

JUDICIAL APPOINTMENTS MEMO

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DATA AS OF JULY 1 OF EACH PRESIDENT'S SECOND YEAR



Background: [Article III](#) of the Constitution created the Supreme Court and gives Congress authority to create “inferior” courts¹ with judges who serve “during good Behaviour.”² Nominations to Article III courts are referred to the Senate Judiciary Committee and, if approved, listed on the [Executive Calendar](#). The Majority Leader decides which nominations to bring up for Senate consideration.

Confirmations per Congress: The Senate confirmed an average of 7.5% of the judiciary per Congress during the 18th century, 7.6% per Congress during the 20th century, and 8% per Congress so far in the 21st century. The highest was 31.4% during the 24th Congress (1835-36) and the lowest was 2.56% during the 114th Congress (2015-16).

Average Judicial Appointments: Since 1980, presidents have appointed an average of 48 judges each year to Article III courts.

President	Vacant	Emergencies	Hearing	Confirmed	Cloture Vote	Avg NO	% of Judiciary
Trump 2	3.3%	37.9%	87.9%	74.1%	100%	44.1	4.9
Biden	8.7%	29.3%	73.5%	69.4%	98.5%	39.5	7.9
Trump 1	17%	51.4%	61.8%	32.1%	90.5%	20.7	4.9
Obama	11.6%	40%	95.1%	59%	6.25%	3.05	4.2
Bush 2	11%	39.8%	63%	46.3%	0%	.4	5.9
Clinton	11.1%	52.7%	62.2%	81.1%	1.6%	1.1	8.7
Bush 1	6.4%	N/A	80%	87.3%	0%	0	5.9
Reagan	4.65%	N/A	94.3%	75.7%	0%	0	8
Average	9.2%	41.85%	77.2%	65.6%	37%	13.5	6.4

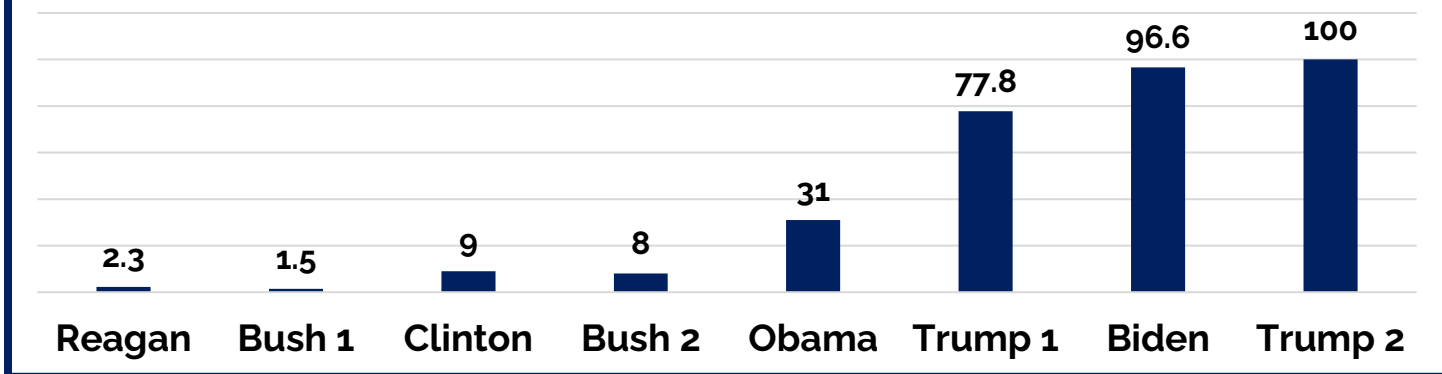
¹ These are the U.S. Ct of Appeals (179 positions), U.S. District Ct (673), and U.S. Ct of Int'l Trade (9). Unless indicated otherwise, data in this *Judicial Appointments Memo* are for Article III courts.

² [Article I](#) gives Congress authority to create “Tribunals inferior to the Supreme Court” which require nomination and confirmation but serve for 15-year terms. These are the U.S. Ct of Federal Claims (16 positions), U.S. Tax Ct (19), U.S. Ct of Appeals for the Armed Forces (5), and U.S. Ct of Appeals for Veterans Claims (7).

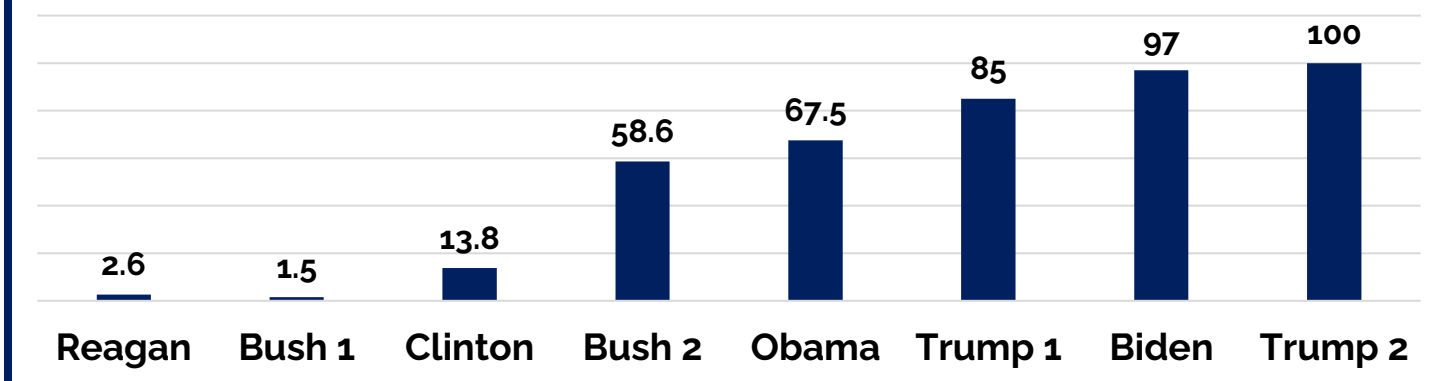


The Changing Confirmation Process

Percent Confirmed with Any Opposition



Percent Confirmed by Recorded Vote



Percent Confirmed After Cloture Vote

