

JUDICIAL APPOINTMENTS MEMO

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#21 - DATA BELOW AS OF SEPTEMBER 22 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](#).

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).

New Judgeships: The Supreme Court has had nine seats since 1869. Congress last created new U.S. Court of Appeals judgeships in 1990 (6.5% increase). Congress last created new U.S. District Court judgeships in 2003 (1.8% increase). Since 1970, the Article III judiciary has grown 74% vs. 68% for the US population.

President	Vacant	Emergencies	Hearing	Confirmed	Cloture Vote	Avg NO	% of Judiciary
Trump 2	3.1%	51.85%	89%	75.3%	100%	44.2	6.3
Biden	9.2%	30.4%	71.7%	60.1%	95.2%	38.8	9.65
Trump 1	15.9%	50.4%	78.9%	47.9%	64.7%	16.75	7.9
Obama	12.1%	47.1%	91.6%	51.8%	4.65%	3.9	5
Bush 2	9.2%	39.7%	73.2%	64.2%	3.8%	.7	9.3
Clinton	10.4%	49.4%	88.7%	75.6%	1.1%	.4	10.7
Bush 1	6%	N/A	80%	80.55%	0%	0	7.7
Reagan	4.05%	N/A	100%	98.8%	0%	0	12.2
Average	8.7%	44.8%	84.1%	68.5%	33.7%	13.1	8.6

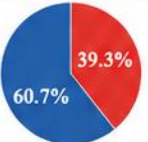
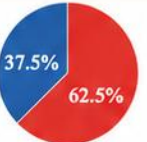
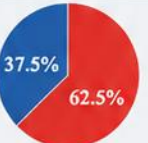
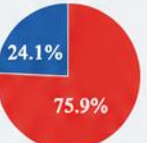
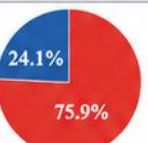
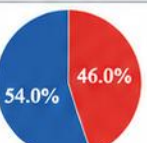
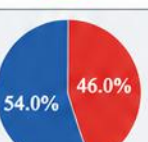
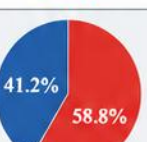
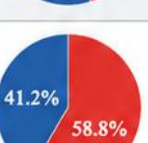
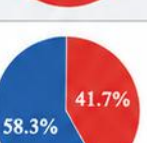
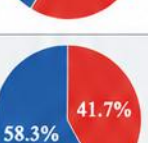
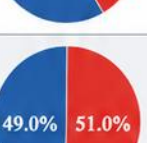
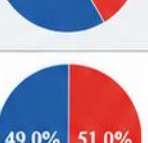
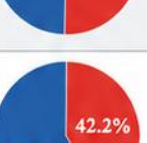
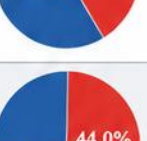
¹ These are the U.S. Ct of Appeals (179 positions), U.S. District Ct (673), and U.S. Ct of Int'l Trade (9). Unless indicated otherwise, data in this *Judicial Appointments Memo* are for Article III courts.

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).



Party of Appointing President for Active Article III Judges

Beginning and End of Each Administration (Percent and Number)

President (years in office)	Beginning of administration (Jan. 20)	End of administration
Reagan (1981–1989)	 39.3% (253) Republican 60.7% (390) Democratic Total: 643	 62.5% (454) Republican 37.5% (272) Democratic Total: 726
George H. W. Bush (1989–1993)	 62.5% (454) Republican 37.5% (272) Democratic Total: 726	 75.9% (559) Republican 24.1% (177) Democratic Total: 736
Clinton (1993–2001)	 75.9% (559) Republican 24.1% (177) Democratic Total: 736	 46.0% (359) Republican 54.0% (422) Democratic Total: 781
George W. Bush (2001–2009)	 46.0% (359) Republican 54.0% (422) Democratic Total: 781	 58.8% (480) Republican 41.2% (336) Democratic Total: 816
Obama (2009–2017)	 58.8% (480) Republican 41.2% (336) Democratic Total: 816	 41.7% (318) Republican 58.3% (444) Democratic Total: 762
Trump (first term) (2017–2021)	 41.7% (318) Republican 58.3% (444) Democratic Total: 762	 51.0% (420) Republican 49.0% (403) Democratic Total: 823
Biden (2021–2025)	 51.0% (420) Republican 49.0% (403) Democratic Total: 823	 42.2% (350) Republican 57.8% (479) Democratic Total: 829
Trump (second term) (2025–9/22/26)	 42.2% (350) Republican 57.8% (479) Democratic Total: 829	 44.0% (363) Republican 56.0% (462) Democratic Total: 825

 = Appointed by a Republican president

 = Appointed by a Democratic president

Notes: Figures include active Article III judges on the Supreme Court, U.S. courts of appeals, U.S. district courts, and the U.S. Court of International Trade. Judges in senior status are not counted. Percentages may not sum to 100.0 due to rounding.

Sources: Federal Judicial Center, Federal Judicial Service database (judge-level data, accessed 2026).

Prepared: September 22, 2026.



