



Whitney Hermandorfer

President Trump nominated Whitney Hermandorfer to serve on the U.S. Court of Appeals for the Sixth Circuit on May 6, 2025.

Career¹

- Bachelor of Arts, Princeton University, 2009
- Juris Doctorate, The George Washington University Law School, 2015
- Legal Assistant, Stillman, Friedman and Shechtman, P.C., 2009-2010
- Research Assistant, The American Enterprise Institute for Public Policy Research, 2010-2012
- Legal Intern, U.S. Attorney's Office for the Eastern District of Virginia, 2013
- Williams and Connolly LLP, 2014-2016; 2019-2020; 2021-2023
 - Summer Associate, 2014
 - Law Clerk, 2015
 - Associate, 2015-2016, 2019-2020, 2021-2023
- Research Assistant, The George Washington University Law School, 2015
- Law Clerk to the Hon. Brett Kavanaugh, U.S. Court of Appeals for the D.C. Circuit, 2016-2017
- Law Clerk to the Hon. Richard Leon, U.S. District Court for the District of D.C., 2017-2018
- Law Clerk to the Hon. Samuel Alito, Supreme Court of the United States, 2018-2019
- Law Clerk to the Hon. Amy Coney Barrett, Supreme Court of the United States, 2020-2021
- Adjunct Professor, The George Washington University Law School, 2023
- State of Tennessee, Office of the Attorney General & Reporter, 2023-Present
 - Director, Strategic Litigation Unit, 2023-Present
 - Assistant Solicitor General, 2023-2024

Record on Reproductive Freedom

- Hermandorfer served as lead counsel in a case defending Tennessee's total abortion ban.² The plaintiffs in the case argued that the ban's medical emergency exception is too narrow and unclear for physicians to provide life-saving care without fear of criminal liability. Hermandorfer argued that the suit should be dismissed on procedural grounds, asserting that the plaintiffs lacked standing because their injuries were based on *past* denied abortions or on speculative future pregnancies, and that the plaintiffs were unlikely to face prosecution due to the local district attorney's stated position.³ Hermandorfer also characterized the plaintiffs' situations as "rare" cases, falsely claiming it is uncommon for pregnancy to pose dire risks.⁴ A three-judge panel of the Tennessee Chancery Court agreed that the unclear exception prevents women from getting medically necessary abortion care, and largely granted

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the plaintiff's request to temporarily block the ban as it applies to many dangerous pregnancy complications and lethal fetal diagnoses.⁵ The case remains ongoing.

- Hermandorfer served as the strategic litigation chief for Tennessee in its challenge to the HHS rule that required facilities receiving federal funds to provide patients with information about where to get an abortion if requested by the patient, arguing that the requirement was “coercive” and violated state sovereignty and the Administrative Procedure Act.⁶ Hermandorfer coordinated this case from the beginning, arguing that requiring state-run clinics to counsel on out-of-state abortion options improperly conditioned federal funds on violating state policy and effectively forced state officials to facilitate abortion access, which Tennessee viewed as an “undue burden” on its sovereignty. The district court denied Tennessee’s request for an injunction, finding that Tennessee had accepted Title X funds with knowledge of the counseling requirements and that the federal government’s conditions were lawful. The Sixth Circuit affirmed, allowing HHS’s rule to stand.⁷ Tennessee lost its Title X funding. Tennessee filed a supplemental memorandum supporting en banc review and the case remains pending.
- Hermandorfer also served as the strategic litigation chief in a case arguing that federal regulations providing enhanced privacy protections for medical records and other protected health care information associated with reproductive health care violates the Administrative Procedure Act.⁸ This case challenged the HHS 2024 Final Rule, which amended the HIPAA Privacy Rule to prevent the disclosure of protected health information related to reproductive health care in certain circumstances, particularly to safeguard patient privacy in the wake of increased abortion restrictions. Hermandorfer characterized state surveillance and investigation of public health matters as “promoting citizens’ welfare,” and argued in support of states obtaining medical information to enforce their abortion restrictions.⁹ The case remains ongoing.
- Hermandorfer represented Tennessee in a lawsuit brought by multiple states against the Equal Employment Opportunity Commission (EEOC) regulations implementing the Pregnant Workers Fairness Act, specifically, the requirement that employers provide workers with reasonable accommodations to obtain pregnancy-related care, including abortion care in some situations.¹⁰ Hermandorfer argued that the rule unlawfully required employers to “accommodate abortions” prohibited under state law exceeded the EEOC’s statutory authority, and infringed on state sovereignty. Tennessee lost in the district court, where their request for an injunction was denied and the case was dismissed for lack of standing, but the Eighth Circuit reversed the decision and the case was remanded to the district court and remains ongoing.¹¹

Record on Intersectional Commitments

- Hermandorfer has an extensive record of fighting against LGBTQIA+ equality.
 - Hermandorfer represented Tennessee in its lawsuit against the Department of Education’s final rule interpreting Title IX’s sex discrimination provision to bar discrimination “on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”¹² The district court struck the rule down in its entirety, the Sixth Circuit affirmed, and the Supreme Court petition for a stay was denied.¹³
 - Hermandorfer served as counsel for Tennessee in its defense of a law prohibiting gender affirming care for minors below the age of 18.¹⁴ Hermandorfer was also substantially involved in the Supreme Court oral argument strategy and brief drafting. The district court enjoined the ban, the Sixth Circuit upheld the law on appeal, the Supreme Court heard oral arguments last December, and a decision is expected in June.¹⁵
 - Hermandorfer defended Tennessee in its challenge alongside other states of EEOC guidance expanding the scope of Title VII rules to apply to gender identity.¹⁶ In the initial complaint, the states argued against requiring covered employers and employees to use others’ preferred pronouns, allowing transgender people to use the restroom or locker room that aligns with their gender identity, and refraining from requiring dress codes rooted in sex stereotypes. The case is still ongoing.
 - Hermandorfer served as counsel for Tennessee leading a 15-state coalition in challenging the legality of the 2024 HHS Final Rule, *Nondiscrimination in Health Programs and Activities* interpreting Section 1557 of the Affordable Care Act (ACA), which prohibits sex discrimination in healthcare programs. The 2024 Rule interpreted Section 1557, defining sex discrimination in a way that encompassed protections against discrimination based on gender identity and other sex characteristics. Hermandorfer argued that the Rule violated the Administrative Procedure Act (APA) and the Constitution.¹⁷ The district court granted the states’ request for a preliminary injunction, blocking the Rule as it pertained to gender identity discrimination, and the defendants appealed to the Fifth Circuit. The case is still pending.
 - Hermandorfer signed on to an amicus brief opposing a lawsuit challenging Oklahoma’s law that imposes criminal penalties on health care providers who provide age-appropriate medical care for transgender adolescents.¹⁸

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- Hermandorfer also serves as pro bono counsel in a case defending a Catholic church in its decision to fire an employee for being in a same-sex marriage.¹⁹
- Hermandorfer also has a record of opposing immigration rights. Hermandorfer served as the director of strategic litigation and counsel of record on the amicus brief in support of Trump’s policy to end birthright citizenship.²⁰

¹ Whitney Hermandorfer, Questionnaire for Judicial Nominees, United States Senate Committee on the Judiciary (May 8, 2025).

² *Blackmon v. Tenn.*, No. 23-1196-I (Tenn. Chancery Ct., Sept. 2023); Whitney Hermandorfer, Questionnaire for Judicial Nominees, *supra* note 1, at 36.

³ Memorandum in Law in Support of Defendants’ Joint Motion to Dismiss the Complaint, State of Tenn., *Blackmon v. Tenn.*, No. 23-1196-I (Tenn. Chancery Ct., Sept. 2023).

⁴ *Id.*

⁵ *Blackmon v. Tenn.*, No. 23-1196-I (Tenn. Chancery Ct., Sept. 2022).

⁶ *Tenn. v. U.S. Dep’t Health & Hum. Servs., et al.*, 720 F. Supp. 3d 564 (E.D. Tenn. 2024).

⁷ *Tenn. v. Becerra*, 117 F.4th 348 (6th Cir. 2024).

⁸ *Tenn. v. U.S. Dep’t Health & Hum. Servs.*, 3:25-cv-00025 (E.D. Tenn. 2025).

⁹ *Id.*

¹⁰ *Tenn. v. EEOC*, 737 F. Supp. 3d 685 (E.D. Ark. 2024).

¹¹ *Tenn. v. EEOC*, 129 F. 4th 452 (8th Cir. 2025).

¹² *Tenn. v. Cardona*, 762 F. Supp. 3d 615 (E.D. Ky. 2025).

¹³ *Tenn. v. Cardona*, No. 24-5588, 2024 U.S. App. LEXIS 17600 (6th Cir. July 17, 2024).

¹⁴ *L.W. v. Skrmetti*, 679 F. Supp. 3d 668 (M.D. Tenn. 2023).

¹⁵ *L.W. v. Skrmetti*, 73 F.4th 408 (6th Cir. 2023); *U.S. v. Skrmetti*, No. 23-477 (argued Dec. 4, 2024).

¹⁶ *Tenn. v. EEOC*, 3:24-CV-00224 (E.D. Tenn. 2024).

¹⁷ *Tenn v. Becerra*, 739 F. Supp. 3d 467 (S.D. Miss. 2024).

¹⁸ [Amicus Brief for Alabama, et al. in Support of Defendants-Appellees](#), *Poe v. Drummond*, No. 4:23-cv-00177-JSH (10th Cir. 2023).

¹⁹ *Demkovich v. St. Andrew the Apostle Parish*, No. 19-2142 (7th Cir. 2020); Hermandorfer, Questionnaire for Judicial Nominees, *supra* note 1, at 44.

²⁰ Whitney Hermandorfer, Questionnaire for Judicial Nominees, United States Senate Committee on the Judiciary, p. 19; [Amicus Brief of the State of Tennessee in Support of Applicants](#), *Trump v. CASA*, *Trump v. Washington*, *Trump v. NJ*, No. 24A884 (2025).