



Whitney Hermendorfer

Nominee to the U.S. Court of Appeals for the Sixth Circuit

COURT

Circuit Court

DATE NOMINATED

May 7, 2025

AFJ OPPOSES

Introduction

On May 7, 2025, President Trump nominated Whitney Hermendorfer to serve on the U.S. Court of Appeals for the Sixth Circuit. Hermendorfer is nominated to fill the seat to which President Biden nominated the highly qualified and experienced Karla Campbell in May 2024.

Campbell regrettably lost out on a final confirmation vote because of a December 2024 “deal” struck by Senate leadership to sacrifice any effort to confirm President Biden’s remaining circuit court nominees. AFJ strongly supported Campbell, who is a celebrated union-side labor lawyer, with unquestionable qualifications, renowned for her diligent work to advance employee rights.

In stark contrast, Hermendorfer is a conservative ideologue, whose brief career is defined by efforts to axe our fundamental rights and diminish independent regulatory rulemaking that protects all Americans. This is evident throughout her work as a clerk to far-right judges and 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, all of which are explored in detail in this report.

At just 37 years old, Hermendorfer is one of the youngest people nominated to serve on a federal appeals court in the 21st century. With under ten years’ experience in the legal profession, Hermendorfer lacks the twelve years’ experience recommended by the American Bar Association. The ABA’s recommended minimum of twelve years of experience in the practice of law is for all federal judges, let alone those nominated to the more powerful courts of appeals.

Additionally, Hermendorfer’s alarming activism in the conservative legal movement extends beyond her legal practice. She currently sits on the Federalist Society’s Executive Committee for the Administrative Law & Regulation Practice Group and is a member of Leonard Leo’s Teneo Network, a shadowy right-wing group which seeks to “crush liberal dominance.” In other words, Hermendorfer has direct ties to far-right billionaire efforts to capture, corrupt, and seize the federal judiciary for personal, monetary, and ideological gain.

Biography

Hermandorfer was born in Clearwater, Florida in 1987 and received her B.A. from Princeton University in 2009. From 2010–2012, Hermandorfer worked as research assistant at The American Enterprise Institute, a conservative think tank in Washington D.C. There, she advocated for enhanced corporate involvement in public education and authored a controversial [blog post](#) criticizing the “Save Our Schools” movement.

Hermandorfer graduated with a J.D. from the George Washington University School of Law in 2015. After graduating law school, Hermandorfer worked as a law clerk and, subsequently, as an associate at Williams and Connolly LLP in Washington D.C. for a year before undertaking various judicial clerkships.

Hermandorfer has clerked for three of the most staunchly conservative justices currently sitting on the Supreme Court, all of whom are responsible for stripping away some of our most cherished constitutional rights and taking a sledgehammer to fundamental principles of democracy. In 2016, she clerked for Justice Brett Kavanaugh when he was a judge on the U.S. Court of Appeals for the District of Columbia Circuit.

Hermandorfer then undertook a clerkship with Judge Richard Leon of the U.S. District Court for the District of Columbia from 2017 to 2018. After that, from 2018 to 2019, she clerked for Justice Samuel Alito of the U.S. Supreme Court, before returning to Williams and Connolly LLP as an associate for one year. Hermandorfer left private practice again to clerk for Justice Amy Coney Barrett from 2020 to 2021 — Barrett's first year on the Supreme Court.

Following her clerkships, in 2021, Hermandorfer returned to Williams & Connolly LLP as an associate. She left the firm again in 2023 to join the Tennessee Attorney General's Office, where she works as the director of strategic litigation.

Legal and Other Views

REPRODUCTIVE RIGHTS

Hermandorfer has repeatedly spearheaded attacks on our reproductive freedoms and access to reproductive health care.

Blackmon v. Tennessee

Recently, Hermandorfer defended Tennessee's near-total ban on abortion in a [lawsuit](#) brought by a group of doctors and women who were denied “necessary and potentially life-saving medical care” due to the extremist law. The court sided against Hermandorfer, ruling that the draconian ban's exceptions were “vague and confusing,” outlining specific conditions under which abortion care is permitted under the ban, and issuing an injunction that prevented the state from taking disciplinary action against the physicians who brought the case for providing critical medical care.

Tennessee v. Becerra

Hermendorfer challenged Title X's requirement to offer counselling and abortion referrals when requested by the patient. After the state of Tennessee blatantly defied this requirement, the Department of Health and Human Services declined to renew the state's Title X funding. Hermendorfer and the state of Tennessee then sued the federal government. The district court and Sixth Circuit Court of Appeals sided with the federal government, rejecting Hermendorfer's arguments.

Tennessee v. EEOC

Hermendorfer challenged a federal regulation, pertaining to the Pregnant Workers Fairness Act, that requires employers to provide workers with reasonable accommodations to obtain end-of-pregnancy care, including abortion-related care.

LGBTQ+ EQUALITY

Hermendorfer has launched multiple legal challenges to policies seeking to achieve and advance LGBTQ+ equality.

Tennessee v. Cardona

Hermendorfer represented Tennessee in a challenge to Biden's Title IX rule, which sought to eradicate discrimination against transgender students in schools and colleges.

United States v. Skrametti

Hermendorfer recently defended Tennessee's merciless ban on gender affirming care for minors before the Supreme Court, against challenges arguing that it violates the Equal Protection Clause of the Fourteenth Amendment.

IMMIGRATION

Hermendorfer's recent endorsement of Trump's policy to end birthright citizenship is indicative of her extremist, inhumane stance on immigration law, as well as her troubling loyalty to the president and his authoritarian agenda.

Trump v. CASA

Hermendorfer was listed as counsel of record on behalf of the president in the recent review of his oppressive executive order extinguishing birth right citizenship at the Supreme Court. While under consideration in our district courts, Judge Coughenour described the policy as "blatantly unconstitutional." It is deeply concerning and shocking that a nominee for our federal courts has shamelessly defended a manifestly unconstitutional assertion of executive power that seeks to undo a 160-year-old cornerstone of our Constitution: guaranteeing citizenship to all born on American soil. Hermendorfer's defense of such an action, which so clearly violates the very essence of our legal system, illustrates her willingness to disregard the Constitution, the rule of law, and our most fundamental rights to advance a ruthless political agenda and blindly support President Trump's authoritarian efforts.

ENVIRONMENTAL JUSTICE

In her personal capacity, Hermandorfer testified in front of the U.S. House Financial Services Committee, during which she attacked the Securities and Exchange Commission's climate-disclosure rule.

- The climate-disclosure rule is 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, Hermandorfer also criticized the Biden administration, the Environmental Protection Agency, and other federal agencies for their pioneering initiatives and efforts to tackle the climate crisis.

ECONOMIC JUSTICE

Hermandorfer has pursued cases that harm American workers and consumers in favor of big business and corporate interests.

LABOR RIGHTS

Starbucks Corp. v McKinney

Hermandorfer was listed as counsel of record for Tennessee in this notorious anti-worker case, 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.

Trump v. Wilcox

*Hermandorfer joined an amicus brief backing President Trump's brazen removal of agency heads Gwynne Wilcox (National Labor Relations Board) and Cathy Harris (Merit Systems Protection Board). In doing so, Hermandorfer urged the Supreme Court to overturn decades of precedent laid out in *Humphrey's Executor v. United States*, a core constitutional decision which restricts the president from removing heads of independent agencies. Even more alarmingly, Hermandorfer described the National Labor Relations Board — and independent agencies writ large — as “grave dangers to the States” and cited a text promoting the “unitary executive theory,” a dictatorial, extremist theory that asserts that the president has unlimited power to control the entire executive branch, and its millions of employees.*

CONSUMER RIGHTS

American Home Furnishings Alliance v. Consumer Products Safety Commission

Hermandorfer was lead counsel on behalf of a group of furniture manufacturers challenging the enforceability of a Consumer Product Safety Commission rule that aimed to reduce the number of injuries and deaths associated with furniture tipping over on young children.

PUBLIC SAFETY AND GUN RIGHTS

Firearms Regulatory Accountability Coalition v. Garland

Hermendorfer signed onto an amicus brief advocating to revoke a lifesaving gun-control regulation introduced by President Biden. The rule sought to restrict the availability of lethal firearms equipped with stabilizing braces, which have tragically been used to perpetrate multiple mass shootings in the United States.

Conclusion

Whitney Hermendorfer's track record of targeting our fundamental rights in pursuit of extremist political causes, coupled with her glaring lack of professional legal experience, is deeply troubling and demonstrates that she is categorically unfit for a federal judgeship, especially one on an appellate court.

The American people deserve judges who are fair-minded, qualified, and will stand up for our rights, the Constitution, and the rule of the law. Hermendorfer possesses none of those qualities or qualifications. Her repeated attacks on reproductive freedoms, LGBTQ+ equality, immigrants' rights, labor rights, consumer protections, and our public safety — many of which are clearly unconstitutional — as well as her startling loyalty to Trump, serves as an alarming indicator of her agenda should she take the bench.

We urge all senators to outright oppose Hermendorfer's nomination to the Sixth Circuit Court of Appeals.