



JUDICIAL APPOINTMENTS MEMO

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DATA AS OF APRIL 16 OF EACH PRESIDENT'S SECOND YEAR

**ADVANCING AMERICAN
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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."¹ 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 action.

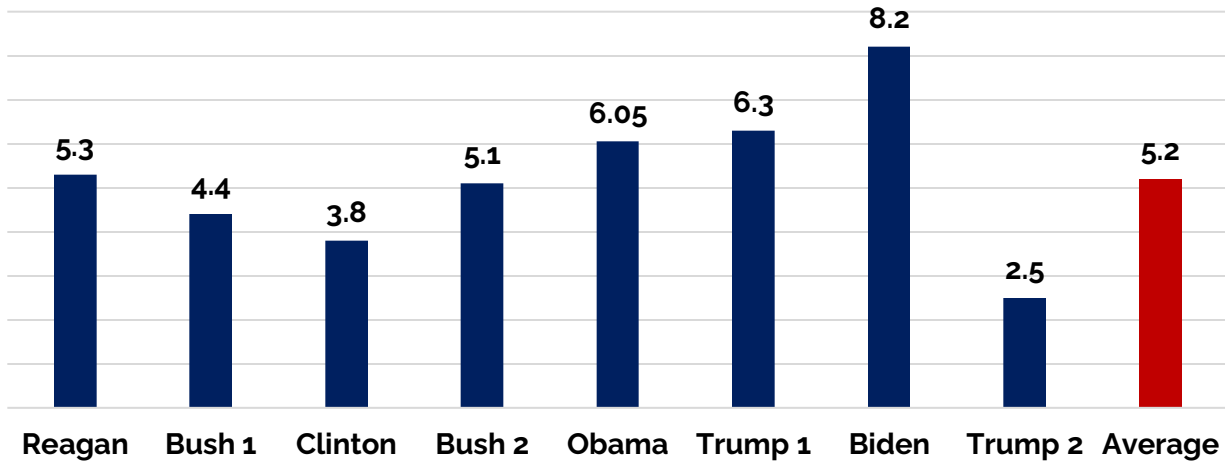
Senior Status: Judges qualify when they reach 65 with at least 15 years of federal judicial service, opening their position for a new appointment. 28 U.S.C. §371 requires that, to maintain senior status, judges have at least a 25% caseload or perform substantial judicial or administrative duties. Senior judges handle about 20% of the cases in the federal judicial system.

President	% Vacant	% Hearing	% Confirmed	% Cloture Vote	Avg NO
Trump 2	4	89.8	73.5	100	44.1
Biden	9.1	58.5	62.2	100	38.9
Trump 1	16.5	58.65	30.8	96.9	20.5
Obama	12.1	100	36.5	10.5	4.7
Bush 2	11.3	45.9	43.9	0	.02
Clinton	14.2	62	60.8	2.1	.85
Bush 1	9.2	65.9	61.4	0	0
Reagan	5.1	96.7	83.3	0	0
Average	10.2	72.2	56.5	38.7	13.6

¹ [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.



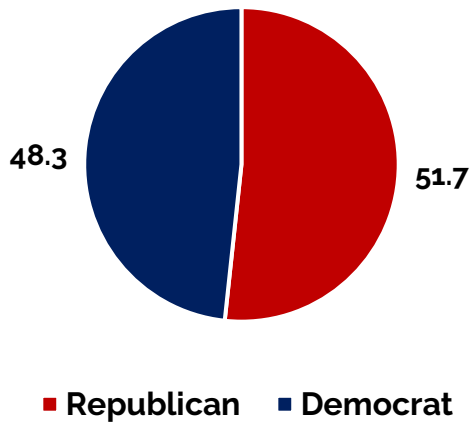
Percent of Judiciary Taking Senior Status



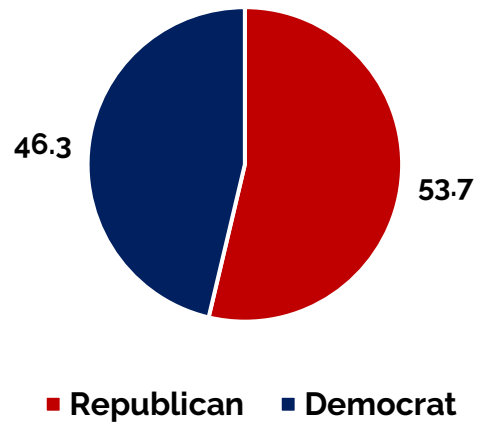
Composition of U.S. Court of Appeals

(Percent appointed)

Active Judges



Senior Judges



Composition of U.S. District Court

(percent appointed)

