



Lee Rudofsky

Nominated for the U.S. Court of Appeals for the Eighth Circuit

COURT

U.S. District Court for the Eastern District of Arkansas

AFJ OPPOSES

Introduction

On August 12, 2026, President Trump [nominated](#) Lee Rudofsky to the United States Court of Appeals for the Eighth Circuit. Previously, when nominated to the United States District Court for the Eastern District of Arkansas in 2019, Alliance for Justice [raised numerous concerns](#) with Rudofsky's background and urged the Senate to [oppose his nomination](#).

Seven years later, Rudofsky's record has not only proven the legitimacy of these concerns but also intensified them. His elevation from the federal district court to an even more powerful perch on the Eighth Circuit Court of Appeals appears to align with the Trump administration's goal of appointing judges who will assist in tearing down civil rights; cut off health care access; slash environmental protections, workers' rights, and consumer protections; and undermine the enforcement of any rights or protections left.

At a time when the Trump administration looks desperate and unpopular, it is important to defend our fundamental rights and civil liberties. Unfortunately, Rudofsky has distinguished himself as being willing to do the opposite, namely to help the administration dilute the public's voting power. Indeed, one of Rudofsky's most consequential decisions as a federal judge may be that he was the very first judge in the six-decade span of the Voting Rights Act to hold that Section 2 violations of the Voting Rights Act (VRA) are not enforceable through a private right of action. This decision was later confirmed by the Eighth Circuit, where Rudofsky now hopes to land.

Meanwhile, the Eighth Circuit, like the Fifth Circuit, has turned into an extremist litigation pipeline — one designed to further far-right ideologies and sanction the destruction of our fundamental rights and liberties. Confirming someone like Rudofsky to a lifetime seat on the Eighth Circuit could cause lasting harm for decades — far beyond the remaining years of the Trump administration.

Biography

Since November 2019, Rudofsky has served as a federal district judge for the Eastern District of Arkansas. Prior to joining the bench, he served as solicitor general of Arkansas, led Walmart's corruption and compliance team, and served as an associate at Kirkland & Ellis. Throughout his career, Rudofsky has also worked as counsel on a number of campaigns, including for Mitt Romney, Steve Poizner, Tom Cotton, and John McCain. In each of these roles, and even as a federal judge, Rudofsky's record aligns with that of an extreme partisan dedicated to advancing a far-right agenda.

From 2015-2018, Rudofsky served as the solicitor general of Arkansas in the Arkansas attorney general's office, where his work directly blocked people's access to care, undermined protections against discrimination, and attacked marriage equality. He [led](#) Arkansas in becoming the first state to successfully strip Planned Parenthood of crucial Medicaid funding. During this time, Arkansas not only defended its own effort to terminate Planned Parenthood's Medicaid provider agreements but also joined multistate briefs supporting similar efforts by other states, [including Texas](#).

At the Arkansas' attorney general's office, Rudofsky was involved in virtually every aspect of major cases; as he noted in his Senate Judiciary Questionnaire: "In addition to the matters I handled directly, I also reviewed and revised nearly all briefs from our civil and criminal departments before they were filed in the Arkansas Supreme Court or any federal courts of appeal." He added: "On novel or sensitive legal matters, I helped those departments plan and supervise legal strategy for trial litigation in both the state and federal courts." He also "created and ran a formal moot court program for the office" where he "complete[d] a deep dive into the briefs and trial record of almost every case argued by the Office."

He also clerked for a few judges including for Judge Andrew Kleinfeld on the Ninth Circuit (2006-2007) and for Justice Robert Cordy on the Supreme Judicial Court of Massachusetts (2005-2006). He received his J.D. from Harvard Law School in 2005, Master of Public Affairs from Cornell in 2002, and his Bachelor of Science from Cornell in 2001.

Rudofsky joined the Federalist Society in 2002 and continues to be a member, previously serving as the vice president of the Northwest Arkansas Lawyers' Chapter from 2014 to 2019. Rudofsky has also been a member of the National Rifle Association (NRA) (2014–2019), as well as the Republican National Lawyers Association (2004–2019, intermittently).

Weakened Accountability

As an attorney, Rudofsky advanced false and dangerous narratives surrounding voting rights. Unsurprisingly, Rudofsky also became the very first federal judge in the entire 60-year history of the Voting Rights Act (VRA) [to rule](#)

that VRA Section 2 violations are not privately enforceable, significantly curbing access to accountability for Voting Rights Act violations.

In Arkansas State Conference *NAACP v. Arkansas Board of Apportionment*, Arkansas Public Policy Panel and the Arkansas State Conference NAACP challenged Arkansas's newly passed 2021 state House map, which they argued should have had five additional majority-Black state House districts drawn in, per the state's Black population as reflected in the 2020 U.S. Census. Despite [decades of precedent to the contrary](#), Rudofsky ruled that the plaintiffs had no legal standing to file a VRA lawsuit, concluding that the Voting Rights Act contained no private right of action. Instead, he ruled, only the Department of Justice and the attorney general's office could file VRA Section 2 suits. Historically, 90% of VRA enforcement suits are filed by civil rights groups and private individuals rather than the DOJ.

Rudofsky's ruling was another significant development in the narrowing of Section 2 of the Voting Rights Act. In 2021, Justice Gorsuch, joined by Justice Thomas, had raised the question in *Brnovich v. Democratic National Committee* of whether Section 2 provides a private right of action, writing that the issue remained an "open question." Rudofsky subsequently took up that question in *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, holding that private plaintiffs could not enforce Section 2. The Eighth Circuit affirmed, becoming the first federal appellate court to do so, an action that effectively closed the courthouse doors to private Section 2 plaintiffs in the circuit.

Last term, the Supreme Court's decision in *Louisiana v. Callais* further narrowed the scope of Section 2 in the redistricting context. Together, these decisions have significantly altered the landscape for Section 2 enforcement and minority voting-rights claims. Given Rudofsky's record as a judge, elevating him to the Eighth Circuit raises serious concerns about the future of meaningful enforcement of the Voting Rights Act and the ability of voters and civil-rights organizations to challenge discriminatory voting practices.

As deputy general counsel for Mitt Romney's 2012 presidential campaign, Rudofsky wrote [a letter to Virginia's attorney general and State Board of Elections chairman](#) seeking an investigation of the Voter Participation Center and asking the state to reject recent voter registrations. In an article [discussing concerns about nationwide injunctions](#), Rudofsky also cautioned that such injunctions could affect "redistricting cases, voter ID cases, and discrimination cases."

Rudofsky also [represented the state](#) when an Arkansas resident challenged the state's law mandating that voters must present a valid ID or otherwise cast a provisional ballot (with strict and onerous provisions to then get the provisional ballot to count). He defended the law despite the fact that it was passed to skirt the state supreme court's previous ruling that held that requiring a photo ID at the polls was an unconstitutional barrier to voting.

Attacked Reproductive Rights

As solicitor general of Arkansas, Rudofsky fought to undermine and eviscerate constitutionally protected reproductive rights. He demonstrated his personal opposition to reproductive rights in a 2016 Federalist Society [podcast](#) on

abortion rights and [Whole Woman's Health v. Hellerstedt](#):

"[T]he framers of the Fourteenth Amendment would find it interesting to say the least to suggest that a practice that was banned at the time of the Fourteenth Amendment in many states actually violated the Fourteenth Amendment. I don't think that's a legitimate and useful argument. I think the framers of the Fourteenth Amendment would suggest that banning abortions, prohibiting abortions, regulating abortions did not violate the Fourteenth Amendment."

Rudofsky also minimized the right to access crucial reproductive health services. In defense of so-called "rights of conscience," Rudofsky helped Attorney General Leslie Rutledge pen 2016 article titled, "Protecting the rights of conscience" which claimed, "[f]ar too often these days, the federal government or our sister states force people to act in a way that violates a sincerely held religious belief, even when it's completely unnecessary." The piece goes on: "[c]onsider the family-owned pharmacy punished for refusing to dispense Plan B — an *abortifacient* — even though the owner believes doing so violates his religious principles" [emphasis added].

Stripped Planned Parenthood Funding

As solicitor general of Arkansas, Rudofsky led the fight to strip millions of people of vital health care and reproductive rights in Arkansas.

Rudofsky advised Attorney General Leslie Rutledge on several key proceedings, leading to Arkansas being one of the first states in America to successfully terminate Medicaid program funding to Planned Parenthood. In 2016, Arkansas Governor Asa Hutchinson [ordered](#) the Arkansas Department of Human Services (ADHS) to end its contract with Planned Parenthood. This drastic move came [after](#) the emergence of later debunked and discredited videos that falsely and negatively depicted Planned Parenthood facilities and policies.

When impacted patients sued Arkansas, Rudofsky led Arkansas' defense of its move to strip Planned Parenthood of Medicaid funding in *Planned Parenthood Arkansas & E. Oklahoma v. Selig*. The lower court [ruled](#) in favor of the patients, noting how the "centers provide family planning services to men and women, including contraception and contraceptive counseling, screening for breast and cervical cancer, pregnancy testing and counseling, and early medication abortion." In 2014, "almost 40% of PPH's Little Rock, Arkansas, patients, and 15% of its Fayetteville, Arkansas, patients were insured through Medicaid." The court upheld an injunction against Medicaid funding being stripped.

Despite these findings, Rudofsky then [led Arkansas](#) in appealing the ruling before the Eighth Circuit. This time, the court of appeals held that the patients did not have legal standing to challenge the state's move to strip Medicaid funding. Rudofsky's work appealing the lower court's decision resulted in Arkansas being the first state to terminate vital Medicaid funding from Planned Parenthood facilities. This move immeasurably [hurt](#) low-income and marginalized patients and families across Arkansas. Rudofsky went further, and assisted other states, including Louisiana and Texas, in their attempts to block individuals from accessing vital health care.

Advocated for Overturning Abortion Access

As Arkansas's solicitor general, Rudofsky advocated for the elimination of the constitutional right to abortion years before the *Dobbs* Supreme Court decision that ultimately eliminated this right in 2022. In 2015, Arkansas tried to impose a 12-week abortion ban. At the time, the federal district court [stopped the abortion ban](#) from going into effect, as it infringed upon the constitutional rights recognized in *Roe v. Wade* and re-affirmed in *Planned Parenthood v. Casey*. Back then, even the Eighth Circuit affirmed an injunction on the ban, concluding that the law conflicted with the Supreme Court's then-controlling precedent protecting the right to terminate a pregnancy before viability.

After the Eighth Circuit denied a rehearing on the matter, Rudofsky persisted in defending the law and [petitioned](#) the Supreme Court to review the case. In his petition, he urged the Court to "revisit and overturn" the viability rule, arguing that it was a "judicially-imposed rule" lacking a serious constitutional foundation. He even argued that "[t]he State's interest in fetal life does not begin at viability; rather, the State's interest begins at 'the outset of pregnancy.'" In a move that seems almost quaint today, the Supreme Court declined to hear the case in 2016. In the end, the position Rudofsky continued to advocate for — that the Court should permit states to prohibit pre-viability abortions — ultimately prevailed in *Dobbs*. After the *Dobbs* decision, Arkansas subsequently began enforcing a near-total abortion ban.

Targeted Regulation of Abortion Providers (TRAP) laws are state-level restrictions that single out abortion clinics and providers for specialized, expensive, and medically unnecessary requirements that do not apply to other comparable medical procedures. Rudofsky also [defended Arkansas' burdensome TRAP law](#) involving medication abortion. In *Planned Parenthood of Arkansas & Eastern Oklahoma v. Jegley*, the Eighth Circuit vacated and remanded the lower district court's holding, which had prevented from going into effect a TRAP law that imposed restrictions on abortion facilities that provided medication abortion to patients.

When Planned Parenthood petitioned for the Supreme Court to take up the case, Rudofsky wrote Arkansas' [brief in opposition](#), arguing falsely that medication abortions are dangerous procedures and that the Arkansas law requiring "medication abortion providers to maintain a working arrangement with a physician who agrees to ensure that patients needing follow-up treatment to receive it" was not an undue burden. However, the "working arrangement" Rudofsky argued for was in fact a "contractual relationship... with a physician that has admitting privileges," eerily similar to the provision that the Supreme Court clearly struck down in *Whole Woman's Health*. Unfortunately, Rudofsky persuaded the Eighth Circuit to rule otherwise.

Anti-Racial Justice

Rudofsky has a long history of [opposition to affirmative action](#). In responding to critiques leveled against him of being "racist" and "foolish" on a college panel regarding affirmative action, Rudofsky claimed his "arguments held that affirmative action perpetuates and maintains a system of racial stereotyping: Individuals are lumped into categories arbitrarily based upon nothing but their race. This serves to undermine the fight against racism which supporters of

As Arkansas's solicitor general, [Rudofsky was involved](#) in representing the Arkansas Department of Education in a suit [brought by parents and community members](#) of Little Rock alleging that state education policies furthered racial discrimination in Little Rock schools. The parents claimed that Arkansas provided better funding and resources for schools with large white student populations, increased the number of charter schools to primarily benefit white students in affluent neighborhoods, dismissed Black school board members, and has "a racially motivated policy, custom, or practice of disciplining Black students more harshly or differently than white students."

The district court held that despite all of the facts presented, the plaintiffs did not show that the state was "partly motivated by racial animus or were otherwise constitutionally impermissible," and the court granted the motion to dismiss.

As one author, writing in the [Atlantic](#), characterized and provided context for the case by explaining Little Rock's long history of racial segregation in schools and housing:

"Today, those who oppose integration are still fighting it, but in less overt ways. They have moved to outlying areas to get away from lower-income, Black families and have prevented those families from following them. They've built new schools and established charters in these majority-white areas so that white children don't have to attend lower-performing majority-Black schools. And they've made sure that the people who are trying to push back against these actions don't have power in the district.

"What's stunning about today's methods of avoiding integration is that they are, by and large, legal, but they nevertheless leave Black students stuck in schools that are separate and unequal."

As a federal judge, Rudofsky recently presided over a challenge to Arkansas's 2023 LEARNS Act, including its "anti-indoctrination" provision restricting classroom instruction on race, sex, ethnicity, and national origin. In *Walls v. Sanders*, teachers, students, the Arkansas NAACP, and other advocates [argued that the law](#) "chills full and frank classroom discussion about race," including systemic racism, discrimination, and the experiences of historically marginalized groups. Although Rudofsky initially blocked enforcement of the provision, he later questioned that ruling and the Eighth Circuit ultimately reversed his injunction; in August 2026, Rudofsky dismissed the [NAACP's equal-protection challenge](#), leaving the provision in effect while other claims proceed.

A day after Rudofsky's order was issued on August 5, Senator Tom Cotton (R-AR) shared on [social media the following](#):

"I'm grateful that Judge Rudofsky from Little Rock, at least in part, dismissed the liberals' attempt to overturn Arkansas's ban on pushing critical race theory propaganda on kids in school. Liberals can't win in the Arkansas legislature so they resort to lawfare."

He continued, “I’m proud to have helped get Judge Rudofsky confirmed and will continue to fight to put Constitutional conservatives on the bench in Arkansas and in the 8th Circuit.”

As Cotton so clearly stated on social media, the anti-racial justice biases evident in Rudofsky’s background and decisions are apparently a feature and not a bug.

Undermined LGBTQ+ Equality

Rudofsky has given several speeches at Alliance Defending Freedom (ADF) events, an organization [that](#) has supported the recriminalization of homosexuality in the U.S. and criminalization abroad; has defended state-sanctioned sterilization of trans people abroad; has linked homosexuality to pedophilia and claims that a “homosexual agenda” will destroy Christianity and society. The Southern Poverty Law Center (SPLC) designates ADF as a “[hate group](#)” and noted how “[s]ince the election of President Trump, ADF has become one of the most influential groups informing the administration’s attack on LGBTQ rights.”

Rudofsky defended Arkansas when three same-sex couples [sued the state](#) to require Arkansas to list the spouse of a birth mother, regardless of gender, as the second parent of their child on their birth certificate without having to go through the process of adoption or a court order. The Supreme Court ultimately [agreed with the trial court](#) that the mother’s spouse should be automatically presumed as the second parent on a birth certificate. Rudofsky drafted and heavily revised briefs, argued the case in the state supreme court, and drafted guidance on how to proceed once the final decision came down. In the state’s brief urging the Supreme Court not to hear the case, the state’s brief argued that marriage to a child’s biological parent does not automatically confer a protected interest in a parent-child relationship, that disregarding biological differences between the sexes risks making the guarantee of equal protection superficial, and that not listing the same-sex spouse of a mother “reflects typicality.”

Rudofsky also fought a city ordinance [banning](#) discrimination based on sexual orientation or gender identity, claiming the ordinance was pre-empted by state law that prevents localities from enacting such protections. Eventually, the [state supreme court ruled](#) that the city could not enforce the anti-discrimination ordinance.

As solicitor general, Rudofsky also [signed](#) an amicus brief in [Arlene’s Flowers, Inc. v. Washington](#) advocating that a florist has the right to refuse to serve a same-sex couple. The brief included the suggestion that rather than ensuring businesses serve customers equally, the state should create a registry of business owners willing to serve same-sex couples not unlike The Negro Motorist Green Books published during Jim Crow. The brief also minimized the harm to the couple, saying they “suffered at most only a dignitary-type harm in hearing a message with which they disagreed,” and claimed the couple benefited from the discrimination because of the offers they later received for free floral arrangements.

Anti-Environmental Justice

Prior to becoming a federal judge, Rudofsky sided with industry interests to the detriment of consumer and environmental protections. In his previous Senate Judiciary questionnaire, Rudofsky lists his representation of the Alliance of Automobile Manufacturers, the National Automobile Dealers, and individual dealerships when they challenged certain states' motor vehicle greenhouse gas standards as one of his "most significant legal activities." During his time in private practice, Rudofsky also worked on the legal team representing BP following the [Deepwater Horizon catastrophe](#). The Deepwater Horizon oil spill remains one of the largest marine oil spills in U.S. history, one that resulted in a massive explosion and fire, which ultimately killed 11 workers.

Unsurprisingly, during his tenure as solicitor general for Arkansas, Rudofsky led the state of Arkansas in its challenge to the Clean Power Plan (CPP), an Obama administration initiative that [was projected](#) to "cut the electric sector's carbon pollution by 32 percent nationally." In a stay application Rudofsky claims as his own work, [the states called](#) the CCP "[a blatant act of commandeering](#)" and criticized its efforts to reduce carbon dioxide emissions. The conservative majority on the Supreme Court stayed the rule and the issue was made largely irrelevant when, in 2019, [Trump's EPA](#) killed the CPP and [replaced](#) it with a much weaker plan.

Rudofsky also [worked](#) with several states to roll back environmental protections aimed at curbing pollution from mining instreams and waterways. In 2016, the Obama Administration [finalized](#) the "stream protection rule," which was implemented to "better protect water supplies, surface water and groundwater quality, streams, fish, wildlife, and related environmental values from the adverse impacts of surface coal mining operations." In defense of big oil corporations, Rudofsky joined other states [to challenge](#) the rule in January 2017. The challenge later proved to be largely irrelevant when the Trump Administration overturned it the following month.

This was not the first time Rudofsky supported coal mining profits at the expense of pollution hazards. In September 2009, Rudofsky wrote an article for the Federalist Society [titled](#) "Mountaintop Coal Mining: A Permitting Process in Flux," where he provided arguments against efforts to make coal mining more environmentally sound.

Anti-Immigrant Rights

During Rudofsky's tenure as solicitor general of Arkansas, the attorney general of Arkansas signed on to briefs opposing protections for immigrants, including [U.S. v. Texas](#), which involved the expansion of the Deferred Action for Childhood Arrivals (DACA) program. After the Fifth Circuit ruled in favor of Texas, Arkansas [joined](#) Texas's brief opposing Supreme Court review, arguing that "respondents seek to protect their citizens from economic discrimination in favor of DAPA recipients[.]" After the Supreme Court granted certiorari, Arkansas signed onto [Texas's brief](#), which warned that "DAPA will impose significant education, healthcare, and law-enforcement costs on plaintiffs because it will cause additional aliens to remain in the country and consume these costly services." The Supreme Court ultimately upheld the nationwide injunction.

Rudofsky also signed an [amicus brief](#) in *County of Santa Clara v. Trump* supporting Trump's attacks on immigrants by specifically preventing local governments from issuing measures to protect immigrant communities.

Sexual Assault

Rudofsky signed an [amicus brief](#) supporting the state of Arkansas in a Title IX case in which Arkansas [claimed](#) the Constitution prevents the state from being sued for money damages under Title IX. If that were true, students would no longer be able to sue their school for money damages when the school mishandles their sexual assault cases.

The case, *Fryberger v. University of Arkansas*, involved a former student who said the university mishandled her sexual assault case. The university found Fryberger's assailant guilty and said it would expel him; the assailant did not contest his guilt, but argued the sanction would damage his athletic career. The university then told Fryberger her assailant would not be expelled until after graduation, so she withdrew from school. After Fryberger sued, the school claimed sovereign immunity to avoid paying her damages. On behalf of the state, the Arkansas attorney general's office [cited](#) concerns about taxpayer dollars (but not their students' safety and wellbeing) for their reasoning in the case. They argued that the potential consequence of not deterring schools from violating Title IX is "grossly overstated" because students could report to the police or complain to the U.S. Department of Education.

After a federal district court denied their motion to dismiss, the university appealed to the Eighth Circuit, which affirmed the district court's denial to dismiss the Title IX claims on sovereign immunity grounds.

Undermined Workers' Rights

As solicitor general, Rudofsky often helped block worker protections in Arkansas against the interests of everyday people. Rudofsky helped Arkansas sue to stop the Obama administration's overtime rule, which would have made about [four million workers](#) eligible for overtime pay. When an employee of a state college sued the school for violating state overtime provisions, Rudofsky helped write the brief for the state arguing that the state's sovereign immunity barred the complaint. The state supreme court agreed, reversing the lower court. In Rudofsky's [own words](#), "[T]his decision sent shock waves through the state judiciary, the state legislature, and the state bar." This has led to [confusion](#) and paved the way for future abuses by the state without accountability; the state supreme court has already [ruled](#) a second time that legislators cannot create a right for residents to sue the state.

Rudofsky also supported the state's efforts opposing the Obama administration's [Persuader Advice Exemption Rule](#), which Arkansas "le[d] the fight against" by suing the United States Department of Labor. The [rule](#) would have required businesses to disclose information to the government about third-party labor relations consultants hired to help the company prevent workers from unionizing. An [op-ed](#) that Rudofsky helped write claimed that this rule to increase transparency for workers was just the Department of Labor "putting the interests of labor unions before the common good."

Extreme View on Death Penalty

During his tenure as solicitor general, Rudofsky filed numerous briefs to oppose stays of execution for Arkansas inmates facing the death penalty.

In 2017 alone Rudofsky filed at least 12 briefs before the Supreme Court to oppose stays of execution for Arkansas inmates facing the death penalty, including a case in which [nine incarcerated people on death row](#) challenged the drug cocktail that was supposed to be used in their executions. His opposition came after the district court granted a preliminary stay agreeing that the drug cocktail was cruel and unusual punishment violating the Eighth Amendment. Furthermore, Rudofsky fought to withhold information about the drug cocktail to be used for a prisoner's execution and defended the state against [claims](#) from a pharmaceutical company that did not want their drugs used in executions, alleging that state officials improperly obtained their drugs to use in lethal injections. That case was eventually [dismissed](#) after the drugs were used in executions or expired.

Conclusion

Lee Rudofsky's record presents a consistent pattern across his career, one in which he repeatedly worked to restrict access to reproductive care, voting rights, LGBTQ+ equality, racial justice protections, immigrant protections, workers' rights, and environmental safeguards. As a federal judge, he continued to issue holdings that diminish voting rights and undermine racial justice.

Not only has Rudofsky advocated for many ideologically-driven and harmful causes, he did so in a leadership role — as Arkansas's solicitor general. He spent years using his public role to strategize, organize, brief, and create policy that hurt some of the most marginalized communities in Arkansas. Seven years ago, this career culminated in a lifetime appointment to the federal bench, where he has issued several decisions that chipped away at racial justice and further dismantled accountability for voting rights violations.

Rudofsky's nomination to the Eighth Circuit would carry his biases and far-right ideologies even further, with a lifetime position on federal appeals court with jurisdiction over seven states and millions of people. His record raises substantial questions about whether he would approach the federal judiciary as an independent safeguard of constitutional rights and equal justice or instead continue advancing a legal agenda that has repeatedly placed fundamental rights and protections at risk. Much harm has already resulted from Rudofsky's life's work and time on the federal bench, and he should not be confirmed for a lifetime seat on the Eighth Circuit.