

JUDICIAL APPOINTMENTS MEMO

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#15 - DATA AS OF JULY 28 OF EACH PRESIDENT'S SECOND YEAR



Background: [Article III](#) of the Constitution created the Supreme Court and gave 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 and the Minority Leader's level of cooperation determines whether that consideration will be efficient or time-consuming.

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 2.6% during the 114th Congress (2015-16).

Average Judicial Appointments: From 1981 through 2025, presidents have appointed an average of 46 judges per year to Article III courts.

President	Vacant	Emergencies	Hearing	Confirmed	Cloture Vote	Avg NO	% of Judiciary
Trump 2	2.8%	42.9%	85%	81.7%	100%	44.15	5.6
Biden	8.7%	29.3%	73.1%	62.2%	97.3%	39	8.1
Trump 1	17%	51.4%	71.5%	32.1%	93.2%	20.6	5
Obama	11.6%	40%	80.7%	45.1%	5.4%	3	4.3
Bush 2	11%	39.8%	74.3%	54.5%	3.3%	.4	7.2
Clinton	11.1%	52.7%	85%	73%	1.4%	1.1	8.6
Bush 1	6.4%	N/A	85.5%	80.6%	0%	0	6.7
Reagan	4.65%	N/A	98.6%	93.3%	0%	0	10.5
Average	9.2%	43%	80.5%	64.8%	37.1%	13.5	7.1

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).



Confirmation Partisanship

Senator	State	Service Began	% of Democratic Nominees Opposed	% of Republican Nominees Opposed
Michael Bennet	Colorado	1/21/09	0	47.3
Chris Coons	Delaware	11/15/10	0	49.4
Catherine Cortez Masto	Nevada	1/3/17	0	57.3
Richard Durbin	Illinois	1/3/97	0	26.7
Maggie Hassan	New Hampshire	1/3/17	0	48.7
Mazie Hirono	Hawaii	1/3/13	0	65.2
Tim Kaine	Virginia	1/3/13	0	48.7
Amy Klobuchar	Minnesota	1/3/07	0	44.4
Chris Murphy	Connecticut	1/3/13	0	51.25
Gary Peters	Michigan	1/3/15	0	58.1
Jack Reed	Rhode Island	1/3/97	0	27.9
Jackie Rosen	Nevada	1/3/19	0	41.9
Tina Smith	Minnesota	1/3/18	0	62.7
Chris Van Hollen	Maryland	1/3/17	0	61.6
Mark Warner	Virginia	1/3/09	0	49.1
Sheldon Whitehouse	Rhode Island	1/3/07	0	40.3

Opposing Same-Party Nominees

Democrats

- Percent ever voting against 1+ Democratic nominee: 32
- Average percent of Democratic nominees opposed: 0.4
- Most Democratic nominees opposed: 3 (Gillibrand)

Republicans

- Percent voting against 1+ Republican nominee: 64
- Average percent of Republican nominees opposed: 1.3
- Most Republican nominees opposed: 15 (Collins)

