

WHITNEY HERMANDORFER

[Whitney Hermendorfer](#) is nominated to serve on the U.S. Court of Appeals for the Sixth Circuit for the seat to which President Biden had nominated [Karla Campbell](#). AFJ strongly supported Campbell, who is a celebrated union-side labor lawyer renowned for her diligent work to advance employee rights.

In stark contrast, Hermendorfer is a conservative ideologue who has spent much of her (brief) career attacking our fundamental rights and diminishing independent regulatory rulemaking that protects Americans. This is evident from her work as a clerk to three conservative supreme court justices, as an associate at a business-side law firm, and as the director of the “strategic litigation unit” at the Tennessee Attorney General’s Office.

At just 37 years old, Hermendorfer is one of the youngest people nominated to serve on the federal appeals courts in the 21st Century. With less than 10 years of legal practice experience, Hermendorfer lacks the 12 years of experience that the [American Bar Association](#) nearly always requires to be considered minimally qualified for the federal bench. (**Note:** *The ABA’s recommended minimum of 12 years of experience in the practice of law is for all federal judges, let alone those nominated to the more powerful courts of appeals*).

CONSERVATIVE CLERKSHIPS

Hermendorfer clerked for three of the current conservative Supreme Court justices (Justice Alito, Justice Kavanaugh, and Justice Barrett) who are responsible for taking away or undermining many of our cherished constitutional rights.

REPRODUCTIVE RIGHTS

Hermendorfer has repeatedly spearheaded attacks on our reproductive rights and freedoms. She drafted opinions for Justice Barrett in the year just before Barrett joined the conservative majority to overturn *Roe v. Wade*. Recently, Hermendorfer unsuccessfully defended Tennessee’s near-total ban on abortion in a [lawsuit](#) wherein the plaintiffs articulated that they were denied “necessary and potentially life-saving medical care” due to the extremist law. Hermendorfer also challenged [Title X’s requirement](#) to offer counselling and abortion referrals as well as a [federal regulation](#) requiring employers to provide workers with reasonable accommodations to obtain end-of-pregnancy care.

LGBTQ+ EQUALITY

Hermendorfer represented Tennessee in a challenge to Biden’s [Title IX rule](#) which sought to eradicate discrimination against transgender students in schools and colleges. She also worked on the recent Supreme Court case [United States v. Skrmetti](#), defending Tennessee’s merciless ban on gender affirming care for youth.

IMMIGRATION

Hermendorfer's appearance as counsel of record in defense of Trump's policy to [end birthright citizenship](#) is an indicator of her extremist, inhumane stance on immigration law, as well as her troubling loyalty to the president and his authoritarian agenda. In his review of the policy, Judge Coughenour called Trump's executive order attempting to restrict birthright citizenship "a blatantly unconstitutional order."

ENVIRONMENTAL JUSTICE

In her personal capacity, Hermendorfer testified in front of the U.S. House Financial Services Committee, during which she attacked the Securities and Exchange Commission's climate-disclosure rule, a vital regulation that requires publicly traded registrants to disclose climate-related risks and information in their annual reports and registration statements. In her testimony, Hermendorfer also criticized the Biden administration, the Environmental Protection Agency, and other federal agencies for their initiatives and efforts to tackle the climate crisis.

ECONOMIC JUSTICE AND LABOR RIGHTS

Hermendorfer was listed as counsel of record for Tennessee in [Starbucks Corp. v. McKinney](#), in which the Supreme Court sided with big business and restricted the power of lower court judges to protect workers who have been fired for unionization efforts. This decision substantially undermined the fundamental freedom to organize a union.