeting, Baltimore July 2006, revised for publication in a special issue on gender and judging in *International Journal of the Legal Profession*, 15:1, 87-110. 2008.

["Femocrats and Judicial Selection: Reconceptualizing Social Movement Insiders,"](#) paper delivered at the 2007 Law & Society meeting in Berlin.

["Gender and Justice: Why Women in the Judiciary Really Matter."](#) Routledge. 2013

["Counting Women Judges: The Intersection of Law and Politics,"](#) in *Critical Junctures in Women's Economic Lives: A Collection of Symposium Papers*. St. Paul, MN: Center for Economic Progress. 2002.

"Politics Will Inevitably be a Part of Judicial Selection," a Guest Editorial in *St. Paul Pioneer Press*, January 14, 2003.

["Senate Holding up Judicial Appointments,"](#) Letter to the Editor, *Times Picayune*, January 4, 2013.

"Why Is It That Women Are Seen as Lacking," Letter to the Editor," *Des Moines Register*, June 28, 2011.

["Judicial Women,"](#) in *Women and Elective Office: Past, Present and Future*, eds. Sue Thomas and Clyde Wilcox. New York: Oxford University Press. 3rd edition: 216-234. 2014.

["Wise Latinas, Strategic Minnesotans, and the Feminist Standpoint: The Backlash Against Women Judges,"](#) in *Thomas Jefferson Law Review*, Vol. 36, Number 1, Fall 2013.

["Diffusion of Innovation or State Political Culture? Explaining the First Women State Supreme Court Justices"](#) paper delivered at the Southern Political Science Association's conference, the State and Local Policy Conference, and Law & Society Association's conference. 2012.

Gender and Judging Blog <http://genderandjudging.org>

The Infinity Project <http://www.theinfinityproject.org>

["Infinity Project launched in Seven States to Increase the Gender Diversity of the Circuit Court of Appeals"](#) in *Judicature*. 2008.

"To Infinity and Beyond: What Will it Take to Produce a Diverse and Representative Judiciary?" In *The Hill* 2021. <https://thehill.com/blogs/congress-blog/judicial/571786-to-infinity-and-beyond-what-will-it-take-to-create-a-diverse-and>

["Why Women in the Judiciary Really Matter."](#) TED Talk at Tulane's 2013 TEDx conference.

Why Courts Matter <https://whycourtsmatter.org/>