



JUDICIAL APPOINTMENTS MEMO

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DATA AS OF APRIL 27 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.

Confirmations per Congress: Because the size of the judiciary increases, the best measure is the % of the judiciary confirmed per Congress. The Senate confirmed an average of 7.5% per Congress during the 18th century, 7.6% per Congress during the 20th century, and 8% per Congress so far in the 21st century.

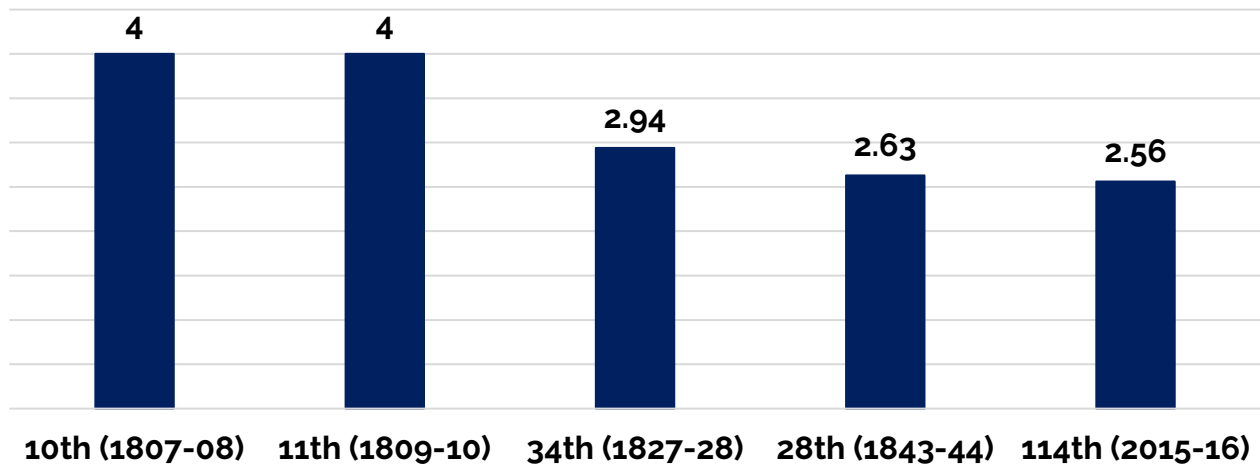
Average Judicial Appointments: Since 1980, presidents have appointed an average of 48 judges each year to Article III courts.

President	% Vacant	% Hearing	% Confirmed	% Cloture Vote	Avg NO
Trump 2	3.9	89.8	75.5	100	44.1
Biden	9.1	58.5	69	100	38.8
Trump 1	16.5	59.2	32	97	21.3
Obama	12.1	91.2	42.1	8.3	4.7
Bush 2	11.3	45	43	0	.02
Clinton	14.2	63.6	58.5	2.1	.85
Bush 1	9.2	63	74.5	0	0
Reagan	5.1	98.3	82	0	0
Average	10.2	72.8	59.6	38.4	13.7

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.



Lowest % of Judiciary Confirmed per Congress



Highest % of Judiciary Confirmed per Congress

