



THE BENCHLINE

Trump's First Judicial Nominations

Sixth Circuit Court of Appeals

Last week, President Trump announced on Truth Social that he intends to nominate [Whitney Hermandorfer](#) to the U.S. Court of Appeals for the Sixth Circuit. This is the first judicial nomination of his second term and is a [troubling preview](#) for the kinds of nominees we can expect: conservative crusaders who are more committed to advancing Trump's extremist agenda than upholding constitutional rights.

Hermandorfer currently leads the Strategic Litigation Unit in the Tennessee Attorney General's Office, where she has aggressively pursued lawsuits aimed at rolling back civil rights. Her record includes spearheading efforts to challenge the Biden administration's Title IX guidance that protects transgender students — a clear indication of her hostility toward LGBTQ+ rights and equality under the law.

Her nomination is part of a broader strategy to pack the federal judiciary with extremists who will rubber-stamp Trump's authoritarian and discriminatory policies. This outcome could have been avoided if Senate Democratic leadership hadn't walked away from [Karla Campbell](#) — an accomplished labor attorney who spent her career fighting for working people — as part of a backroom “deal” at the end of last year that sacrificed four of Biden's circuit court nominees.



Missouri District Courts

This week, Trump announced four judicial nominees for federal district courts in Missouri — continuing his long-haul project of reshaping the judiciary with hardline ideologues. The nominees include Joshua Divine, tapped for both the Eastern and Western Districts, and Marian Lanaham, Zachary Bluestone, and Judge Cristian Stevens, all nominated for the Eastern District of Missouri.

All four nominees have served in the Missouri Attorney General’s office, where they advanced deeply conservative legal agendas. Their records include backing anti-trans legislation, opposing public health measures during the pandemic, and attacking regulatory oversight under the guise of “limiting federal interference.” This is not neutral legal work — it’s part of a clear pattern of weaponizing the courts against progress and marginalized communities by stacking the judiciary with loyalists aligned with an aggressive rollback of civil rights, environmental protections, and public health safeguards.

Also concerning is that two of the nominees — Divine and Bluestone — lack the 12 years of legal experience the American Bar Association recommends for federal judges. Neither has been a lawyer for even 10 years.

In the face of this reality, AFJ will continue the vital work of discovering and highlighting these nominees’ records, and to use all the tools at our disposal to prevent the confirmation of nominees who are unfit or will not be fair-minded. Keep watch on [AFJ's website](#), where we will soon post fact sheets on each of these nominees.

The Supreme Court

Last week, the Supreme Court heard oral arguments in *A.J.T. v. Osseo Area Schools*, a key case concerning disability rights in education. A.J.T., a student with severe epilepsy, sued her school district for disability discrimination after it denied her request for evening instruction. A.J.T. had lost her case in the lower courts and urged the Supreme Court to reject the use of a stricter, dual standard in education cases.

The justices seemed open to the argument that students alleging discrimination in education shouldn't face a **higher legal standard** and are likely to send the case back to lower courts to determine the appropriate standard.



The Supreme Court also heard arguments in *Oklahoma Statewide Charter School Board v. Drummond*, a case involving a Catholic virtual charter school's attempt to become the nation's first publicly funded religious charter school. Despite opposition from both the Oklahoma Attorney General and the state's Supreme Court, who argue that the school violates the separation of church and state, the conservative justices seem eager to **expand Christian nationalism** and weaken the Constitution's Establishment Clause.

For more details on these cases, look at our **[Supreme Court Term Preview](#)**.

HOLDING

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This week, Judge Geoffrey Crawford (D. VT), Chief Magistrate Judge Sarah Netburn and Judge Fernando Rodriguez Jr. (S.D. TX) are Holding the Benchline.

Judge Crawford (D. VT) **ruled** that Mohsen Mahdawi, a Columbia University student detained by immigration authorities for his involvement in a pro-Palestinian protest, must **be released immediately**. Although the decision does not halt the administration's continued efforts to deport Mahdawi, it will allow him to remain free as his case continues. Judge Crawford likened Trump's targeting of students for their speech to the McCarthy-era persecution of academics in the 1950s. After leaving the courtroom, Mahdawi spoke with a conviction and courage that others should be inspired to follow, declaring, "We the people will hold the Constitution accountable for the principles that we believe in."

Tragically, Mahdawi is not alone. Student activists across the country are being unjustly targeted, as federal prosecutors under the current Justice Department continue to abuse government power in their deliberate effort to intimidate dissent.

In a recent New York case, federal prosecutors sought a search warrant to investigate student protesters. A magistrate judge denied the request for lack of probable cause, prompting an appeal to a district judge. The judge referred the matter to **Chief Magistrate Judge Sarah Netburn**, whose nomination to the Southern District of New York was blocked due to Republican **misrepresentations** and Senator Ossoff voting against her in committee. Netburn again rejected the warrant and issued an unusual directive: if prosecutors attempt to refile the application with another judge, they must include a transcript of the sealed discussions from her court. This unique ruling highlights a troubling reality: the so-called Department of Justice can no longer be trusted to uphold its own principles or to tell judges the full truth.

Judge Rodriguez Jr. (S.D. TX) has become the first to rule that the Trump administration **cannot invoke the Alien Enemies Act (AEA)** against individuals the government claims are gang members "invading" the United States. In a powerful rebuke, Judge Rodriguez Jr. declared that Trump's use of the AEA exceeded the statute's authority and declared his actions unlawful. This ruling stands as a critical victory in pushing back against this administration's unconstitutional overreach and in defending the rights of vulnerable communities.

Holding Court

AFJ invites you to join us for our May *Holding Court* on Wednesday, May 28 at 1 p.m. ET. This session will feature Leah Litman — University of Michigan law professor, former Supreme Court clerk, co-host of the *Strict Scrutiny* podcast, and author.

Litman will discuss her new book, [Lawless: How the Supreme Court Runs on Conservative Grievance, Fringe Theories, and Bad Vibes](#). In it, she explores how the Supreme Court has shifted away from legal precedent and toward decisions driven by conservative ideology and “bad vibes.” From overturning *Roe v. Wade* to weakening the Voting Rights Act, the Court’s recent rulings have reshaped American life and rights.

Blending sharp legal analysis with pop culture references — from *Mean Girls* to *Game of Thrones* — Litman offers a compelling critique of today’s Court. This conversation will cover key themes from *Lawless* and her take on the current 2024–2025 Supreme Court term.

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