

# JUDICIAL APPOINTMENTS MEMO

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**DATA AS OF JULY 6 OF EACH PRESIDENT'S SECOND YEAR**



**Background:** [Article III](#) of the Constitution created the Supreme Court and gives Congress authority to create “inferior” courts<sup>1</sup> with judges who serve “during good Behaviour.”<sup>2</sup> 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 18<sup>th</sup> century, 7.6% per Congress during the 20<sup>th</sup> century, and 8% per Congress so far in the 21<sup>st</sup> century. The highest was 31.4% during the 24<sup>th</sup> Congress (1835-36) and the lowest was 2.6% during the 114<sup>th</sup> Congress (2015-16).

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

President	<u>Vacant</u>	<u>Emergencies</u>	Hearing	<u>Confirmed</u>	<u>Cloture Vote</u>	<u>Avg NO</u>	% 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%	66.4%	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	73.3%	87.3%	0%	0	5.9
Reagan	4.65%	N/A	94.3%	75.7%	0%	0	8
<b>Average</b>	<b>9.2%</b>	<b>41.85%</b>	<b>77%</b>	<b>65.6%</b>	<b>37%</b>	<b>13.5</b>	<b>6.4</b>

<sup>1</sup> 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.

<sup>2</sup> [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).

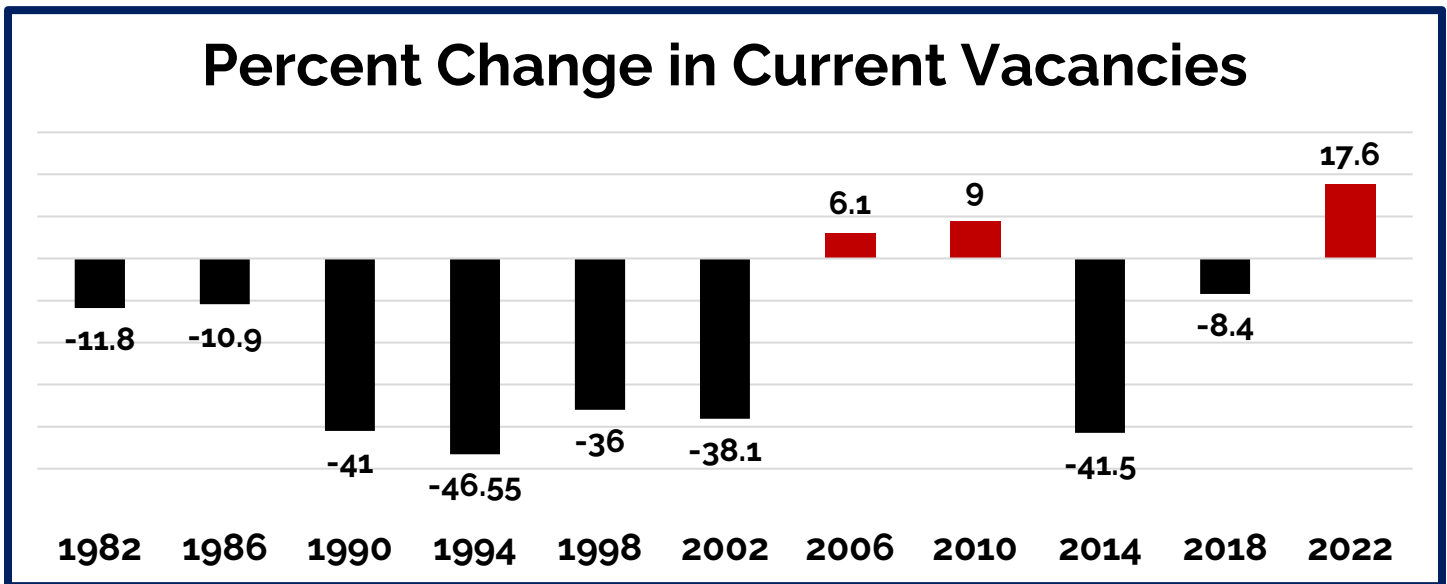


# Judiciary Composition Changes

The following chart assumes that all pending nominees are confirmed.

Court	Current Composition		Current Vacancies		Future Vacancies		Net Composition	
	Dem	GOP	Dem	GOP	Dem	GOP	Dem	GOP
U.S. Court of Appeals	87	92	0	1	0	4	87	92
U.S. District Court	375	272	5	23	2	5	368	279

## Confirmation Activity in Mid-Term Years



Year	Last Day	Confirm
2022	Dec. 13	1 CA
2018	Dec. 11	1 CA/15 DC
2014	Dec. 16	12 DC
2010	Dec. 22	3 CA/2 DC
2006	Dec. 8	1 CA
2002	Nov. 19	1 CA

Year	Last Day	Confirm
1998	Oct. 21	17 DC
1994	Oct. 7	3 CA/23 DC
1990	Oct. 27	1 DC
1986	Oct. 8	2 CA/4 DC
1982	Dec. 21	1 DC

