



JUDICIAL APPOINTMENTS MEMO

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DATA AS OF MAY 26 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	3.6%	38.7%	77.2%	64.9%	100%	44.1
Biden	8.7%	38.7%	78.3%	72.4%	100%	39.3
Trump 1	16.5%	50.7%	62%	32.2%	92.3%	21.7
Obama	11.7%	39.6%	93.4%	48.3%	6.9%	4.2
Bush 2	10.4%	31.8%	58.65%	49.5%	0%	.4
Clinton	12.9%	60.2%	65.1%	69.8%	1.7%	1.1
Bush 1	7.5%	N/A	76.4%	81.5%	0%	0
Reagan	4.5%	N/A	95.4%	78.125%	0%	0
Average	9.5%	43.3%	75.8%	61.4%	37.6%	13.85

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).



Judicial Confirmations in Midterm Election Years

Year	Last Confirmed	Avg Vacancies	Total Confirmed	Percent Confirmed	Confirmation Impact
2026		36.8	11	1.3	.3
2022	Dec. 13	78.1	57	6.6	.73
2018	Dec. 11	138.2	66	7.7	.48
2014	Dec. 16	73.1	89	10.3	1.21
2010	Dec. 22	103.1	49	5.7	.475
2006	Dec. 8	49.9	32	3.7	.64
2002	Nov. 19	86	72	8.5	.84
1998	Oct. 21	73.75	65	7.8	.88
1994	Oct. 7	95.4	100	11.9	1.05
1990	Oct. 27	51.3	56	6.7	1.09
1986	Oct. 8	51.4	47	6.3	.91
1982	Dec. 21	31	47	7	1.52
Average		75.6	61.8	7.5	.89

The final column – “Confirmation Impact” – divides the total confirmed by the average vacancies. A higher impact score reflects more confirmations, fewer vacancies, or both.

