

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Whitney Downs Hermandorfer
Whitney Dianne Downs

2. **Position:** State the position for which you have been nominated.

United States Court of Appeals Judge for the Sixth Circuit

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office of the Tennessee Attorney General & Reporter
P.O. Box 20207
Nashville, TN 37202-0207

4. **Birthplace:** State year and place of birth.

1987; Clearwater, Florida

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2012 – 2015, The George Washington University School of Law; Juris Doctor (*with highest honors; valedictorian award*), 2015

2005 – 2009, Princeton University; Bachelor of Arts (*magna cum laude*), 2009

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2023 – present
State of Tennessee, Office of the Attorney General & Reporter
P.O. Box 20207

Nashville, TN 37202-0207
Director, Strategic Litigation Unit (2023 – present)
Assistant Solicitor General (2023 – 2024)

2023
The George Washington University Law School
2000 H Street NW
Washington, DC 20052
Adjunct Professor

2021 – 2023
Williams and Connolly LLP
680 Maine Avenue SW
Washington, DC 20024
Associate

2020 – 2021
The Hon. Amy Coney Barrett
Supreme Court of the United States
One First Street NE
Washington, DC 20543
Law Clerk

2019 – 2020
Williams and Connolly LLP
725 Twelfth Street NW
Washington, DC 20001
Associate

2018 – 2019
The Hon. Samuel A. Alito, Jr.
Supreme Court of the United States
One First Street NE
Washington, DC 20543
Law Clerk

2017 – 2018
The Hon. Richard J. Leon
United States District Court for the District of Columbia
Elijah Barrett Prettyman U.S. Courthouse
333 Constitution Avenue NW
Washington, DC 20001
Law Clerk

2016 – 2017

The Hon. Brett M. Kavanaugh
United States Court of Appeals for the District of Columbia Circuit
Elijah Barrett Prettyman U.S. Courthouse
333 Constitution Avenue NW
Washington, DC 20001
Law Clerk

2015 – 2016

Williams and Connolly LLP
725 Twelfth Street NW
Washington, DC 20001
Law Clerk (2015); Associate (2015 – 2016)

2015

The George Washington University Law School
2000 H Street NW
Washington, DC 20054
Part-time Research Assistant

2014

Williams and Connolly LLP
725 Twelfth Street NW
Washington, DC 20001
Summer Associate

2013

The United States Attorney's Office for the Eastern District of Virginia
Justin W. Williams United States Attorney's Building
2100 Jamieson Ave
Alexandria, VA 22314
Volunteer Legal Intern (unpaid)

2010 – 2012

The American Enterprise Institute for Public Policy Research
1789 Massachusetts Avenue NW
Washington, DC 20036
[formerly 1150 17th Street NW, Washington, DC 20036]
Research Assistant

2009 – 2010

Stillman, Friedman and Shechtman, P.C.
[now Ballard Spahr Stillman & Friedman]
425 Park Avenue, 26th Floor
New York, NY 10022
Legal Assistant

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the United States military. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

The Legal 500, Rising Star for Appellate Litigation, 2023

The Best Lawyers in America, Ones to Watch for Appellate Practice (2022 – 2023),
Administrative/Regulatory Law (2023)

Capital Pro Bono Honor Roll, High Honors (100+ hours) member (2022)

Capital Pro Bono Honor Roll, Honors (50+ hours) member (2021)

American Academy of Achievement Summit, Delegate (2019)

The George Washington University School of Law

John Bell Larnier (valedictorian) Award for the member of the graduating J.D. class who attained the highest cumulative average for the entire course of the degree (2015)

Charles Glover Award for the member of the graduating J.D. class who attained the highest cumulative average in the third year of study (2015)

John Ordronaux Award for the member of the graduating J.D. class who attained the highest cumulative average in the second year of study (2015)

With highest honors designation, J.D. (2015)

Order of the Coif (2015)

George Washington Law Review, Editor-in-Chief (2014 – 2015)

Government Contracts Moot Court Competition, Written Brief Award (2014)

Princeton University

Magna cum laude designation, B.A. (2009)

Co-recipient of Herbert W. Hobler '44 Women's Basketball Award for "player who through her positive attitude, sportsmanship and consistent effort to improve her skills, contributes most to the team" (2009)

Academic All-Ivy Women's Basketball Team (2008 – 2009)

Co-captain, Princeton Women's Varsity Basketball Team (2008 – 2009)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Tennessee Bar Association, 2023 – present

District of Columbia Bar, 2020 – present

Virginia Bar Association, 2015 – 2016

American Bar Association, law student member, 2014 – 2015

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Virginia, 2015

District of Columbia, 2020

Tennessee, 2023

There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 2021

U.S. Court of Appeals for the First Circuit, 2024

U.S. Court of Appeals for the Third Circuit, 2021

U.S. Court of Appeals for the Fifth Circuit, 2022

U.S. Court of Appeals for the Sixth Circuit, 2020

U.S. Court of Appeals for the Seventh Circuit, 2020

U.S. Court of Appeals for the Eighth Circuit, 2021

U.S. Court of Appeals for the Ninth Circuit, 2019

U.S. Court of Appeals for the Tenth Circuit, 2023

U.S. Court of Appeals for the District of Columbia Circuit, 2020

U.S. District Court for the Middle District of Tennessee, 2023

U.S. District Court for the Eastern District of Tennessee, 2023

U.S. District Court for the Western District of Tennessee, 2024

U.S. District Court for the District of Columbia, 2020

U.S. District Court for the District of North Dakota, 2023

U.S. District Court for the Eastern District of Texas, 2024

Membership in the U.S. District Court for the District of Columbia lasts for three years. I did not renew in 2023 because I had relocated to Tennessee and no longer practiced before that court. My membership was “provisional” from the period between 2023 and February 2025, at which time I renewed my membership to active status. There have been no other lapses in membership of which I am aware.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Teneo Network (2025 – present)

The Harpeth Hall School, Athletic Hall of Fame Selection Committee (2024 – present)

Seven Hills Swim and Tennis Club (2024 – present)

Nashville Zoo at Grassmere (2023 – present)

Brentwood Swim and Tennis Club at Wildwood (2023 – present)

Cheekwood Estate and Gardens (2023 – 2024)

River Park Nursery School (2022 – 2023)

Co-op Management Board, vice president

Federalist Society for Law and Public Policy Studies (2011 – 2014, 2016 – present)

Member, Executive Committee for the Administrative Law & Regulation Practice Group (2024 – present)

Member (2016 – present)

Student member (2011 – 2014)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

As a senior advisor to Tennessee Attorney General & Reporter Jonathan Skrmetti, I drafted and edited numerous published materials. All of those materials, however, were published under General Skrmetti's name and he maintained ultimate editorial discretion and control over the content of all publications.

As editor-in-chief of the *George Washington Law Review* I performed typographical, minor style, and bluebook editing of dozens of law review articles published in Volumes 82 and 83 of the *Law Review*. The authors of those materials, as well as the assigned articles editors, were responsible for their substantive contents.

Otherwise, to the best of my recollection after conducting a thorough search, I wrote or substantively edited the following published works:

Alumni Newsletter, The George Washington Law Review, Vol. 83, 2015. Copy supplied.

Blown Coverage: Tackling the Law's Failure to Protect Athlete-Whistleblowers, 14 Va. Sports & Ent. L.J. 250 (2015). Copy supplied.

Frederick M. Hess, *Cage-Busting Leadership*, Harvard Education Press, Feb. 1, 2013. Copy supplied.

With Frederick Hess, *Combating the "Culture of Can't"*, Education Next, Jan. 23, 2013. Copy supplied.

With Frederick Hess, *No Citizen Left Behind: Closing America's Civic Empowerment Gap*, AEI, May 14, 2012. Copy supplied.

With Frederick M. Hess, *The Culture of 'Can't' in American Schools*, The Atlantic, Apr. 12, 2012. Copy supplied.

With Frederick J. Hess, *Business Should Step Up on Schooling*, AEIdeas, Oct. 5, 2011. Copy supplied.

Mich. Legislature Caps Employee Benefits; 'Fiscal Terrorism' Accusations Fly, Heartland Institute, Aug. 31, 2011. Copy supplied.

A Closer Look at 'Conservative Cannibalism and Fiscal Terrorism' in Michigan, AEIdeas, Aug. 29, 2011. Copy supplied.

NY Court Does Its Job by Allowing Public Use of Teacher Data, The Daily Caller, Aug. 29, 2011. Copy supplied.

Why Arguments Against Business Involvement in Education Don't Add Up, Education Next, Aug. 23, 2011. Copy supplied.

With Frederick M. Hess, *The Atlanta Cheating Scandal's Tough Lessons for Business Leaders*, AEIdeas, Aug. 17, 2011. Copy supplied.

How Business Can Improve Education, National Review, July 25, 2011. Copy supplied.

Duncan's Dilemma, AEIdeas, July 20, 2011. Copy supplied.

With Frederick M. Hess, *The Business of Education*, National Review, June 14, 2011. Copy supplied.

With Frederick M. Hess, *Partnership Is a Two-Way Street: What It Takes for Business to Help Drive School Reform*, U.S. Chamber of Commerce, Institute for a Competitive Workforce, June 2011. Copy Supplied.

Private Enterprise in American Education, AEIdeas, Apr. 28, 2011. Copy Supplied.

With Frederick M. Hess, *K-12 Budget Picture: Lean Years Ahead*, AEI Report, Nov. 4, 2010. Copy supplied.

Elections and Education Funding, AEIdeas, Nov. 4, 2010. Copy supplied.

First Homestand Proves a Sweeping Success, Daily Princetonian, Nov. 3, 2008. Copy supplied.

League Favorites Square Off Tonight, Daily Princetonian, Oct. 17, 2008. Copy supplied.

Lions, Big Red Next for Princeton, Daily Princetonian, Oct. 10, 2008. Copy supplied.

Non-Ivy Wins Send Message to League, Daily Princetonian, Sept. 30, 2008. Copy supplied.

Hot Hitting Spikes Colgate Off Court in Victory, Daily Princetonian, Sept. 22, 2008. Copy supplied.

Tigers Take New York by Storm, Daily Princetonian, Sept. 15, 2008. Copy supplied.

Cornell Too Strong in Heps Win, Daily Princetonian, May 12, 2008. Copy supplied.

Runners Peaking with Heps Approaching, Daily Princetonian, Apr. 28, 2008. Copy supplied.

Tinney Notches Personal Best in 5,000m, Daily Princetonian, Apr. 21, 2008. Copy supplied.

Field Athletes Take Starring Role in Women's Win, Daily Princetonian, Apr. 14, 2008. Copy supplied.

Schechter's Plus One Highlight of Weekend, Daily Princetonian, Apr. 7, 2008. Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To the best of my recollection:

Letter to Sens. Thune, Grassley, Schumer, and Durbin (with female members of state Attorneys General Offices), Jan. 16, 2025. Copy supplied.

Testimony: Field Hearing Before the House Committee on Financial Services, Subcommittee on Oversight and Investigations, Mar. 18, 2024. Copy of written testimony supplied. A full recording of my testimony is available at <https://www.congress.gov/event/118th-congress/house-event/116965>.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The public speaking engagements I can recall, after conducting a thorough search, are as follows:

March 6, 2025: Speaker, Law and Career Panel, Vanderbilt University Law School,

Federalist Society Student Chapter, Nashville, Tennessee. I participated in an informal discussion and question-and-answer session as part of a panel with law students regarding my path to becoming an attorney. I have no notes, transcript, or recording. The address of Vanderbilt University Law School is 131 21st Ave S, Nashville, TN 37203.

February 5, 2025: Speaker, "Litigating in a State Attorneys General's Office," Vanderbilt University Law School, Federalist Society Student Chapter, Nashville, Tennessee. I participated in an informal discussion and question-and-answer session with law students regarding the work of the Tennessee Attorney General's Office. I have no notes, transcript, or recording, but have provided an announcement for the event as posted on the Federalist Society's website. The address of Vanderbilt University Law School is 131 21st Ave S, Nashville, TN 37203.

December 13, 2024: Speaker, "Government Practice Institute Supreme Court Update CLE," Nashville Bar Association, Nashville, Tennessee. I presented on a CLE panel that provided an overview of selected recent and upcoming decisions of the U.S. Supreme Court to practicing government lawyers. The address of the presentation was 312 Rosa L Parks Ave, Nashville, TN 37203. Video and PowerPoint supplied.

November 25, 2024: Speaker, "Litigation Update: State of Tennessee v. Cardona," Federalist Society, Online Forum. A full video recording of this event is available at <https://www.youtube.com/watch?v=Z1iIDC8fDiA>.

October 24, 2024: Speaker, "State Impact Litigation Offices: Who Has Them and How Can We Amplify Their Efforts? Fall Legal Strategy Forum," Heritage Foundation, Washington, DC. I participated in a panel discussing the Tennessee Strategic Litigation Unit's work. I have no notes, transcript, or recording. The address of the event was The Heritage Foundation, 214 Massachusetts Avenue NE, Washington, DC 20002.

September 13, 2024: Speaker, "Strategic Litigation for Liberty," Federalist Society Tennessee Chapter, Nashville, Tennessee. I participated in a panel discussing the Tennessee Strategic Litigation Unit's work for members of the Federalist Society's Tennessee chapter. I have provided my preparation notes and enclosed an announcement of the event, which was posted on the Federalist Society website. The address of the event was 401 Korean Veterans Blvd., Nashville, TN 37203.

July 25, 2024: Moderator, "Litigation Update: Roman Catholic Diocese of Albany v. Vullo," Federalist Society, Online Forum. A full video recording of this event is available at <https://www.youtube.com/watch?v=RIITGHfZwwA>.

June 27, 2024: Speaker, Senior Staff Panel Regarding State Litigation Efforts, Republican Attorneys General Association Summer Meeting, White Sulphur Springs, West Virginia. I participated in a panel discussing the Tennessee Strategic Litigation Unit's work, including an update regarding active litigation matters. I have no notes, transcript, or recording. The address of the event was 101 W Main Street, White Sulphur Springs, West Virginia, 24986.

February 21, 2024: Speaker, "Strategic Litigation and Career Preparation: A Conversation with Whitney Hermandorfer," Harvard Law Federalist Society Student Chapter, Cambridge, Massachusetts. I participated in an informal discussion and question-and-answer session with law students regarding the work of the Tennessee Attorney General's Office. I have no notes, transcript, or recording. I have enclosed an announcement of the event, which was posted on the Harvard Law School website. The address of Harvard Law School is 1585 Massachusetts Ave, Cambridge, MA 02138.

February 3, 2024: Speaker, "Young Lawyers Special Session: Making Winning Arguments," Federalist Society Florida Chapters Conference, Kissimmee, Florida. I participated in a panel discussing strategies for legal argumentation geared towards young lawyers. A full video recording of this event is available at <https://www.youtube.com/watch?v=kNgf0lsumes>.

January 30, 2024: Speaker, "State Attorneys General's Offices," Vanderbilt University Law School, Federalist Society Student Chapter, Nashville, Tennessee. I participated in an informal discussion and question-and-answer session with law students regarding the work of the Tennessee Attorney General's Office. I have no notes, transcript, or recording. The address of Vanderbilt University Law School is 131 21st Ave S, Nashville, TN 37203.

October 25, 2023: Speaker, Lipscomb University Pre-Law Class Meeting, Nashville, Tennessee. I presented information regarding the work of the Tennessee Attorney General's Strategic Litigation Unit to a group of pre-law students from Lipscomb University. I have no notes, transcript, or recording. The address of the event was 500 Charlotte Ave, Nashville, TN 37219.

October 13, 2023: Speaker, "Panel One: The Role of State Solicitors General, Federalist Society Kentucky Chapters Conference," Versailles, Kentucky. I participated in a panel discussing the work of the Tennessee Attorney General's Strategic Litigation Unit and Solicitor General's Office. I have no notes, transcript, or recording, but have enclosed an announcement of the event, which was posted on the Federalist Society website. The address of the event was 230 Pisgah Pike, Versailles, KY 40383.

October 12, 2023: Speaker, "State-Led Suits as Separation of Powers Safeguards," Federalist Society Nashville Lawyers Chapter, Nashville, Tennessee. I presented information regarding the work of the Tennessee Attorney General's Strategic Litigation Unit to a group of members of the Nashville Chapter of the Federalist Society. I have no notes, transcript, or recording. I have enclosed an announcement of the event, which was circulated to the Federalist Society's Nashville membership. The address of the event was 1600 Division St # 700 Nashville, TN 37203.

September 29, 2023: Speaker, "Justice in the Supreme Court," Constituting America, Online Conversation, Nashville, Tennessee. A full video recording of this event is available at <https://www.youtube.com/watch?v=G9E3rdYBgks>.

July 2021: Speaker, Supreme Court Term Review (taught by Professor Jennifer Mascott and the Hon. Brett M. Kavanaugh). I have no notes, transcript, or recording. The address of the event was The Antonin Scalia Law School, 3301 Fairfax Dr, Arlington, VA 22201.

Nov. 3, 2022: Speaker, Supreme Court Seminar (taught by Professor Thomas Colby). I have no notes, transcript, or recording. The address of the event was The George Washington University School of Law, 2000 H St NW, Washington, DC 20052.

October 4, 2019: Speaker, "Clerks at 100 Symposium Panel," The National Constitution Center and GW Law Review, Washington, DC. I participated in a panel discussing clerkship experiences and providing advice for law students interested in clerking. I have no notes, transcript, or recording. I have enclosed an announcement of the event, which was posted on the *George Washington Law Review* website. The address of the event was 2000 H St NW, Washington, DC 20052.

October 28, 2013: Speaker, Job Search Panel for 1L Students, George Washington University Law School, Washington, DC. I participated in a panel regarding strategies for securing a summer job in law school. I have enclosed preparation questions from the event. The address of the event was 2000 H St NW, Washington, DC 20052.

July 2018 – July 2019; October 2020 – July 2021: In my capacity as a law clerk at the U.S. Supreme Court, I regularly gave tours of the Supreme Court to various groups of people. I also recall on one occasion speaking with a high school class to provide general background about the Supreme Court and the role of law clerks; I do not recall the exact date of that event, but believe it may have been in the spring of 2019. I have no notes, transcript, or recording.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

TNAG Recruitment Video - 2024, Office of the Tennessee Attorney General, Oct. 7, 2024. I provided an interview for use in a recruiting video to recruit attorneys to the Attorney General's Office. A recording of a portion of the interview is available at <https://youtu.be/NcxupETrLy4>.

Interview, Federalist Society Florida Chapters Conference, Federalist Society, Feb. 3, 2024. I provided a brief digital-media interview recapping points from our panel. A full video recording of the interview is available at <https://www.instagram.com/fedsoc/reel/C249KUFudCL/?hl=bg>.

GW Law School, *Law Briefs*, *GW Law Grads Land Coveted Supreme Court Clerkships*, *GW Magazine*, Winter 2022. Copy enclosed.

Menachem Wecker, *GW Law Graduates Fill Supreme Court Clerkships at a High Rate*, GW Today (Sept. 23, 2021), <https://gwtoday.gwu.edu/gw-law-graduates-fill-supreme-court-clerkships-high-rate>. Copy enclosed.

The Harpeth Hall School, *Alumnae Profiles*, HH Focus Magazine, Fall 2018. Copy enclosed.

Alumna Whitney Hermandorfer, JD'15, to Begin U.S. Supreme Court Clerkship, GW Law School (July 18, 2018), <https://www.law.gwu.edu/alumna-whitney-hermandorfer-jd-15-begin-us-supreme-court-clerkship>. Copy enclosed.

Joy Pullmann, *Business and Education: Where the Two Sectors Meet, and Sometimes Collide*, School Reform News, Aug. 31, 2011. I do not have a copy or clips of the interview.

How Business Can Transform—Not Just Subsidize—Education Reform, AEI, June 8, 2011. I do not have a copy or clips of the interview.

Ilya Sabnani, *Ivy League's Top Two Teams Prove Mettle*, The Daily Princetonian, Feb. 23, 2009. Copy enclosed.

Ilya Sabnani, *Downs Leads Perfect Road Trip*, The Daily Princetonian, Feb. 10, 2009. Copy enclosed.

Bill Alden, *With Downs Providing Offensive Surge, Tiger Women's Hoops Showing Growth*, Princeton Town Topics, Dec. 17, 2008. Copy enclosed.

Walker Leads No. 3 Cal Past Princeton, 75-53, The Associated Press, Dec. 7, 2008. Copy enclosed.

Zach Kwartler, *Pretty in Pink and Pumped for Crimson, Green*, The Daily Princetonian, Feb. 22, 2008. Copy enclosed.

K.D. Wade, *No. 12 Cal Pulls Away from Princeton Women's Basketball in Second Half*, The Daily Princetonian, Dec. 10, 2007. Copy enclosed.

Zach Kwartler, *Princeton Women's Hoops Takes on St. Francis in Brooklyn, Hosts Duquesne*, The Daily Princetonian, Nov. 29, 2007. Copy enclosed.

K.C. Wade, *Cowher's 18 Points Power Princeton Women's Basketball's First Win*, The Daily Princetonian, Nov. 21, 2007. Copy enclosed.

Zach Kwartler, *Maryland Too Tough for Princeton Women's Basketball*, The Daily Princetonian, Nov. 12, 2007. Copy enclosed.

Zach Kwartler, *Maryland a Tall Order in Opener*, The Daily Princetonian, Nov. 12, 2007. Copy enclosed.

Bill Alden, *Downs Relishing Her New Role as a Starter; Aims to Help PU Women's Hoops Get in Sync*, Princeton Town Topics, Dec. 20, 2006. Copy enclosed.

Jeff Bernstein, *Turnovers, Miscues Plague Tigers*, The Daily Princetonian, Dec. 4, 2006. Copy enclosed.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: _____%

bench trials: _____%

ii. Of these cases, approximately what percent were:

civil proceedings: _____%

criminal proceedings: _____%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your

decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never been a candidate for or held an elected or appointed public office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held a position or played a role in a political party or election committee, nor in any political campaign.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to a judge on four separate occasions:

From 2016 to 2017, I served as a law clerk to the Honorable Brett M. Kavanaugh, U.S. Court of Appeals for the D.C. Circuit.

From 2017 to 2018, I served as a law clerk to the Honorable Richard J. Leon, U.S. District Court for the District of Columbia.

From 2018 to 2019, I served as a law clerk to the Honorable Samuel A. Alito, Jr., Supreme Court of the United States.

From 2020 to 2021, I served as a law clerk to the Honorable Amy Coney Barrett, Supreme Court of the United States.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2015 – 2016; 2019 – 2020; 2021 – 2023

Williams & Connolly LLP

680 Maine Avenue SW

Washington, DC 20024

[formerly 725 Twelfth Street NW, Washington, DC 20001].

Associate (2015 – 2016; 2019 – 2020; 2021 – 2023)

Law clerk (2015)

September 2023 – present
Office of the Tennessee Attorney General & Reporter
P.O. Box 20207
Nashville, TN 37202
Director, Strategic Litigation Unit (2023 – present)
Assistant Solicitor General (2023 – 2024)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

At various points—from 2015 to 2016, and 2019 to 2020, and 2021 to 2023—I worked as a law clerk and then as an associate at Williams & Connolly LLP. My work principally consisted of appellate litigation, which involved briefing and arguing appeals at various levels of the state and federal appellate court systems, as well as regulatory and administrative-law practice, which involved assisting clients with composing regulatory filings at the notice-and-comment phase of rulemaking proceedings and litigating challenges to various administrative-agency actions (like rules and orders). I also engaged in “issues” work, which consisted of law-driven aspects of trial-court practice such as briefing and legal composition of dispositive motions, drafting proposed jury instructions, and ensuring adequate development and preservation of potential appellate issues. During these times, the general character of my practice did not change, but I acquired increasing responsibility over time and increasingly focused on appellate and administrative litigation implicating issues of constitutional, statutory, and procedural law as the central basis of my practice.

Since fall of 2023, I have served as the Director of the Strategic Litigation Unit in the Office of Tennessee Attorney General and Reporter Jonathan Skrmetti. In that capacity, I am responsible for leading a team of approximately seven attorneys whose role in the Office is to protect the interests of Tennessee, its citizens, and the State’s duly enacted policies by initiating affirmative litigation against the federal government and corporate actors. I also work closely with the Office of the Solicitor General of Tennessee to coordinate and provide trial- and appellate-level litigation defense to the State in complex constitutional and statutory challenges to state laws and policies. Overall, counting both plaintiff- and defensive-side matters, I manage our Office’s involvement in approximately

40-50 active cases and many more *amicus* representations. Finally, I am responsible for providing legal and strategic advice to the Attorney General, other members of his senior staff, and attorneys leading various divisions within the office, as well as for representing our Office in interfacing with other Attorneys General offices.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My practice has included a wide range of legal issues and clients. In private practice, I engaged in significant work in administrative law, appellate law, constitutional law, commercial disputes, criminal law, and consumer protection and False Claims Act cases. My clients included various companies, trade associations, and individuals. I also engaged in personal representation of several individuals, including in administrative-law enforcement actions, commercial disputes, and federal criminal cases. I represented these and other clients principally in federal district courts and federal and state appellate courts, as well as before federal administrative agencies.

At the Office of the Tennessee Attorney General and Reporter, my clients include the State of Tennessee as well as state officials, including the Governor, the Attorney General, and leaders of the General Assembly, and various state agencies and entities. In this role, I have principally specialized in pursuing affirmative litigation challenging federal agency actions under the Administrative Procedure Act, federal statutes, and the U.S. Constitution. In many of these representations, our attorneys lead lawsuits in federal court on behalf of large coalitions of States from around the country. In addition, I represent the State, state officials, and state agencies in several complex statutory and constitutional challenges to state laws at both the trial and appellate level.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

In private practice at Williams & Connolly LLP, my practice consisted almost entirely of litigation work. I appeared in court occasionally to argue appeals.

In the Office of the Tennessee Attorney General and Reporter, where I began in 2023, I spend the great majority of my time handling or supervising litigation. Although many of my cases are resolved on the basis of written legal briefs, I appear in court regularly to argue appeals and trial-level motions.

- i. Indicate the percentage of your practice in:

- | | | |
|----|-------------------------|-----|
| 1. | federal courts: | 80% |
| 2. | state courts of record: | 15% |

3. other courts: 0%
4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 90%
2. criminal proceedings: 10%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As primarily an appellate and administrative-law attorney, I have not served as sole or chief counsel in any case tried to verdict or judgment. In private practice, I was involved in cases tried to verdict as a legal strategist responsible for briefing or reviewing important motions, composing jury instructions, and/or ensuring development and preservation of potential appellate arguments.

i. What percentage of these trials were:

1. jury: _____%
2. non-jury: _____%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have served as lead counsel of record for either a party or *amicus curiae* in the following cases in the Supreme Court:

Trump v. Wilcox, Bessent v. Harris; U.S. No. 24A966. Brief supplied.
Trump v. CASA, Inc., Trump v. Washington, Trump v. New Jersey; U.S. Nos. 24A884, 24A885, 24A886. Brief supplied.
Cardona v. Tennessee, U.S. No. 24A79, 603 U.S. 866 (2024). Brief supplied.
Starbucks Corp. v. McKinney, U.S. No. 23-367, 602 U.S. 339 (2024). Brief supplied.

I have been listed as counsel for either a party or *amicus curiae* in the following merits cases:

A.J.T. ex rel. A.T. & G.T. v. Osseo Area Schools, U.S. No. 24-249 (argued Apr. 28, 2025). Brief supplied.
United States v. Skrmetti, U.S. No. 23-477 (argued Dec. 4, 2024). Brief supplied.
West Virginia v. EPA, U.S. No. 24A95. Briefs supplied.
North Dakota v. EPA, U.S. No. 24A180. Briefs supplied.

Although not listed on the briefs or docket, I also assisted in the preparation of briefs in

the following cases:

Royal Canin U.S.A., Inc. v. Wullschleger, U.S. No. 23-677, 604 U.S. 22 (2025). Brief supplied.

Williams v. Washington, U.S. No. 23-191, 145 S. Ct. 465 (2025). Brief supplied.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Tennessee v. Cardona*, 2:24-cv-072 (Eastern District of Kentucky, Chief Judge Danny C. Reeves; judgment entered Jan. 9, 2025) (representation 2023 – present). Case citations: *Tennessee v. Cardona*, 737 F. Supp. 3d 510 (E.D. Ky. 2024) (preliminary-injunction opinion); *Tennessee v. Cardona*, No. 24-5588, 2024 WL 345880 (6th Cir. July 17, 2024) (Sutton, CJ., and Batchelder and Mathis, JJ.) (denying stay of injunction); *Dep't of Educ. v. Louisiana*, 603 U.S. 866 (2024) (affirming denial of stay of injunction); *Tennessee v. Cardona*, No. 2:24-cv-72, 2025 WL 63795 (E.D. Ky. Jan. 9, 2025) (vacating rule).

I serve as lead counsel for Tennessee leading a six-State coalition (Tennessee, Kentucky, Ohio, Indiana, West Virginia, and Virginia) in an action challenging the legality of the U.S. Department of Education's 2024 Title IX Final Rule entitled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 89 Fed. Reg. 33,474 (Apr. 29, 2024). Among other things, the Final Rule interpreted Title IX's prohibition on "sex" discrimination to impose a variety of new obligations on all federally funded schools to accommodate persons' "gender identity," including in restrooms, locker rooms, and other sex-separated facilities and programs. *Id.* at 33,477. My role involved drafting and editing various district-court and appellate filings as well as guiding strategy regarding the legal claims and factual evidence to submit in support of our suit. I presented oral argument on the merits of the preliminary-injunction motion in a hearing before the district court; at that hearing, I also assisted in the presentation of testimony from three factual witnesses and defense of their cross-examination by attorneys from the U.S. Department of Justice. I likewise presented oral argument defending the district court's decision to grant a preliminary injunction of the Final Rule before a panel of judges in the U.S. Court of Appeals for the Sixth Circuit (Griffin, Mathis, Siler, JJ.). Finally, I led briefing and served as lead counsel in

emergency Sixth Circuit and U.S. Supreme Court proceedings in which the U.S. Department of Justice sought and was denied a stay of the district court's injunction. Ultimately, in January 2025, the district court issued an opinion and final judgment granting the States' summary-judgment motion and vacating the 2024 Title IX Final Rule. The case remains ongoing.

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2. *United States v. Skrametti*, U.S. No. 23-477 (argued Dec. 4, 2024) (representation 2024 – present).

I serve as counsel for Tennessee in its defense of a law entitled SB1 before the U.S. Supreme Court. SB1 prohibits the provision of certain gender-transition interventions—

namely, hormonal therapy and surgeries—to minors below the age of 18. A group of private plaintiffs challenged the constitutionality of the law; the U.S. Department of Justice then intervened in the suit to press its own constitutional challenge. The U.S. Court of Appeals for the Sixth Circuit upheld the constitutionality of SB1 in an opinion issued in September 2023; thereafter, the private plaintiffs and the United States petitioned the U.S. Supreme Court for certiorari. I became involved in the case at that point and assisted with review and editing of our Brief in Opposition to the petitions for certiorari. After the Supreme Court granted the United States’s petition for certiorari, I served as a co-lead drafter of our response merits brief and was substantially involved with legal and amicus strategy and oral-argument preparation. I served as a second-chair attorney at the oral argument at the U.S. Supreme Court, which was presented by Tennessee Solicitor General J. Matthew Rice in December 2024. The case remains pending decision.

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3. *Free Speech Coalition v. Skrmetti*, No. 2:24-cv-2933 (Western District of Tennessee, Chief Judge Sheryl H. Lipman); No. 24-6158 (6th Cir.) (representation 2024 – present). Case citations: *Free Speech Coalition v. Skrmetti*, ___ F. Supp. 3d ___, 2024 WL 5248104 (W.D. Tenn. Dec. 30, 2024) (granting preliminary injunction), *stayed by* 2025 WL 512049 (6th Cir. Jan. 13, 2025) (McKeague, Griffin, Nalbandian, JJ.).

In this case, I serve as counsel for Attorney General Skrmetti in defense of a Tennessee law that imposes age-verification requirements on certain websites featuring pornographic content that is harmful to minors. My role involved drafting and editing various district-court and appellate filings and guiding strategy regarding the legal claims and factual evidence to submit in defense against the preliminary-injunction motion. Among other activities, I co-led the drafting of a motion requesting that the U.S. Court of Appeals for the Sixth Circuit stay the district court's preliminary injunction of the challenged age-verification law. A panel of the Sixth Circuit granted that stay motion, meaning that Tennessee's law is now in effect pending the U.S. Supreme Court's disposition of a similar case entitled *Free Speech Coalition, Inc. v. Paxton*, U.S. No. 23-1122 (argued Jan. 15, 2025). The case remains ongoing.

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4. *Tennessee v. Becerra*, 1:24-cv-161 (Southern District of Mississippi, Judge Louis Guirola, Jr.) (representation 2024 – present). Case citation: *Tennessee v. Becerra*, 739 F. Supp. 3d 467 (S.D. Miss. 2024) (granting preliminary injunction).

I serve as counsel for Tennessee leading a fifteen-State coalition (Tennessee, Mississippi, Alabama, Georgia, Indiana, Kansas, Kentucky, Louisiana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, and West Virginia) in an action challenging the legality of a 2024 U.S. Department of Health and Human Services (HHS) Final Rule entitled *Nondiscrimination in Health Programs and Activities*, 89 Fed. Reg. 37,522 (May 6, 2024). Among other things, the Final Rule imposed a variety of new obligations on all federally funded healthcare entities and programs to accommodate persons’ “gender identity” and other “sex characteristics,” including by performing and funding certain gender-transition procedures. *Id.* at 37,549. My role involved drafting and editing various district-court filings as well as guiding strategy regarding the legal claims and factual evidence to submit in support of our suit. The district court granted the States’ motion for preliminary relief against the 2024 Final Rule, concluding that it likely exceeded HHS’s statutory authority. The U.S. Department of Justice appealed that decision to the U.S. Court of Appeals for the Fifth Circuit; later, that appeal was dismissed. The district-court proceedings remain ongoing.

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5. *Tennessee v. EEOC*, 2:24-cv-84 (Eastern District of Arkansas, Judge D.P. Marshall, Jr.) (representation 2023 – present). Case citations: *Tennessee v. EEOC*, 737 F. Supp. 3d 685 (E.D. Ark. 2024), *rev'd by* 129 F.4th 452 (8th Cir. 2025) (Colloton, CJ., Loken, Kobes, JJ.).

I serve as counsel for Tennessee leading a seventeen-State coalition (Tennessee, Arkansas, Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, Utah, West Virginia, and South Dakota) in an action challenging the legality of abortion-accommodation-related portions of an Equal Employment Opportunity Commission (EEOC) Final Rule entitled *Implementation of the Pregnant Workers Fairness Act*, 89 Fed. Reg. 29,096 (Apr. 19, 2024). My role involved drafting and editing a multistate comment opposing the EEOC's proposed rule, drafting various district-court and appellate filings, and guiding strategy regarding the legal claims and factual evidence to submit in support of our suit. After our suit was dismissed for

lack of standing by the district court, I presented oral argument urging reversal and reinstatement of the suit before a panel of judges in the U.S. Court of Appeals for the Eighth Circuit. We succeeded in our appeal, as the Eighth Circuit issued a unanimous opinion holding that the States have standing and remanding our challenge to the district court. The case remains ongoing.

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6. *Tennessee v. Becerra*, No. 3:23-cv-384 (Eastern District of Tennessee, Chief Judge Travis M. McDonough) (representation 2023 – present). Case citations: *Tennessee v. U.S. Dep't of Health & Hum. Svcs.*, 720 F. Supp. 3d 564 (E.D. Tenn. 2024); *Tennessee v. Becerra*, 117 F.4th 348 (6th Cir. 2024) (Gibbons, Kethledge, Davis, JJ.), *amended and superseded by* 131 F.4th 350 (6th Cir. 2025).

In this case, I serve as lead counsel for Tennessee in its challenge to the 2023 decision of the U.S. Department of Health and Human Services to defund Tennessee's longstanding program under Title X of the Public Health Services Act. The basis for the decision to rescind Tennessee's grant was Tennessee's refusal to use its state-employed Title X health workers to provide counseling and referrals for elective abortions that are now prohibited by state law. My role involved drafting and editing various trial-level and appellate filings as well as presenting argument in support of preliminary relief before the U.S. Court of Appeals for the Sixth Circuit. In a decision over the dissenting opinion of Judge Kethledge, the Sixth Circuit affirmed the denial of the State's preliminary injunction. Tennessee then petitioned for rehearing en banc and the Sixth Circuit called for a response; the panel then amended its opinion. The Court provided Tennessee with an opportunity to file a supplemental memorandum of law supporting en banc review and further ordered HHS to respond. Tennessee's en banc petition and the case remain pending.

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7. *Blackmon v. State of Tennessee*, 23-1196-I (Davidson Cnty. Chancery Ct., Chancellor Moskal, Judge Donaghy, Chancellor Culbreath) (representation 2023 – present).

I serve as counsel for Tennessee and various state officials in defense against a state constitutional challenge to Tennessee Code Ann. §39-15-213, which generally prohibits

abortion unless performed to address enumerated maternal-health issues. Plaintiffs are a group of women, two doctors, and a medical organization who contend that the scope of the statutory exception for permitted abortions is invalid under various provisions of the Tennessee Constitution. My role involved drafting and editing various trial-level filings as well as guiding strategy regarding the legal claims and factual and expert evidence to submit in support of our position. I presented oral argument on the merits of our motion to dismiss and in opposition to Plaintiffs' motion for a temporary injunction at a hearing before the three-judge panel presiding over the case. The State urged that Tennessee law incorporates longstanding language from previously approved statutes that permits physicians to provide abortions when, using reasonable medical judgment, the physician concludes that the abortion is necessary to prevent a pregnant woman's death or to prevent serious risk of other maternal-health issues. The panel thereafter granted our motion to dismiss in part and denied it in part; it rendered the same ruling on Plaintiffs' motion for a temporary injunction. The case remains ongoing.

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8. *Calcutt v. Fed. Deposit Ins. Corp.*, 6th Cir. No. 20-4303 (representation 2022). Case citation: *Calcutt v. FDIC*, 37 F.4th 293 (6th Cir. 2022) (Boggs, Griffin, Murphy, JJ.); 2022 WL 10225148 (6th Cir. Sept. 15, 2022) (denying reh'g en banc); 598 U.S. 623 (2023) (granting summary reversal).

In this case, I served as appellate counsel to a bank executive who had been subject to an FDIC enforcement action. I entered the case upon the Sixth Circuit's denial of my client's petition for review of the FDIC's enforcement order. My role involved drafting and editing the petition for rehearing en banc, which advanced arguments regarding the panel's legal errors and the importance of correcting those errors. Although I did not participate in the Supreme Court phase of the proceedings, many of the arguments advanced in the en banc petition served as the basis for seeking certiorari and summary reversal from the U.S. Supreme Court. Ultimately, the U.S. Supreme Court summarily reversed the Sixth Circuit panel's decision, adopting the lead argument set out in the en banc petition.

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9. *American Home Furnishings Alliance v. Consumer Products Safety Commission*, 5th Cir. No. 23-477 (representation 2022 – 2023).

I served as lead counsel representing an association of furniture manufacturers and other business and manufacturing groups in a challenge to a Consumer Product Safety Commission rule imposing significant new regulations and costs on the manufacturers, wholesalers, and sellers of household furniture items. *See Safety Standard for Clothing Storage Units*, 87 Fed. Reg. 72,598 (Nov. 25, 2022). We challenged the rule through a petition for review filed in the U.S. Court of Appeals for the Fifth Circuit, asserting that the rule exceeded the Commission's statutory authority, violated the Administrative Procedure Act, and was constitutionally invalid due to the Commissioners' for-cause-removal protections. My role involved drafting and editing various appellate filings as well as guiding strategy regarding the legal claims and factual and expert evidence to submit in support of our suit. Following the submission of stay and merits briefing, Congress adopted a law that provided the relief sought through our lawsuit and the Commission voted to abstain from enforcement of the challenged rule. Given the legislative events, we moved and were granted permission to voluntarily dismiss the Fifth Circuit case prior to oral argument.

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10. *Ocee v. Attorney General of the United States*, 3d Cir. No. 20-2423 (representation 2021 – 2022). Case citation: *Ocee v. Att’y Gen.*, No. 20-2423, 2022 WL 3334532 (3d Cir. Aug. 12, 2022) (McKee, Restrepo, and Bibas, JJ.).

In this case, I was appointed by the U.S. Court of Appeals for the Third Circuit to engage in a pro bono representation of an individual who was denied asylum and ordered removed by the Board of Immigration Appeals. In my role as lead appointed counsel, I investigated the case, coordinated with my client, and drafted merits briefing and presented oral argument before a panel of the Third Circuit. As appointed counsel, I contended that administrative-law principles required vacating the decision ordering removal. In a unanimous decision, the Third Circuit agreed with my contentions and vacated the removal order.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My practice has principally focused on state and federal litigation of the type described above. While in private practice, I occasionally advised clients about potential litigation and litigation strategy, and also provided general legal advice. To the best of my recollection, that advice typically involved the interpretation of state and federal constitutional, statutory, and regulatory provisions. I also assisted clients in preparing for litigation by drafting filings to be pursued in the event of an adverse agency action; several such matters never progressed to litigation and remain confidential. Finally, I also helped clients compose and edit various regulatory filings, including petitions for review of rules and comments to proposed rules. Those representations

would have almost exclusively involved the interpretation and application of federal statutes, agency proposals, and administrative-law rules.

In my role at the Office of the Tennessee Attorney General, I have occasionally provided advice to state clients regarding potential litigation, and I also have offered general legal advice to state clients. This advice covers various substantive areas, including federal and state constitutional and statutory law.

In my role, I sometimes advise state clients regarding legal issues associated with prospective legislation. I have not, however, performed lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I previously taught one online course entitled *An Introduction to the 1L Classroom* at The George Washington University School of Law. I taught this course in July – August 2023. The course provided new law students an overview of law school coursework, legal argumentation, and what to expect during their law classroom experience. Copy of syllabus provided.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have two 401K plans – the first is from my time in private practice at Williams & Connolly and the second is from my time at the Office of the Tennessee Attorney General. I also have participated in the Tennessee Consolidated Retirement System; my interest in this plan vests following five years of service with the State. My understanding is that, should I separate from employment earlier, I would be eligible to roll over the value of my contributions into another qualifying retirement plan.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Cases most likely to implicate conflict questions would be those related to my current service as an attorney within the Office of the Tennessee Attorney General. To determine whether I would need to recuse for matters in which the State of Tennessee or a state officers, agency, or employee is a party, I would consult 28 U.S.C. § 455(a) & (b)(3), Canon 3C of the Code of Conduct for United States Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or a relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interests.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During my time in private practice, I regularly undertook pro bono work. As mentioned above, I was named to the District of Columbia's Capital Pro Bono Honor Roll on two occasions, and likely would have qualified for the honor roll in additional years had I worked at Williams & Connolly at the time the firm reported pro bono hours to the Honor Roll. My pro bono work principally comprised briefing and arguing cases in the federal circuit courts and participating in moot courts for lawyers who had pro bono arguments.

My pro bono matters have included:

Ocee v. Attorney General of the United States, 3d Cir. No. 20-2423 (representation 2021 – 2022). Case citation: *Ocee v. Att’y Gen.*, No. 20-2423, 2022 WL 3334532 (3d Cir. Aug. 12, 2022) (McKee, Restrepo, and Bibas, JJ.). As described in further detail above, in this case I was appointed by the U.S. Court of Appeals for the Third Circuit to engage in a pro bono representation of an individual who was denied asylum and ordered removed by the Board of Immigration Appeals. I successfully obtained vacatur of the decision ordering my client removed, and the government declined to pursue further immigration proceedings against him. In the Third Circuit’s opinion, the panel expressed “gratitude” for the pro bono representation, and “commend[ed] the quality of the[] briefing and argument in this case.”

Perry v. Warden, FCI Manchester, 6th Cir. No. 18-5348 (representation 2022 – 2023). In this case, I was appointed by the U.S. Court of Appeals for the Sixth Circuit to engage in a pro bono representation of an individual pressing a petition for habeas corpus challenging his sentencing designation. In addition to analyzing the validity of several habeas claims, I frequently spoke with and advised my client, who was incarcerated, regarding the potential impact of a pending Supreme Court decision on his case. Ultimately, we sought and obtained voluntary dismissal of his appeal in light of the Supreme Court’s decision in *Jones v. Hendrix*, 599 U.S. 465 (2023).

Graham v. Board of Education of the City of Chicago, 7th Cir. No. 19-2745 (representation 2020). Case citation: *Graham v. Board of Educ.*, 8 F.4th 625 (7th Cir. 2021) (Easterbrook, Rovner, Hamilton, JJ.). In this case, I was appointed by the U.S. Court of Appeals for the Seventh Circuit to brief and argue, pro bono, a designated position as *amicus curiae* on behalf of appellant. The case turned on interpretation of a particular provision of the Employee Retirement Income Security Act. I was the principal drafter of two appellate briefs filed in the case, but departed for a clerkship prior to the oral argument. Ultimately, the Seventh Circuit’s opinion did not resolve the issues covered within the scope of the *amicus* representation. In the panel’s opinion, the Seventh Circuit stated: “Although Graham does not want to be represented by a lawyer, we asked one to appear as *amicus curiae* and present oral argument on the ERISA question, which is more complex than the two subjects we have covered. Whitney D. Hermendorfer of Williams & Connolly LLP filled this role ably, as did J. Matthew Rice of the same firm, who presented oral argument. Both have our thanks.”

Demkovich v. St. Andrew the Apostle Parish, 7th Cir. No. 19-2142 (representation 2020). Case citation: *Demkovich v. St. Andrew the Apostle Parish*, 3 F.4th 968 (7th Cir. 2021) (en banc). In this case, I served as pro bono counsel to a group of religious entities comprising the Ethics and Religious Liberty Commission of the Southern Baptist Convention, the Right Reverend Derek Jones, the Assemblies of God (USA), the Church of God in Christ, Inc., Jewish Coalition for Religious Liberty, the Church of Jesus Christ of Latter-Day Saints, the International Society for Krishna Consciousness, Inc., and the General Conference of Seventh-Day Adventists. During the representation, I served as co-lead drafter of a brief supporting en banc reconsideration of a decision interpreting Title VII’s application to religious entities. Ultimately, the position our brief advanced prevailed in a decision issued by the en banc Seventh Circuit.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

There is no selection commission of which I am aware in my jurisdiction. On February 2, 2025, I was contacted by the White House Counsel's Office and provided basic biographical information; I then was asked by the White House Counsel's Office to participate in an interview on approximately February 4, 2025. I interviewed with attorneys from the White House and the Department of Justice on February 11, 2025, in Washington, District of Columbia; that same day, the White House Counsel's Office requested that I provide additional biographical information, which I provided. On February 13, 2025, I interviewed with Senator Blackburn and a member of her staff. On February 28, 2025, I interviewed with Senator Hagerty, and on February 6, 2025, I interviewed with a member of Senator Hagerty's staff. On February 14, 2025, the White House Counsel's Office contacted me to let me know that I was in consideration for the nomination. On April 29, 2025, I met with President Donald Trump concerning my possible nomination. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

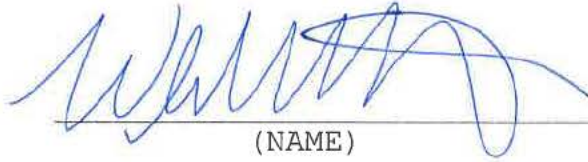
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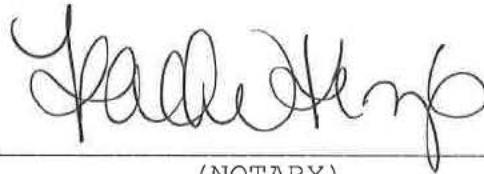
I, Whitney D. Hermandorfer,
do swear that the information provided in this statement is, to
the best of my knowledge, true and accurate.

5/5/2025

(DATE)



(NAME)



(NOTARY)

