



JUDICIAL APPOINTMENTS MEMO

Thomas Jipping, Senior Legal Fellow

DATA AS OF APRIL 22 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.

Seats on Article III Courts: Congress determines the number of Supreme Court justices (9 since 1869) and the number and distribution of lower Article III courts and judgeships. Congress last created new U.S. district Court seats in 2023 and new U.S. Court of Appeals seats in 1990.

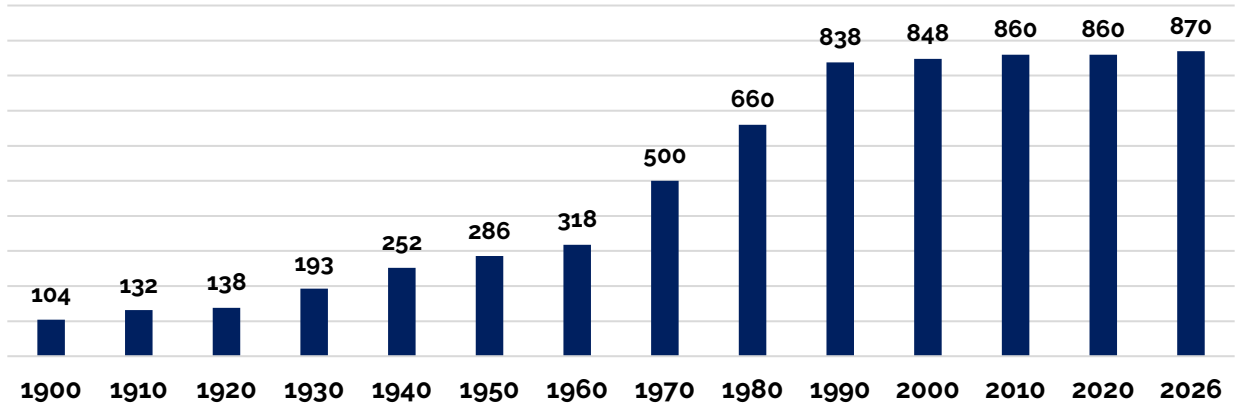
Average Judicial Appointments: Since 1980, president have appointed an average of 48 judges each year to Article III courts. The last graph (percent of judiciary appointed) covers each president's full tenure.

President	% Vacant	% Hearing	% Confirmed	% Cloture Vote	Avg NO
Trump 2	3.9	89.8	75.5	100	44.1
Biden	9.1	58.5	71.95	100	38.9
Trump 1	16.5	59.2	31.1	96.9	20.5
Obama	12.1	91.2	33.3	10.5	4.7
Bush 2	11.3	45	43	0	.02
Clinton	14.2	63.6	62.3	2.1	.85
Bush 1	9.2	63	58.7	0	0
Reagan	5.1	98.3	84.7	0	0
Average	10.2	71.1	57.6	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.



Seats on Article III Courts



Average Population Per Article III Judge



Percent of Judiciary Appointed

