



# JUDICIAL APPOINTMENTS MEMO

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**DATA AS OF MARCH 5, YEAR 2, FOR EACH PRESIDENT**

**ADVANCING AMERICAN  
FREEDOM FOUNDATION**

**Background:** [Article III](#) of the Constitution created the Supreme Court and gives Congress authority to create “inferior” courts with judges who serve “during good Behaviour.”<sup>1</sup> This means they serve until they choose to leave or are removed following House [impeachment](#) and Senate conviction.

**New Vacancies:** Most vacancies occur when judges leave their position by taking “senior status.” Since January 2025, 2.5% of positions on the federal district and appeals courts have become vacant this way, the lowest during a president’s first 13 months since President Harry Truman and well below the 4.7% historical average.<sup>2</sup>

**Average Appointments:** Presidents have appointed an average of 47 judges per year since 1980. Presidents Donald Trump (1<sup>st</sup> term) and Joe Biden appointed a high avg of 59 and Presidents George W. Bush and Barack Obama appointed a low avg of 41.

### Traditional Confirmation Process Norms:

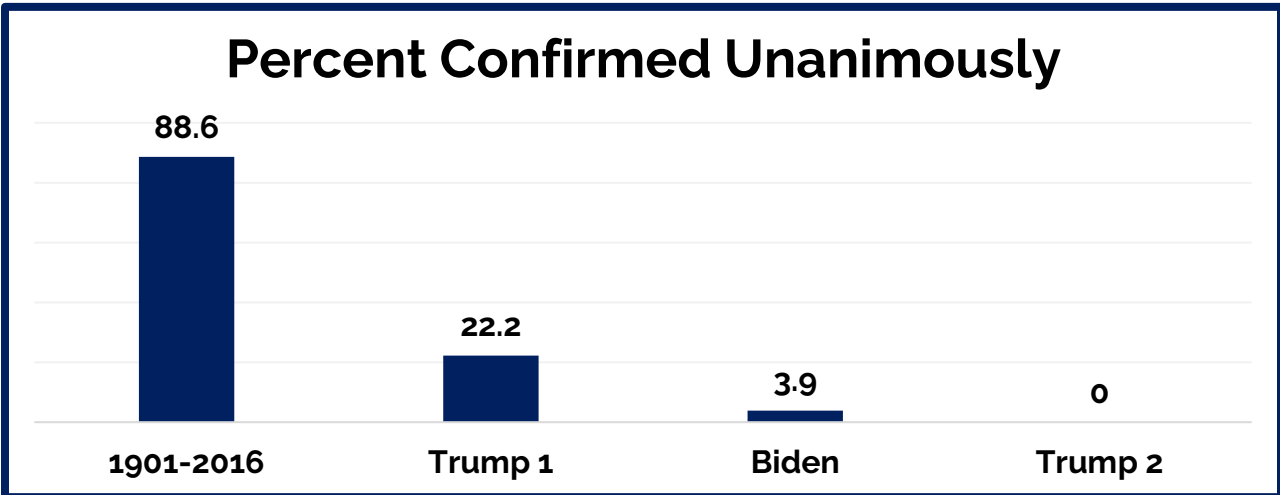
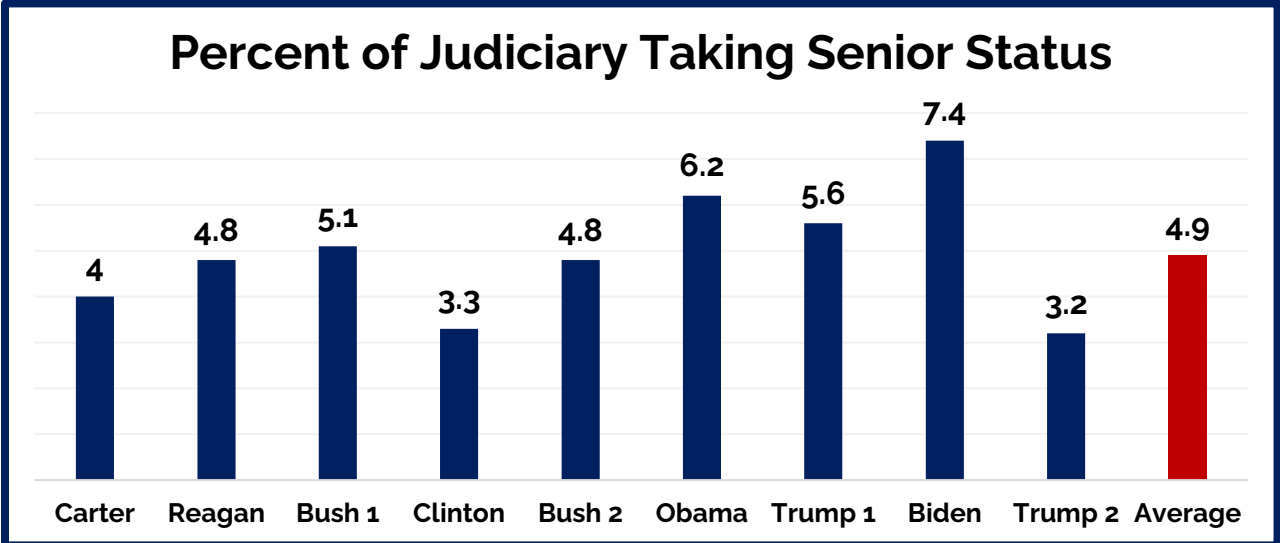
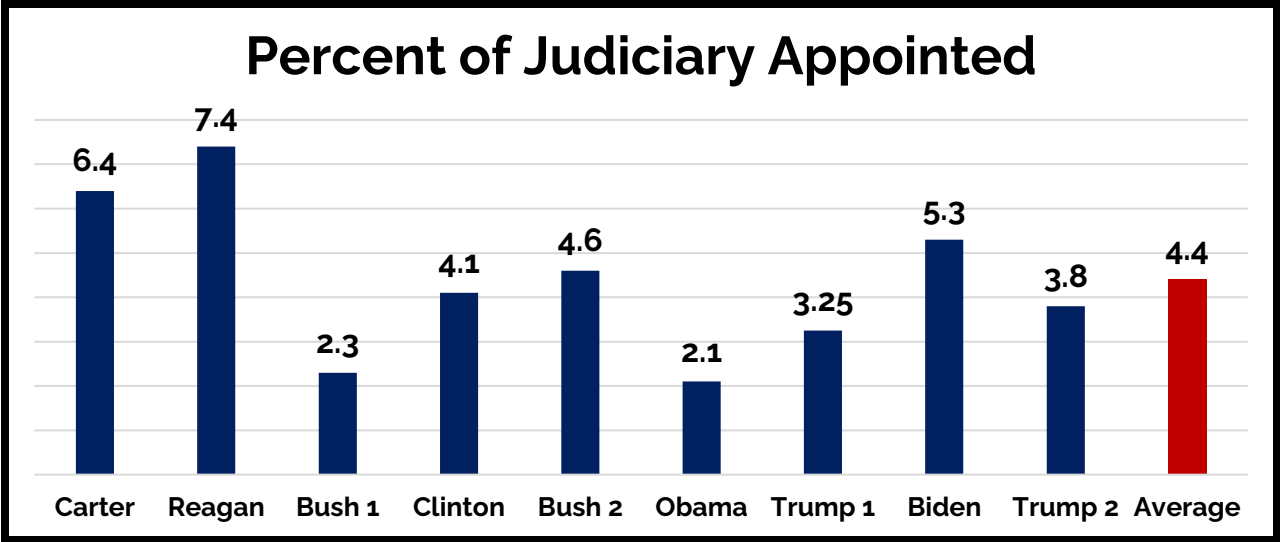
- The Senate confirmed most judicial nominations without opposition.
- Senators opposed very few judicial nominations by presidents of the other party.
- A very small percentage of judicial nominations had a separate vote under [Senate Rule 22](#) to invoke cloture, or end debate, before being confirmed.

Court	<a href="#">Positions</a>	Current Composition	<a href="#">Current Vacancies</a>	Noms in Committee	Noms in Senate
Supreme Court	9 since 1868	6 R/3 D	0	0	0
Court of Appeals	179 since 1990	51.4% R/48.6% D	0	0	0
District Court	673 since 2003	40.9% R/59.1% D	36	3	0
Court of Int'l Trade	9 since 1980	2 R/6 D	1	0	0

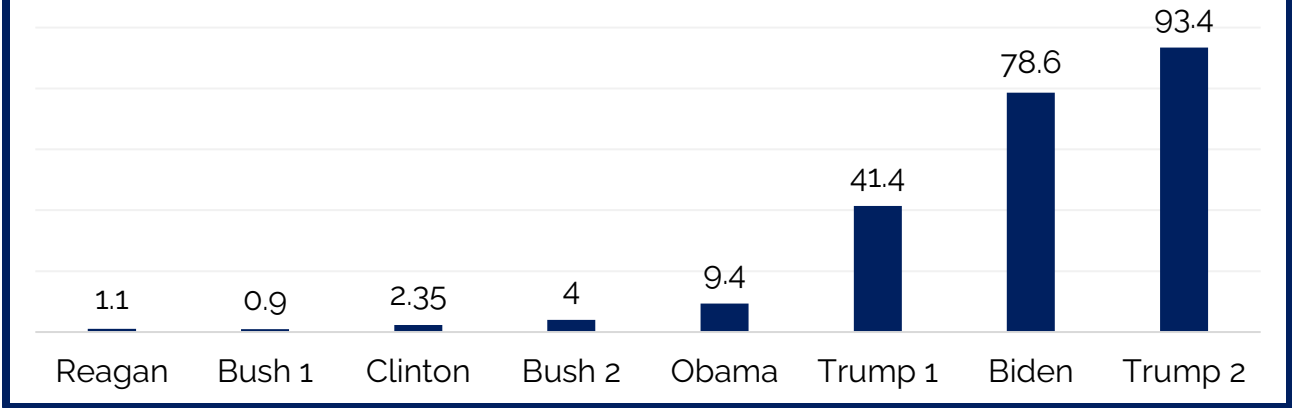
<sup>1</sup> [Article I](#) gives Congress authority to create “Tribunals inferior to the Supreme Court” which also require presidential nomination and Senate confirmation. The current Article I tribunals are the U.S. Court of Federal Claims (16 positions), U.S. Tax Court (19 positions), U.S. Court of Appeals for the Armed Forces (five positions), and U.S. Court of Appeals for Veterans Claims (seven positions). Judges on these tribunals serve for 15-year terms. Data in this *Judicial Appointments Memo* are for judges on Article III courts.

<sup>2</sup> Data and analysis in the *Judicial Appointments Memo* are based on sources including congress.gov, fjc.gov, uscourts.gov, senate.gov, and judiciary.senate.gov.



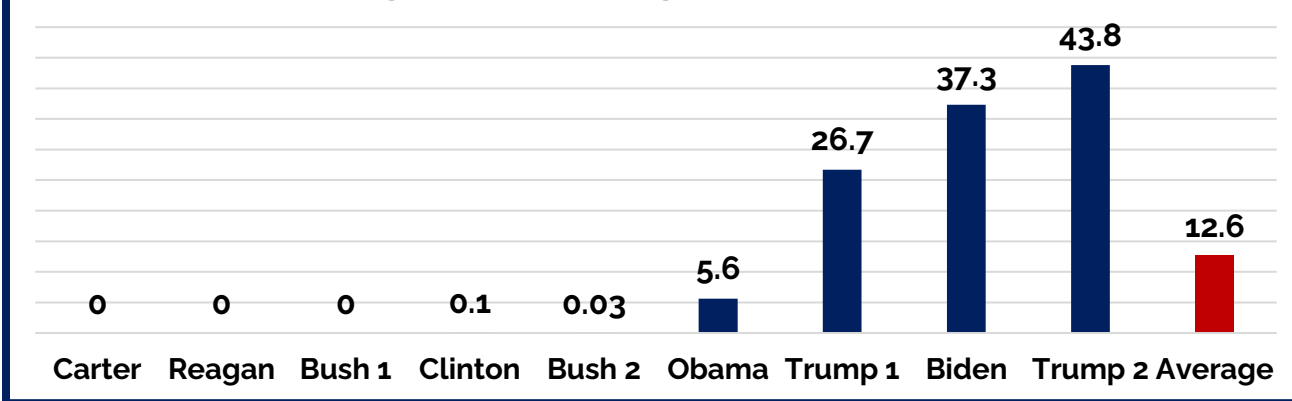


## Percent of Other-Party Nominations Opposed



*Each Senate Democrat has voted against an average of 93.4% of Trump 2 nominees; each Senate Republican voted against 78.6% of Biden's; etc.*

## Average Votes Against Confirmation



## Percent Confirmed with Cloture Vote

