

As Director Of The Tennessee Attorney General's Strategic Litigation, Whitney Hermandorfer Has Fought Right-Wing Culture Wars And Defended The Trump Administration's Legal Battles

SUMMARY:

Trump [nominated](#) Whitney Hermandorfer, director of strategic litigation for the Tennessee Attorney General's office, to the Sixth Circuit Court of Appeals. Hermandorfer previously worked at Williams & Connolly and appears to be the first Trump judicial nominee to have clerked for one of his Supreme Court picks, clerking for Amy Coney Barrett, and also Justice Alito and then-judge Brett Kavanaugh.

Hermandorfer [graduated](#) from George Washington Law in 2025 and was first admitted to the bar that October, meaning she has practiced law for under ten years. At 37, she would be among the [youngest](#) circuit court judges in recent memory.

Hermandorfer has already expressed support for Trump's unconstitutional, unprecedented power grab in several key cases. She signed on to a Tennessee [amicus brief](#) supporting Trump's move to grab power from independent agencies, labelling them a "grave danger." She was the counsel of record in an [amicus brief](#) before the Supreme Court in the upcoming case regarding Trump's challenge to birthright citizenship. She signed on to an [amicus brief](#) in support of the administration's ability to fire inspectors general.

As director of the AG's strategic litigation unit, **Hermandorfer has litigated a bevy of Republican culture war issues.** She vehemently defended Tennessee's strict anti-abortion laws, including [unsuccessfully](#) seeking to [dismiss](#) a lawsuit from doctors seeking clarification on exemptions, and defending the state after the Biden administration revoked Title X funding for refusing to counsel patients about abortion health care. She defended Tennessee in a [lawsuit](#) challenging the inclusion of gender identity in Title IX protections. She signed on to a case that [successfully rolled](#) back ATF regulations on firearm stabilizing braces. In her personal capacity, she [testified](#) before the U.S. House Financial Services Committee to criticize SEC "overreach" for requiring public companies to disclose climate risks.

Hermandorfer, who has been called a "[darling of the Federalist Society](#)," has close ties to the conservative legal movement. She has spoken at [several FedSoc events](#) over the last two years, including with a vice president at the Becket Fund. Carrie Severino, the president of Leonard Leo's Judicial Crisis Network, praised her as "[top talent](#)" back in September 2024.

Trump Nominated Whitney Hermandorfer To The Sixth Circuit Court Of Appeals

Trump Announced He Was Nominating Whitney Hermandorfer To The Sixth Circuit Court Of Appeals

May 2025: Trump Announced He Was Nominating Whitney Hermandorfer To The Sixth Circuit Court Of Appeals. "Trump said in a social media post that he is nominating Whitney Hermandorfer, who has clerked for three members of the U.S. Supreme Court's conservative majority, to fill a vacancy on the Cincinnati-based 6th U.S. Circuit Court of Appeals." [Reuters, [5/2/25](#)]

- **Trump Made His Announcement Close To Midnight In A Truth Social Post.**



Donald J. Trump ✓
@realDonaldTrump

I am pleased to announce the nomination of Whitney Hermandorfer to serve as a Judge on the United States Court of Appeals for the Sixth Circuit. Whitney has been serving the Great People of Tennessee, in the Attorney General's Office, where she has strongly litigated in Court to protect Citizens from Federal Government Overreach. A former Co-Captain of the Princeton University Women's Basketball Team, Whitney is a staunch defender of Girls' and Women's Sports. She has a long history of working for Judges and Justices who respect the RULE OF LAW, and protect our Constitution, including Justice Samuel Alito and two fine Supreme Court Justices I appointed in my First Term. Whitney is a Fighter who will inspire confidence in our Legal System. Thank you Whitney!

4.73k ReTruths 24.2k Likes

May 01, 2025, 11:42 PM

[TruthSocial, @realDonaldTrump, [5/1/25](#)]

Hermandorfer Is Currently An Attorney In The Tennessee Attorney General's Office, Formerly Clerked For Three Supreme Court Justices, And Worked In Appellate And Administrative-Law Litigation

Hermandorfer Works In The Tennessee Attorney General's Office And Previously Worked At Williams & Connolly LLP Focused On Appellate And Administrative-Law Litigation. "Whitney Hermandorfer works in the Office of the Tennessee Attorney General as Director of the Strategic Litigation Unit. In that role, Whitney focuses on leading constitutional, statutory, and administrative-law challenges to federal agency action, as well as on defending the State in complex matters at the trial and appellate level. Whitney previously worked at Williams & Connolly LLP in Washington, DC, where she focused on appellate and administrative-law litigation. Whitney clerked for Justice Samuel Alito in the OT 2018 Supreme Court term and for Justice Amy Coney Barrett during her inaugural OT 2020 term. Prior to that, Whitney clerked for then-Judge Kavanaugh on the D.C. Circuit, and Judge Richard Leon on the U.S. District Court for D.C. Whitney is a graduate of Princeton University and George Washington University Law School." [Federalist Society, accessed [5/2/25](#)]

- **Williams & Connolly Has Represented Perkins Coie In Their Fight Against A Trump Executive Order Threatening The Firm.** "Law firm Perkins Coie has tapped attorneys at Williams & Connolly to fight President Donald Trump over an executive order threatening its client relationships. Perkins Coie turned to the elite DC firm after Trump issued the March 6 order, according to a source familiar with the situation. Williams & Connolly is known for its scorched earth approach to taking on the Justice Department on behalf of political and other clients. The lawyers—the individual attorneys involved have not been identified—will help Perkins Coie fight a Trump order requiring government contractors to disclose relationships with the firm and threatening to strip them of their federal business. It also suspends Perkins Coie attorneys' security clearances and bars them from entering federal government buildings." [Bloomberg Law, [3/10/25](#)]

Hermandorfer Has Clerked For Justices Alito And Barrett As Well As Then-Judge Kavanaugh. "She also clerked for both Justices Samuel Alito and Amy Coney Barrett on the Supreme Court, as well as for then-Judge Brett Kavanaugh on the U.S. Court of Appeals for the D.C. Circuit and district court Judge Richard Leon." [Reason, [5/2/25](#)]

- **Hermandorfer Appeared To Be The First Trump Judicial Nominee To Have Clerked On The Supreme Court For One Of Trump's Nominees.** "(N.B. I believe Hermandorfer is the first Trump judicial nominee to have clerked on the Supreme Court for one of Trump's Supreme Court nominees.)" [Volokh Conspiracy, [5/2/25](#)]

Whitney Hermandorfer Has Practiced Law For Less Than 10 Years And Would Be Among The Youngest Circuit Court Judges In Recent Memory

Whitney Hermandorfer Is A 37 Year Old Attorney With Less Than 10 Years Of Experience Practicing Law

Whitney Hermandorfer Would Be Among The Youngest Circuit Court Judges In Recent Memory

As Of 2017, The Average Age Of A U.S. Circuit Court Judge Was 50.6, With Only 5 Judges (3.1%) Being Under The Age Of 40. “The average age at the time of appointment to the bench of active U.S. circuit court judges was 50.6 (the median age was 50.4). Of the 160 active circuit court judges, 5 (3.1%) were appointed between the ages of 35 and 39...” [Congressional Research Service, [8/1/17](#)]

Federal Judicial Center: As Of 2020, The Average Age At Initial Appointment Of Article III Judges Was 49.53. [Federal Judicial Center, accessed [5/2/25](#)]

Whitney Hermandorfer Has Practiced Law For Less Than 10 Years

2015: Whitney Hermandorfer Graduated From George Washington Law. “Whitney Downs Hermandorfer, JD '15, has been selected to clerk for Samuel Alito, Associate Justice of the Supreme Court of the United States, during October Term 2018.” [George Washington University, [7/18/18](#)]

October 2015: Whitney Hermandorfer Was Admitted To The Virginia State Bar.

Bar ID #	Full Name	Class	Type	Status	City	State	Zip	Has Been Publicly Disciplined	Current Suspensions	Date of License
89244	Whitney Downs Hermandorfer	Associate	No Type	In Good Standing	Nashville	TN	37215	No	None	10/30/2015

[Virginia State Bar, accessed [5/2/25](#)]

April 2020: Whitney Hermandorfer Was Admitted To The D.C. Bar.

Full Name	Admit Date	
Mrs. Whitney Hermandorfer	4/4/2020	Detail

[D.C. Bar, accessed [5/2/25](#)]

January 2023: Whitney Hermandorfer Was Admitted To The Tennessee Bar.

Whitney Hermandorfer Office of the Tennessee Attorney General
PO Box 20207 Nashville, TN 37202-4015
Office Phone: 615-741-7403
Law School: George Washington University - George Washington Law
Earliest License Date: 01/01/2023

[Tennessee Bar Association, accessed [5/2/25](#)]

Whitney Hermandorfer Has Already Expressed Support For President Trump's Unconstitutional And Unprecedented Power Grab

Whitney Hermandorfer Signed On To An Amicus Brief Describing Independent Agencies, Like The Federal Reserve And The Securities And Exchange Commission, As A "Grave Danger" And Doubting Congress's Ability To Check Presidential Power

Whitney Hermandorfer Signed On To A Brief Calling Independent Agencies "Grave Dangers" And Expressing Doubt Over Congress's Ability To Check Presidential Power

February 2025: Whitney Hermandorfer Signed On To A Brief In *Wilcox v. Trump*.

Dated: February 20, 2025

JONATHAN SKRMETTI

Tennessee Attorney General
& Reporter

/s/ Whitney Hermandorfer

WHITNEY HERMANDORFER (DC Bar #888314222)

Director of Strategic Litigation

JOSEPH M. FIORILE*

Strategic Litigation Unit Honors Fellow
Office of the Tennessee Attorney General
and Reporter

P.O. Box 20207

Nashville, TN 37202-0207

(615) 741-3491

whitney.hermandorfer@ag.tn.gov

joseph.fiorile@ag.tn.gov

Counsel for Amicus Curiae State of Tennessee

[*Wilcox v. Trump*, Brief of Tennessee as amicus curiae state in support of Defendants' opposition to Plaintiff's motion for expedited summary judgment, [2/20/25](#)]

In The Brief, The State Of Tennessee Described "Independent Agencies" As A "Grave Danger" To Americans. "Independent agencies, like the National Labor Relations Board, present an especially grave danger to the States and their citizens." [*Wilcox v. Trump*, Brief of Tennessee as amicus curiae state in support of Defendants' opposition to Plaintiff's motion for expedited summary judgment, [2/20/25](#)]

The Brief Expressed Doubt Over Congress's Constitutional Power To Check The President's Power By Restricting His Ability To Dismiss The Heads Of Independent Agencies. "When Congress restricts the president's ability to dismiss agency heads, it thus violates Article II's vesting of the 'executive Power' in the President alone." [*Wilcox v. Trump*, Brief of Tennessee as amicus curiae state in support of Defendants' opposition to Plaintiff's motion for expedited summary judgment, [2/20/25](#)]

The Brief Cited A Text On The Unitary Executive Theory. "That English tradition carried into the United States. During the much-discussed Decision of 1789, the First Congress concluded the President enjoys a 'preexisting removal power.'" Saikrishna Prakash, New Light on the Decision of 1789, 91 Cornell L. Rev. 1021, 1026 (2006); see *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 492 (2010). And that power was not academic for the Founders, as President George Washington "plainly and willingly employed" the "removal power" to "administer the executive branch ... in an orderly fashion." Steven G. Calabresi & Christopher S. Yoo, *The Unitary Executive* 42 (2008). [*Wilcox v. Trump*, Brief of Tennessee as amicus curiae state in support of Defendants' opposition to Plaintiff's motion for expedited summary judgment, [2/20/25](#)]

- **President Trump Appears Set On “Enshrin[ing] Into Law The So-Called Unitary Executive Theory,” Which Would “Undercut The Power Of Congress To Structure The Government And Expand Presidential Power.”** “His goal appears to be to get the Supreme Court’s conservative majority to strike down those statutes and enshrine into law the so-called unitary executive theory. Developed by the Reagan administration’s legal team, the theory is a revisionist interpretation of the Constitution. It would undercut the power of Congress to structure the government and expand presidential power, rendering the executive branch more comprehensively subject to Mr. Trump’s whims.” [The New York Times, [4/30/25](#)]

March 2025: Hermandorfer Signed On To An Amicus Brief Supporting Trump In A Similar Case, *Harris v. Bessent*. “BRIEF OF TENNESSEE AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS’ OPPOSITION TO PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION AND MOTION FOR JUDGMENT ON THE MERITS [...] Allowing Congress to thwart presidential supervision of high-level Executive Branch officers presents an especially grave danger to the States and their citizens by vesting executive power in those lacking the political accountability and responsiveness Article II contemplates. [...] /s/ Whitney Hermandorfer” [District of Columbia, *Harris v. Bessent*, Amicus Curiae, filed [3/1/25](#)]

April 2025: Hermandorfer Signed On To A Supreme Court Amicus Brief As Counsel Of Record Supporting Trump In The Consolidated *Trump v. Wilcox* And *Bessent v. Harris*.

No. 24A966

In the Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., APPLICANTS

v.

GWYNNE A. WILCOX

SCOTT BESSENT, SECRETARY OF THE TREASURY, ET AL., APPLICANTS

v.

CATHY A. HARRIS,

**AMICUS BRIEF OF THE STATE OF TENNESSEE
IN SUPPORT OF APPLICANTS**

Jonathan Skrametti
Attorney General & Reporter
J. Matthew Rice
Solicitor General
Whitney D. Hermandorfer
Director of Strategic Litigation
Counsel of Record
Joseph M. Fiorile
Strategic Litigation Honors Fellow
OFFICE OF THE TENNESSEE
ATTORNEY GENERAL & REPORTER
P.O. Box 20207
Nashville, TN 37202
(615) 741-3491
whitney.hermandorfer@ag.tn.gov

[Supreme Court, *Trump v. Wilcox*, Amicus Brief of the State of Tennessee, filed [4/11/25](#)]

President Trump Signed An Executive Order Claiming To Take Over Control Of Independent Agencies, Which Is Believed To Be In Violation Of Federal Law By Many Legal Scholars

President Trump Signed An Executive Order That Granted More Power To Presidents To Have Control Over Independent Regulatory Agencies. “President Trump on Tuesday signed an executive order to give the president greater power over independent regulatory agencies — government entities Congress set up to be shielded from White House control.” [NPR, [2/19/25](#)]

The Executive Order Requires Certain Agencies To Submit Any New Regulations To The White House, “The order calls for the affected agencies to submit any new regulations to the White House, set up White

House Liaison offices, and "regularly consult with and coordinate policies and priorities" with the White House. In claiming this new power over agencies, the order also gives the president and attorney general the sole abilities to interpret laws for the executive branch. The order stands as yet another example of Trump's pushes to aggressively expand executive power." [NPR, [2/19/25](#)]

- **The Executive Order Would Take Independence Away By Granting More Supervising Power To Russell Vought, Who Reports To President Trump.** "The order would take that independence away by granting Vought, who reports to Trump, supervising power." [Politico, [2/18/25](#)]
 - **Russell Vought Is The Director Of The Office Of Management And Budget.** [WhiteHouse.gov, accessed [5/525](#)]

Many Mainstream Legal Scholars Believe That It Is Illegal For The Executive Branch To Control Independent Agencies Given That Congress Set The Agencies Up Specifically To Act Independently, Or Semi-Independently From The President. "[...] and many mainstream legal scholars still believe it is illegal, given that Congress set the agencies up specifically to act independently, or semi-independently, from the president. These include the Federal Communications Commission, the Federal Trade Commission and the Securities and Exchange Commission, all of which enact regulations and can impose hefty fines on businesses that violate the rules." [Politico, [2/18/25](#)]

- **Other Presidents Have Not Only Declined To Challenge The Independence Of Federal Agencies, But Also Traditionally Avoided The Appearance Of Interfering With Their Operations.** "Other presidents have not only declined to challenge the independence of these agencies in court, but have in many cases tried to avoid even the appearance of interference in their actions. Many leaders appointed to the agencies serve terms that last longer than a single presidency, in an effort to help shield them from political pressure." [Politico, [2/18/25](#)]

The Supreme Court Allowed The Trump Administration To Fire Individuals Who Worked At Independent Agencies

The Supreme Court Allowed The Trump Administration To Fire Board Members Who Oversee Independent Agencies. "The Supreme Court on Wednesday allowed the Trump administration to oust two board members who oversee independent agencies, for now. The action seems to signal the court's support for President Donald Trump's effort to remove limits on his power to hire and fire." [PBS, [4/9/25](#)]

Hermendorfer Signed On To Briefs In Multiple Lawsuits Defending President Trump's Attempt To End Birthright Citizenship, A Move That One Judge Called 'Blatantly Unconstitutional'

Hermendorfer Signed On To Multiple Amicus Briefs That Sought To End Birthright Citizenship

Hermendorfer Signed On To An Amicus Brief Submitted To The Supreme Court Which Argued That Birthright Citizenship Required Parental Legal Domicile In The U.S., Not Mere Physical Presence. "AMICUS BRIEF OF THE STATE OF TENNESSEE IN SUPPORT OF APPLICANTS [...] To sum up, then, plaintiffs' first-principles position is that a provision that (i) aimed to confer citizenship on freed slaves and thus (ii) does not address non-residents or those unlawfully present, nonetheless (iii) binds the Executive Branch to automatically confer citizenship in most (but not all) cases (iv) in a manner rewarding those who illegally enter the country. [...] There are two apparent textual problems with plaintiffs' mere-presence position. At the outset, the Clause directs that covered persons not only must be "born ... in the United States"; they also must be 'subject to the jurisdiction thereof'—a limitation that was added later to the originally proposed text. Whether

the Citizenship Clause requires conferral of citizenship based on a child's mere presence at birth, no matter the temporary, accidental, or unlawful nature of parental presence." [supremecourt.gov, accessed [5/5/25](#)]

Hermendorfer Also Signed On To An Amicus Brief In A Massachusetts Case, *Doe v. Trump*, In Support Of Trump's Plan To End Birthright Citizenship. "BRIEF OF THE STATE OF TENNESSEE AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS [...] Or that Plaintiffs' position perversely rewards illegal behavior with birthright citizenship in a manner no drafter or ratifier of the Citizenship Clause endorsed. Because Plaintiffs see their reading as a foregone conclusion, they say any anomalies should not detain this Court in enjoining an Executive Order facially and nationwide [...] Whitney D. Hermendorfer* Director of Strategic Litigation" [District of Massachusetts, *Doe v. Trump*, filed [2/5/25](#)]

Hermendorfer Also Signed On To A Similar Amicus Brief In A Massachusetts Case, *New Jersey v. Trump*, In Support Of Trump's Plan To End Birthright Citizenship. "BRIEF OF THE STATE OF TENNESSEE AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS [...] Or that Plaintiffs' position perversely rewards illegal behavior with birthright citizenship in a manner no drafter or ratifier of the Citizenship Clause endorsed. [...] Whitney D. Hermendorfer* Director of Strategic Litigation" [District of Massachusetts, *New Jersey v. Trump*, filed [2/5/25](#)]

In January, President Trump Signed An Executive Order Attempting To Ban Birthright Citizenship, Leading To One Federal Judge To Characterize The Move As 'Blatantly Unconstitutional'

January 2025: President Trump Issued An Executive Order That Would Eliminate Birthright Citizenship. "President Donald Trump has said since his first administration that he wants to end birthright citizenship, a constitutional right for everyone born in the United States. This week he issued an executive order that would eliminate it, upending more than a century of precedent. On Thursday, however, a federal judge temporarily blocked it after 22 states quickly mounted a legal challenge." [Associated Press, [1/25/25](#)]

A Federal Judge That Blocked Trump's Executive Order Called It 'Blatantly Unconstitutional.' "A federal judge on Thursday temporarily blocked President Donald Trump's executive order denying U.S. citizenship to the children of parents living in the country illegally, calling it 'blatantly unconstitutional' during the first hearing in a multi-state effort challenging the order." [Associated Press, [1/23/25](#)]

- **The 14th Amendment To The Constitution Promises Citizenship To Those Born On U.S. Soil.** "The 14th Amendment to the Constitution promises citizenship to those born on U.S. soil, a measure ratified in 1868 to ensure citizenship for former slaves after the Civil War. But in an effort to curb unlawful immigration, Trump issued the executive order just after being sworn in for his second term on Monday." [Associated Press, [1/23/25](#)]

Attorneys General From 22 States Sued The Trump Administration To Block The President's Move To End Birthright Citizenship. "Attorneys general from 22 states sued Tuesday to block President Donald Trump's move to end a century-old immigration practice known as birthright citizenship guaranteeing that U.S.-born children are citizens regardless of their parents' status. Trump's roughly 700-word executive order, issued late Monday, amounts to a fulfillment of something he's talked about during the presidential campaign. But whether it succeeds is far from certain amid what is likely to be a lengthy legal battle over the president's immigration policies." [PBS, [1/21/25](#)]

Hermendorfer Signed On To An Amicus Brief Supporting The Trump Administration's Ability To Fire Inspectors General

In *Storch v. Hegseth*, Recently-Fired Inspectors General Of Eight Federal Agencies Sued The Administration Over Their Alleged "Unlawful And Unjustified" Terminations By The Trump Administration. "The recently-fired inspectors general of eight federal agencies are suing the administration

over their alleged ‘unlawful and unjustified’ terminations by President Donald Trump and his newly-appointed secretaries. Their firings ‘violated unambiguous federal statutes’ to protect inspectors general from ‘precisely this sort of interference with the discharge of their critical, non-partisan oversight duties,’ the complaint filed Wednesday in the US District Court for the District of Columbia said. [...] The case is Storch v. Hegseth, D.D.C., No. 1:25-cv-00415, complaint filed 2/12/25.” [Bloomberg Law, [2/12/25](#)]

- **Campaign Legal Center: Trump’s Firing Of Inspectors General Is “Blatantly Illegal And Incredibly Concerning.”** “President Donald Trump ended his first week in office by firing inspectors general (IGs) across 17 different federal agencies, effective immediately. This blatantly illegal and incredibly concerning mass firing removes the only independent offices within agencies designed to protect taxpayer money and root out corruption, fraud, waste and mismanagement.” [Campaign Legal Center, [1/31/25](#)]

Hermendorfer Signed On To An Amicus Brief In Support Of The Trump Administration’s Opposition To A Preliminary Injunction. “BRIEF OF TENNESSEE AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION [...] /s/ Whitney Hermendorfer” [District of Columbia, Storch v. Hegseth, Amicus Curiae, filed [2/24/25](#)]

Hermendorfer Joined The Tennessee Attorney General’s Office As Director Of The Strategic Litigation Unit, A Conservative Impact Litigation-Focused Division, And Has Since Championed Right-Wing Stances On Issues Including Abortion

May 2025: Hermendorfer Is Currently The Director Of The AG’s Strategic Litigation Unit

2023: The AG’s Office Launched The New Strategic Litigation Unit Focused on Impact Litigation, Specifically Conservative Challenges To The Federal Government. “A 10-position bump for Skrmetti this year reflects a new Strategic Litigation Unit, the AG’s small task force new in 2023 focused on impact litigation, specifically conservative challenges to the reach and power of the federal government.” [Nashville Scene, [2/14/24](#)]

Hermendorfer Is The Director Of The Strategic Litigation Unit. “Tennessee Attorney General Jonathan Skrmetti today issued the following statement after President Donald Trump nominated Whitney Hermendorfer, Director of the Strategic Litigation Unit in the Tennessee Attorney General’s Office, to serve as Circuit Judge on the U.S. Court of Appeals for the Sixth Circuit.” [TN Attorney General Press Release, [5/2/25](#)]

Whitney Hermendorfer Earned A \$19,257 Monthly Salary, Annualized To \$231,084.

Agency Name	Last Name	First Name	Job Title	Comp Rate	Comp Rate Period	Full/Part	Bonus	As of
Attorney General's Office	Hermendorfer	Whitney	JUDICIAL EMPLOYEE	\$19,257.00	M	F	\$1,000.00	05/02/2025
Agency Name	Last Name	First Name	Job Title	Comp Rate	Comp Rate Period	Full/Part	Bonus	As Of

[Transparent Tennessee, accessed [5/2/25](#)]

Hermendorfer Has Vehemently Defended Tennessee's Strict Anti-Abortion Laws

After The Supreme Court Overturned Roe. v Wade, Hermendorfer Unsuccessfully Sought To Have A Lawsuit From Doctors Seeking Clarification On Abortion Exceptions Be Dismissed

August 2022: After The Overturn Of Roe v. Wade, Tennessee Began Enforcing Its Trigger Ban Which Prohibited Abortion In Almost All Cases. “On August 25, 2022, Tennessee began enforcing its trigger ban, which prohibits abortion at all stages of pregnancy with limited medical emergency exceptions, following the U.S. Supreme Court’s decision to overturn Roe v. Wade in the case Dobbs v. Jackson Women’s Health Organization.” [Center for Reproductive Rights, accessed [5/8/24](#)]

- **April 2023: Tennessee Enacted A New Law Which Provided Narrow Exceptions, Including Allowing Physicians To Perform Abortions In Limited Medical Emergencies.** “Eight months after Tennessee enacted one of the strictest abortion bans in the nation, Gov. Bill Lee on Friday quietly signed a law providing narrow exceptions. The new law, which went into effect immediately, allows physicians to perform abortions in limited medical emergencies: molar or ectopic pregnancies, to remove a miscarriage, to save the life of the mother and ‘prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.’” [Tennessee Lookout, [4/28/23](#)]

April 2024: A Tennessee Court Panel Heard Arguments About Whether To Throw Out A Lawsuit Seeking To Clarify The State’s Strict Abortion Ban Or Temporarily Block The State From Enforcing The Law. “A year after Tennessee lawmakers carved out narrow exceptions to Tennessee’s strict abortion ban, a three-judge panel heard competing arguments over whether to throw out a lawsuit seeking to clarify those exceptions or to temporarily block the state from enforcing the law as written.” [Tennessee Lookout, [4/5/24](#)]

Tennessee Attorneys Said Doctors Challenging The State’s Laws Did Not Want Any Oversight And Instead Was Improperly Withholding Care To Pregnant Women Facing Serious Medical Emergencies. “Attorneys defending Tennessee’s sweeping abortion ban alleged Thursday that doctors challenging the law do not want any oversight when deciding to terminate a pregnancy and instead are improperly withholding care to women facing serious medical emergencies. The Tennessee Attorney General’s office laid out its arguments while attempting to persuade a three-judge panel to dismiss a lawsuit seeking to clarify when abortion exceptions can be applied in the Volunteer State.” [Associated Press, [4/4/24](#)]

- **Hermendorfer Said Doctors Did Not Want Governmental Scrutiny On Their Medical Decision-Making.** “Plaintiffs very much, and this is a shared policy view by many in the medical profession, do not want any sort of governmental scrutiny on their use, on their medical decision-making,” said Whitney Hermendorfer, arguing on behalf of the attorney general’s office. ‘And that’s not been how things have worked in the abortion context.’” [Associated Press, [4/4/24](#)]

Hermendorfer Argued That The Doctor Plaintiffs Did Not Have Standing Because The Nashville District Attorney Declared He Would Not Prosecute Abortion Providers. “As part of their reasoning to dismiss the lawsuit, the state’s legal team argued that the plaintiffs do not have standing. Hermendorfer pointed out that the two doctors involved in the lawsuit likely didn’t face a risk of prosecution because they work in Nashville and the local district attorney in that county has previously declared that he wouldn’t prosecute abortion providers.” [Associated Press, [4/4/24](#)]

- **Advocates Pointed Out That The Statement Was Not Legally Binding And The AG Could Still Intervene To Push For Charges.** “However, Chancellor Patricia Head Moska countered that that statement was not legally binding and that the state’s Attorney General could intervene and request a court appoint a separate district attorney to push forward with charges.” [Associated Press, [4/4/24](#)]

Hermendorfer Said The Lawsuit Should Be Entirely Dismissed Because She Claimed The Plaintiffs Lacked The Standing To File Because Some of the Plaintiffs Were Refused Abortions Before The State's Medical Exception Rules Were Enacted. "Whitney Hermendorfer, director of strategic litigation for the Tennessee Attorney General, argued the lawsuit, first filed in September 2022, should be dismissed entirely without proceeding to trial. Hermendorfer argued that the plaintiffs lacked legal standing to file suit, in part because five of the women plaintiffs were refused abortions before the medical exception rules were enacted." [Tennessee Lookout, [4/5/24](#)]

October 2024: A Tennessee Judge Panel Ruled That The Medical Emergency Exception In The State's Abortion Ban Was Unclear. "The medical emergency exception in Tennessee's abortion ban is unclear, a Tennessee court has ruled, barring the state from enforcing the ban in case of certain medical conditions while a lawsuit by doctors and women who say they were denied abortions goes forward. The preliminary order from a three-judge panel of the Tennessee Chancery Court in Davidson County late on Thursday, said that abortion must be allowed if a pregnant woman's water breaks or her cervix dilates before a fetus is viable, or if the fetus has a fatal diagnosis that threatens the mother's health." [Reuters, [10/18/24](#)]

Hermendorfer Claimed Pregnancy Complications Were A "Rare Scenario," Said Abortion Deserved Special Scrutiny Because It "Terminates A Life," And Defended Anti-Abortion Politicians

Hermendorfer Said It Was "Tremendously Unfortunate" When Pregnancy Complications Come Up, But Claimed It Was A "Rare Scenario" While Defending Tennessee's Abortion Ban. "Whitney Hermendorfer, a lawyer in Republican Tennessee Attorney General Jonathan Skrmetti's office, said such pregnancy complications were 'tremendously unfortunate.' But she said it was a 'rare scenario where this type of rare medical risk will come up,' and that the state's medical exception gave doctors latitude to use 'reasonable medical judgment' to terminate a pregnancy to prevent death or 'substantial and irreversible' injury to a pregnant woman." [Reuters, [4/4/24](#)]

Hermendorfer Said Abortion Deserved Special Scrutiny Because "This Is The Only Medical Procedure That Terminates A Life." "Abortion, she said, has been regulated in Tennessee since the 1880's and deserves special scrutiny because 'this is the only medical procedure that terminates a life.'" [Tennessee Lookout, [4/5/24](#)]


Hermendorfer Argued That State Officials Named In An Abortion-Related Lawsuit Were Entitled To Sovereign Immunity. "State officials named in the lawsuit – which include the Tennessee Attorney General, all members of Tennessee boards that license and regulate physicians and the state of Tennessee – are entitled to sovereign immunity, Hermendorfer said. Hermendorfer also argued that doctors who filed suit 'very much don't want government scrutiny on their decisions.'" [Tennessee Lookout, [4/5/24](#)]

Hermendorfer Signed On To A Lawsuit Challenging Abortion Accommodation Protections For Employees

April 2024: Tennessee Led A Coalition Suing The Equal Employment Opportunity Commission After It Published Rules Requiring Employers To Make Reasonable Accommodations For Pregnant Employees. "A lawsuit filed by 17 states challenging federal rules entitling workers to time off and other accommodations for abortions lacks standing, a federal judge in Arkansas ruled on Friday. Republican attorneys general from each state, led by Arkansas and Tennessee, sued the Equal Employment Opportunity Commission in April, days after the agency published rules for employers and workers to implement the Pregnant Workers Fairness Act, a 2022 law requiring many employers to make 'reasonable accommodations' for pregnant or postpartum employees." [Associated Press, [6/15/24](#)]

Tennessee Claimed The Rules Exceeded The Pregnant Workers Fairness Act By Requiring Abortion Accommodations. “Yet in a new rule, unelected commissioners at the EEOC seek to hijack these new protections for pregnancies by requiring employers to accommodate elective abortions—something the Act clearly did not authorize. The EEOC’s rule constitutes an unconstitutional federal overreach that infringes on existing state laws and exceeds the scope of the agency’s authority.” [TN Attorney General Press Release, [4/25/24](#)]

Hermendorfer Signed On To The Lawsuit.



JONATHAN SKRMETTI
Tennessee Attorney General
and Reporter

/s/ Whitney Hermendorfer
WHITNEY D. HERMANDORFER*
Director of Strategic Litigation
REED N. SMITH*
Assistant Attorney General
JENNA ADAMSON*
Strategic Litigation Counsel &
Assistant Solicitor General
JOSHUA D. MINCHIN*
Honors Fellow, Office of the
Solicitor General

[Eastern District of Arkansas, Tennessee v. EEOC, Complaint, filed [4/25/24](#)]

Hermendorfer Defended Tennessee Throughout Legal Proceedings After The Department Of Health And Human Services Cut Off Title X Funding To The State For Refusing To Counsel Patients About Abortion

2023: The Biden Administration Cut Off Funding To Tennessee After The State Refused To Offer Counseling To Patients About Abortion. “The Biden administration in 2023 cut off funding to Tennessee and Oklahoma, saying they violated federal rules by not offering counseling to patients about abortion. The states sued federal health officials. And courts ruled against the states.” [KFF Health News, [4/30/25](#)]

2024: In A Lawsuit Over The Move, Hermendorfer Told The Court That HHS Went Beyond Its Constitutional Powers In Imposing A “Mandatory Requirement” On Tennessee That Which She Alleged Was Not In The Statute. “Whitney Hermendorfer, representing Tennessee, told the three-judge panel that while agencies are allowed to clarify statutory language, HHS went beyond its constitutional powers in imposing a ‘mandatory requirement’ on Tennessee that did not exist in the statute. ‘The one thing I would urge this court not to do is allow Tennessee’s funding to continue to be denied based on an improper reading of the statute,’ Hermendorfer said.” [Law360, 7/18/24]

2025: The Department Of Health And Human Services Appeared To Restore Title X Funding To Tennessee After The Biden Administration. “The Trump administration quietly restored federal family planning money to Tennessee and Oklahoma, despite court rulings that the states weren’t entitled to funds because they refused to provide women information about terminating pregnancies or abortion referrals on request. The decision by the Department of Health and Human Services to restore millions of dollars for the two states came as it simultaneously withheld nearly \$66 million from clinics in the Title X program elsewhere. Title X for more than 50 years has provided sexual and reproductive health services especially to low-income, hard-to-reach people, including minors.

April 7, 2025: Hermandorfer Said In A Letter That Tennessee Had Not Ascertained The HHS’ Position As To Whether It Intended To Fully Restore The State’s Title X Funding. “Tennessee has not yet ascertained the formal position of HHS with respect to whether HHS intends to fully restore Tennessee’s Title X funding,’ Whitney Hermandorfer of the Office of the Tennessee Attorney General wrote in an April 7 letter.” [KFF Health News, [4/30/25](#)]

Hermandorfer Has Supported Tennessee In The State’s Lawsuit Attacking LGBTQ+ Rights

Hermandorfer Defended Tennessee In Tennessee v. Cardona, A Case Challenging The Inclusion Of Gender Identity In Title IX Protections

Tennessee v. Cardona Challenged The Biden Administration’s Inclusion Of Gender Identity In Title IX Protections, With A Federal Court In Kentucky Blocking The Biden Administration’s Rule Nationwide. “A federal district court in Kentucky issued a decision Thursday in State of Tennessee v. Cardona that blocks the Biden administration’s unlawful attempt to change the meaning of ‘sex’ in Title IX—a federal law designed to create equal opportunities for women in education and athletics—to include ‘gender identity.’ Alliance Defending Freedom attorneys represent a West Virginia high-school female athlete and Christian Educators Association International in the lawsuit alongside the state of Tennessee. The district court ruling applies nationwide and to every part of the Biden Title IX rule, meaning the rule is completely invalidated, and the U.S. Department of Education is unable to enforce it—anywhere.” [Alliance Defending Freedom, [1/9/25](#)]

Hermandorfer Signed On To The Complaint In *Tennessee v. Cardona*.



RUSSELL COLEMAN
Attorney General

/s/ Justin D. Clark
JUSTIN D. CLARK
Civil Chief
VICTOR B. MADDOX
Counsel for Special Litigation



JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Whitney D. Hermandorfer
J. MATTHEW RICE*
Solicitor General
WHITNEY D. HERMANDORFER*
Director of Strategic Litigation

[Eastern District of Kentucky, *Tennessee v. Cardona*, Complaint, filed [4/30/24](#)]

Hermandorfer Argued That *Bostock* Did Not Apply To Title IX. “Attorney Whitney Hermandorfer, from the Tennessee Office of the Attorney General, argued on behalf of the plaintiff states that *Bostock* does not apply to Title IX. ‘The logic of their position is that any time a statute draws a sex-based distinction, its going to discriminate. Because the logic will always be, well you know if I’m a boy and want to play on the women’s volleyball team and I can’t, that violates *Bostock*,’ Hermandorfer said. ‘Because if I had been a girl, I would have been able to play on the team’ If that logic were applied to Title IX, she argued, the whole statute would fall apart.” [Courthouse News Service, [10/30/24](#)]

The Biden Administration And U.S. Solicitor General Elizabeth B. Prelogar Asked The Supreme Court To Partially Set Aside Two Lower-Court Injunctions That Blocked The Department Of Education’s New

Title IX Regulations From Taking Effect In 10 States. “The Biden administration moved swiftly on Monday to ask the U.S. Supreme Court to partially set aside two lower-court injunctions that block the Department of Education’s new Title IX regulation from taking effect in 10 states. Just days after two federal appeals courts had refused to intervene in separate challenges, U.S. Solicitor General Elizabeth B. Prelogar asked the high court to allow most of the Title IX rule to take effect on Aug. 1 even as the administration went along with pausing the key provisions being challenged that are meant to clarify that the law bars discrimination based on gender identity and sexual orientation.” [Education Week, [7/22/24](#)]

- **Prelogar Stated That The District Court’s Injunction Would Block The Department From Implementing Dozens Of Provisions Of An Important Rule Effectuating Title IX, A Vital Civil Rights Law That Protects Millions From Sex Discrimination.** “A federal district judge on June 13 issued an injunction blocking the entire new Title IX regulation in Louisiana, as well as Idaho, Mississippi, and Montana. The U.S. Court of Appeals for the 5th Circuit, in New Orleans, on July 17 denied the Biden administration’s request for a partial stay, by a 2-1 panel vote. ‘The district court’s injunction would block the department from implementing dozens of provisions of an important rule effectuating Title IX, a vital civil rights law protecting millions of students against sex discrimination,’ Prelogar said in her filing in U.S. Department of Education v. Louisiana.” [Education Week, [7/22/24](#)]
- **Prelogar Filed An Identical Request In *Cardona v. Tennessee*.** “She filed a nearly identical request for relief in Cardona v. Tennessee, a case in which a federal district judge on June 17 blocked the entire new Title IX rule in Tennessee, Indiana, Kentucky, Ohio, Virginia, and West Virginia. The U.S. Court of Appeals for the 6th Circuit, in Cincinnati, in its own 2-1 panel ruling on July 17, refused the administration’s request to partially set aside the injunction.” [Education Week, [7/22/24](#)]

Hermendorfer Signed On To A Brief Opposing An Application For A Partial Stay Before The Supreme Court In *Cardona v. Tennessee*.

No. 24A79	
In the Supreme Court of the United States	
MIGUEL CARDONA, ET AL., <i>Applicants,</i>	
v. STATE OF TENNESSEE, ET AL., <i>Respondents.</i>	
STATE RESPONDENTS' OPPOSITION TO APPLICATION FOR A PARTIAL STAY	
Jonathan Skrametti <i>Attorney General</i> J. Matthew Rice <i>Solicitor General</i> Whitney D. Hermendorfer* <i>Director of Strategic Litigation</i> Office of the Tennessee Attorney General P.O. Box 20207 Nashville, Tennessee 37202 (615) 741-8726 Whitney.Hermendorfer@ag.tn.gov	Russell Coleman <i>Attorney General</i> Matthew F. Kuhn <i>Solicitor General</i> Office of the Kentucky Attorney General 700 Suite Capital Ave., Ste. 118 Frankfort, Kentucky 40601 (502) 696-5300 Matt.Kuhn@ky.gov <i>Counsel for Kentucky</i>
Cameron T. Norris Thomas S. Vasiliou C'Zar Bernstein CONSOVOY MCCARTHY PLLC 1600 Wilson Blvd., Ste. 700 Arlington, VA 22209 (703) 243-9423 <i>Counsel for Tennessee</i> *Counsel of record	[Additional counsel listed in signature block]

[Supreme Court, *Cardona v. Tennessee*, Opposition To Application For A Partial Stay, filed [7/26/24](#)]

Hermendofer Supported Rolling Back Gun Safety Regulations

In 2023, The Bureau Of Alcohol, Tobacco, Firearms Explosives (ATF) Finalized A Rule That To Ensure Firearms Equipped With Stabilizing Arm Braces That Currently Circumvent The Law On Dangerous Short-Barreled Rifles Are Subject To The National Firearms Act

The National Firearms Act (NFA) Was A Cornerstone Of Federal Firearms Legislation And Played A Key Role In Regulating The Possession, Transfer, And Manufacture Of Specific Firearms In The United States. “The National Firearms Act (NFA) stands as a cornerstone of federal firearms legislation, playing a pivotal role in regulating the possession, transfer, and manufacture of specific firearms and accessories in the United States.” [Leppard Law, accessed [5/5/25](#)]

- **The NFA Was Enacted In 1934 And Was A Response To Growing Concerns Over The Misuse Of Certain Firearms During A Period Marked By Organized Crime And Gang Violence.** “Enacted in 1934, the NFA was a response to the growing concerns over the misuse of certain firearms during a turbulent period marked by organized crime and gang violence. Its primary objective is to control the distribution of weapons categorized as particularly dangerous, thereby enhancing public safety. For anyone involved in the ownership or transfer of NFA-regulated firearms, a comprehensive understanding of this legislation is essential.” [Leppard Law, accessed [5/5/25](#)]

The Bureau Of Alcohol, Tobacco, Firearms, And Explosives (ATF) Issued A Final Rule Reclassifying Pistols Equipped With Stabilizing Braces As Short-Barreled Rifles Under The NFA And The Gun Control Act. “The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) issued a final rule reclassifying pistols equipped with stabilizing braces as short-barreled rifles under the National Firearms Act (NFA) and the Gun Control Act (GCA). This reclassification subjects these weapons to stringent regulations. The plaintiffs, including a stabilizing-brace manufacturer, a firearm manufacturer, a gun association, an individual owner, and twenty-five states, challenged the rule, arguing it exceeded the ATF's statutory authority and was arbitrary and capricious. The district court denied the plaintiffs' motion for a preliminary injunction, leading to this appeal.” [Justia U.S. Law, accessed [5/5/25](#)]

A Pistol Brace, Also Known As A Stabilizing Brace Or Arm Brace, Is An Accessory Attached To The Rear Of A Gun That Enables The Weapon To Be Fired With One Hand By An Individual. “A pistol brace, also known as stabilizing brace or arm brace, is an accessory attached to the rear of a gun that allows the weapon to be fired one-handed. The brace uses Velcro to attach the firearm to a person's arm, stabilizing the gun.” [Newsweek, [3/23/23](#)]

- **Pistol Braces Are Often Paired With AR-Style Firearms, Which Have Been Used In Several Mass Shootings.** “Pistol braces are often paired with AR-style firearms, which were used in several mass shootings in 2022. Calls to ban AR-15-style rifles followed many of these incidents, including the massacre at an elementary school in Uvalde, but have encountered the firm resistance of Republicans and gun advocates.” [Newsweek, [3/23/23](#)]
- **Stabilizers Like Pistol Braces Were Used In A 2021 Mass Shooting At A Grocery Store In Colorado, Leaving 10 Dead By A Single Gunman.** “Such stabilizers were used in a 2021 mass shooting at a grocery store in Boulder, Colorado, where 10 people were killed by a single gunman.” [Newsweek, [3/23/23](#)]

Attorney General Merrick Garland Said That The Rule Was Intended To Let Firearm Manufacturers, Dealers, And Owners Know That They “Cannot Evade Important Public Safety Protections Simply By Adding Accessories To Pistols That Transformed Them Into Short-Barreled Rifles. “Attorney General Merrick Garland said the rule was intended to let firearm manufacturers, dealers and owners know that they “cannot evade these important public safety protections simply by adding accessories to pistols that transform them into short-barreled rifles.” [Newsweek, [3/23/23](#)]

In A Lawsuit That Aimed To Roll Back Gun Safety Regulations Pertaining To Pistol Braces, Hermandorfer Served As Legal Counsel For The Tennessee Attorney General’s Office During The Case

The United States District Court For The District Of North Dakota Initially Reviewed The Case And Denied The Plaintiffs’ Request For A Preliminary Injunction. “The United States District Court for the District of North Dakota initially reviewed the case and denied the plaintiffs' request for a preliminary injunction. The court concluded that the plaintiffs did not demonstrate a substantial likelihood of success on the merits of their claims, which included arguments that the rule exceeded the ATF’s statutory authority and was arbitrary and capricious. The plaintiffs then appealed this decision.” [Justia U.S. Law, accessed [5/5/25](#)]

The United States Court Of Appeals For The Eighth Circuit Reviewed The Case And Found That The ATF Rule Was “Arbitrary” And “Capricious” Because It Lacked Clear Metrics For Determining When A Stabilizing Brace Provides Sufficient Surface Area To Shoulder A Weapon. “The United States Court of Appeals for the Eighth Circuit reviewed the case and found that the plaintiffs were likely to succeed on the merits of their arbitrary-and-capricious challenge. The court held that the ATF’s rule was arbitrary and capricious because it lacked clear metrics for determining when a stabilizing brace provides sufficient surface area to shoulder a weapon, and the multifactor test used by the ATF was internally inconsistent and inadequately explained. Additionally, the court found that the accompanying slideshows, which classified certain weapons as short-barreled rifles without explanation, further demonstrated the arbitrary nature of the rule. Consequently, the Eighth Circuit reversed the district court’s denial of the preliminary injunction and remanded the case for reconsideration consistent with its opinion.” [Justia U.S. Law, accessed [5/5/25](#)]

The Firearms Regulatory Accountability Coalition Inc., Along With 25 Other Attorney General Offices States—including Hermandorfer’s Tennessee State Attorney General Office—Supported Rolling Back The Rule On Pistol Braces.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA WESTERN DIVISION	
FIREARMS REGULATORY ACCOUNTABILITY COALITION, INC., STATES OF WEST VIRGINIA, NORTH DAKOTA, <i>et al.</i> ,	Civil Action No. 1:23-cv-24
Plaintiffs,	
v.	
MERRICK B. GARLAND, <i>et al.</i> ,	
Defendants.	

[District of North Dakota, Forearms Regulatory Accountability Coalition, Inc., et al., v. Garland, Amicus Brief, filed, [2/9/23](#)]

Hermandorfer Was The Director Of The Strategic Litigation Unit And Served As Counsel For The Tennessee Attorney General’s Office For This Case.

<i>Counsel for Plaintiff State of Oklahoma</i>	
<u>/s/ Charles D. McGuigan</u> MARTY J. JACKLEY Attorney General CHARLES D. MCGUIGAN Chief Deputy Attorney General	<u>/s/ Whitney D. Hermandorfer</u> JONATHAN SKRMETTI Attorney General and Reporter WHITNEY D. HERMANDORFER Director, Strategic Litigation Unit
South Dakota Attorney General’s Office 1302 E. Highway 4, Suite 1 Pierre, SD 57501 605-773-3215 Charles.Mcguigan@state.sd.us	Tennessee Attorney General’s Office P.O. Box 20207 Nashville, TN 37202 (615) 253-5642 Whitney.Hermandorfer@ag.tn.gov
<i>Counsel for Plaintiff State of South Dakota</i>	<i>Counsel for Plaintiff State of Tennessee</i>

In A 2-1 Decision, A Federal Appeals Court Found That Restricting Ownership Of Gun Pistol Braces Was Likely Illegal. “A federal appeals court on Friday found that a U.S. regulation restricting ownership of gun accessories known as pistol braces, which was already blocked by another court, is likely illegal. A 2-1 panel of the 8th U.S. Circuit Court of Appeals found that a challenge to the rule by 25 Republican state attorneys general and others was likely to succeed because the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) had not clearly explained what products would be covered by the rule, making it arbitrary and capricious.” [Reuters, [8/9/24](#)]

- **All Three Panel Judges Were Appointed By Republican Presidents.** “All three judges were appointed by Republican presidents.” [Reuters, [8/9/24](#)]

In Her Personal Capacity, Hermandorfer Testified Before The U.S. House Financial Services Committee About SEC Overreach As GOP-Led States Sued The SEC For Requiring Publicly Listed Companies To Disclose Climate Risks

Nearly 20 GOP-Led States Sued The SEC Over A Rule Requiring Publicly Listed Companies To Disclose Climate Risks, Claiming It Created Unnecessary Burdens. “House Republicans took a victory lap on Monday after a federal appeals court pressed pause on new rules from the Securities and Exchange Commission that would require publicly listed companies to disclose climate risks. [...] Nearly 20 GOP-led states have sued the SEC over the climate rule this month, arguing it creates unnecessary burdens for businesses and forces them to reveal information that they may need to keep confidential.” [The Hill, [3/18/24](#)]

- **The State Of West Virginia, et al. v. U.S. Securities And Exchange Commission Lawsuit Was Filed On March 6, 2024.** [Justia Dockets 7 Filings, accessed [5/6/25](#)]

March 2024: Hermandorfer Testified Before the U.S. House Financial Services Committee About “Federal Agency Overreach.” “SEC Overreach and States’ Role in Safeguarding the Separation of Powers’ [...] U.S. House Financial Services Committee March 18, 2024 Prepared Testimony of Whitney Hermandorfer [...] Thank you for the invitation to testify about the Securities and Exchange Commission’s recent climate-disclosure rule and how this unprecedented action fits within the broader pattern of federal agency overreach.” [U.S. House Financial Services Committee, Prepared Testimony of Whitney Hermandorfer, [3/18/24](#)]

- **Hermandorfer Said Her Testimony Reflected Her Personal Views, And Not The Official Position Of The Tennessee Attorney General’s Office.** “This analysis represents my personal views and does not reflect any official position on behalf of my state government employer, the Tennessee Office of the Attorney General and Reporter.” [U.S. House Financial Services Committee, Prepared Testimony of Whitney Hermandorfer, [3/18/24](#)]

Hermandorfer Said The Rule Was Not In Line With The SEC’s Historical Powers. “[SEC] Chair [Gary] Gensler and many in the media want you to believe that this is a modest compromise rule that is in line with the SEC’s historical powers — don’t be fooled,” Whitney Hermandorfer, director of strategic litigation for the Tennessee Attorney General’s office, said during her witness testimony Monday. Tennessee joined other states in suing the SEC over the final rule in the Sixth Circuit. All suits against the finalized rule will be combined and handled by another U.S. Circuit Court of Appeals, Hermandorfer said in her written testimony.” [The Hill, [3/18/24](#)]

17

February 5, 2025: Hermandorfer Spoke At A Federalist Society Event At Vanderbilt Law School.

Feb

5

2025

Wednesday

12:10 p.m.

CDT

Topics:Administrative Law & Regulation · Litigation

Sponsors:Vanderbilt Student Chapter

In-Person Event

Vanderbilt Law School
131 21st Ave S
Nashville , TN 37203

Whitney D. Hermandorfer

Matthew Rice

[Federalist Society, [2/5/25](#)]

February 3, 2024: FedSoc Shared A Video Of Hermandorfer And Ed Wenger Of Holtzman Vogel.

CONSTITUTIONAL
PELLET
LITIGATION

Whitney Hermandorfer and Ed Wenger
give advice for young lawyers and
making winning arguments.

fedsoc · Follow

Original audio

fedsoc · 64w

We caught up with Whitney Hermandorfer from the Office of the Tennessee Attorney General and Ed Wenger from Holtzman Vogel law firm at the Tenth Annual Florida Chapters Conference to get their advice for young lawyers and making winning arguments. #FedSocEvents

jaimedumosc · 51w

yell real loud, gesticulate

Reply

chaoops · 56w

Quite literally, women's deaths will rest upon your shoulders, Ms. Hermandorfer. Shame on you, shame on you.

128 likes

February 3, 2024

Add a comment...

[Instagram, fedsoc, [2/3/25](#)]

November 19, 2024: Hermandorfer Spoke At A Federalist Society Event About *Tennessee v. Cardona*.

Nov

19

2024

Tuesday

2:00 p.m.

EDT

Topics:Administrative Law & Regulation · Federalism & Separation of Powers

Sponsors:Administrative Law & Regulation Practice Group · Federalism & Separation of Powers Practice Group







Webinar

Samuel D. Adkisson

Whitney D. Hermandorfer

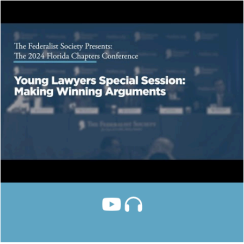



[Federalist Society, [11/19/24](#)]

February 2024-September 2024: Hermandorfer Spoke At Three Federalist Society Events.

 <p>This event has concluded.</p>	<p>Sep 13 2024</p> <p>Friday 2:45 p.m. CDT</p>	<p><i>Panel II: Strategic Litigation for Liberty</i> 2024 Tennessee Chapters Conference</p> <p>The Joseph 401 Korean Veterans Blvd Nashville, TN 37203</p> <p>Speakers: Wencong Fa · Brian T. Fitzpatrick · Whitney D. Hermandorfer · George S. Scoville · Dwight Tarwater</p> <p>more</p> <p> In-Person Event</p>
 <p>This event has concluded.</p>	<p>Jul 25 2024</p> <p>Thursday 10:00 a.m. EDT</p>	<p><i>Litigation Update: Roman Catholic Diocese of Albany v. Vullo</i></p> <p>Speakers: Whitney D. Hermandorfer · Lori Windham</p> <p>Topics: Civil Rights · Healthcare · Religious Liberty</p> <p>Sponsors: Religious Liberties Practice Group</p> <p> Webinar</p>
 <p>This event has concluded.</p>	<p>Feb 21 2024</p> <p>Wednesday 12:20 p.m. EDT</p>	<p><i>Strategic Litigation and Career Preparation: A Conversation with Whitney Hermandorfer</i> Harvard Student Chapter</p> <p>Harvard Law School 1585 Massachusetts Ave. Cambridge, MA 02138</p> <p>Speakers: Whitney D. Hermandorfer</p> <p>Topics: Litigation · Constitution</p> <p>Sponsors: Harvard Student Chapter</p> <p> In-Person Event</p>

[Federalist Society, accessed [5/2/25](#)]

October 2023-February 2024: Hermandorfer Spoke At Two Federalist Society Events.

 <p>This event has concluded.</p>	<p>Feb 3 2024</p> <p>Saturday 8:15 a.m. EDT</p>	<p><i>Young Lawyers Special Session: Making Winning Arguments</i> 2024 Florida Chapters Conference</p> <p>Caylord Palms Resort 6000 W Osceola Pkwy Kissimmee, FL 34746</p> <p>Speakers: Whitney D. Hermandorfer · Robert E. Long · Jay Mitchell · Kathryn Kimball Mizelle · Edward Mark Wenger</p> <p>more</p> <p> In-Person Event</p>
 <p>This event has concluded.</p>	<p>Oct 13 2023</p> <p>Friday 11:00 a.m. EDT</p>	<p><i>Panel One: The Role of State Solicitors General</i> 2023 Kentucky Chapters Conference</p> <p>The Kentucky Castle 230 Pisgah Pike Versailles, KY 40383</p> <p>Speakers: Benjamin M. Flowers · Whitney D. Hermandorfer · Matthew Kuhn · Eric E. Murphy</p> <p>more</p> <p>Sponsors: Central Kentucky Lawyers Chapter · Northern Kentucky Lawyers Chapter</p> <p> In-Person Event</p>

[Federalist Society, accessed [5/2/25](#)]

###