



JUDICIAL APPOINTMENTS MEMO

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DATA AS OF MAY 18 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" 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 action.

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 2.56% during the 114th Congress (2015-16).

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

President	Vacant	Emergencies	Hearing	Confirmed	Cloture Vote	Avg NO
Trump 2	3.9%	38.2%	77.2%	64.9%	100%	44.1
Biden	8.7%	38.7%	66.7%	72.4%	100%	39.1
Trump 1	16.5%	50.7%	58.7%	32.2%	92.3%	21.7
Obama	11.7%	39.6%	95%	48.3%	6.9%	4.2
Bush 2	10.4%	31.8%	54.45%	49.5%	0%	.4
Clinton	12.9%	60.2%	57%	69.8%	1.7%	1.1
Bush 1	7.5%	N/A	77.8%	81.5%	0%	0
Reagan	4.5%	N/A	90.625%	78.125%	0%	0
Average	9.5%	43.2%	72.2%	62.5%	38.255%	13.825

¹ These are the U.S. Court of Appeals (179 positions), U.S. District Court (673 positions), and U.S. Court of International Trade (9 positions). 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 presidential nomination and Senate confirmation but serve for 15-year terms. These 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).



Future Vacancies

- Judges on Article III courts serve until they choose to leave or are removed by impeachment and conviction.
- As of today, [13 judges](#) (8 district, 5 appeals) have announced that they will be taking "senior status" either on a specific date between now and January 2027 or "TBD."
- President Trump has made nominations to six of these future vacancies, five on the U.S. Courts of Appeals for the 2nd, 6th, 8th, and 10th Circuits (each a George W. Bush appointee) and one on the U.S. District Court in Montana (an Obama appointee)

