

CRS Report for Congress

Returns and Resubmissions of Nominees to the U.S. Courts of Appeals and District Courts, 1977-2006

January 26, 2007

Kevin M. Scott
Analyst in American National Government
Government and Finance Division



Prepared for Members and
Committees of Congress

Returns and Resubmissions of Nominees to the U.S. Courts of Appeals and District Courts, 1977-2006

Summary

This report provides basic data on all nominees to the courts of appeals and district courts whose nominations have been resubmitted from 1977 through 2006. During this period, the Senate returned to the President 243 nominations to the district courts and 145 nominations to the courts of appeals. The 107th Congress had the most returns (71) since 1977, followed by the 102nd Congress (55 returns) and the 109th Congress (50 returns). Between 1977 and 2006, 16.9% of district court nominations were returned; 31.5% of courts of appeals nominations were returned to the President in the same time frame.

The President resubmitted the nominations of 197 individuals to the Senate between 1977 and 2006. Thirty-two of those 197 individuals were renominated by a President different from the President who originally nominated them. Eleven of those 32 individuals (10 to district courts, one to the courts of appeals) were nominated by a President whose party was different from the original nominating President's.

Of 288 individuals nominated to the courts of appeals only one time between 1977 and 2006, 249 (86.5%) were confirmed; 48 of the 70 (68.6%) courts of appeals nominees nominated more than once were confirmed. Of 1,174 individuals nominated to the district courts only once between 1977 and 2006, 1,059 (90.2%) were confirmed; 112 of 127 (88.2%) of district court nominees who were nominated more than once were confirmed.

The data used throughout the report come from the Congressional Research Service Judicial Nominations Database, built using data from the *Journal of the Executive Proceedings of the Senate* and supplemented by the Legislative Information Service (LIS) database. The resubmission tables may be used to complement CRS Report RL31868, *U.S. Circuit and District Court Nominations by President George W. Bush During the 107th - 109th Congresses*, by Denis Steven Rutkus, Kevin M. Scott, and Maureen Bearden; and CRS Report RL31635, *Judicial Nomination Statistics: U.S. District and Circuit Courts, 1977-2003*, by Denis Steven Rutkus and Mitchel A. Sollenberger.

Contents

Introduction	1
Resubmissions and Confirmation of Judicial Nominees	2
Returned Nominations	3
Patterns in Returned Nominations	3
Possible Explanations for Returns	6
Patterns in Renominations	10
Beyond the Second Nomination	12
Senate Judiciary Committee Practice with Resubmitted Nominations	13
Renominated Courts of Appeals Nominees	13
Resubmitted District Court Nominations	15
Resubmissions and Confirmation	17
Concluding Observations	19

List of Figures

Figure 1. Returns of Judicial Nominations, 95 th - 109 th Congresses (1977-2006)	6
Figure 2. Renominations to U.S. District Courts and U.S. Courts of Appeals by Congress, 1977-2006	12

List of Tables

Table 1. Number of Returned U.S. District Court and U.S. Courts of Appeals Nominations, by Congress, 95 th - 109 th Congresses (1977-2006)	4
Table 2. Number of Returned U.S. District Court and U.S. Courts of Appeals Nominations, by Period in Which Nominations Were Submitted, 95 th - 109 th Congresses (1977-2006)	8
Table 3. Percentage of Nominations to U.S. District Courts and U.S. Courts of Appeals Made in the Last Six Months of a Congress and Percentage of Those Nominations Returned, by President, 1977-2006	9
Table 4. Number of U.S. District Court and U.S. Courts of Appeals Renominations, by President and Congress, 95 th - 109 th Congresses (1977-2006)	11
Table 5. Nomination Frequency for U.S. District Court and U.S. Courts of Appeals Nominees, 1977-2006	13
Table 6. Renominated Nominees to the U.S. Courts of Appeals, 1977-2006: Number Receiving Hearings on the First or Second Nominations	14
Table 7. Renominated Nominees to the U.S. District Courts, 1977 - 2006: Number Receiving Hearings on the First or Second Nominations	16
Table 8. U.S. District Court and U.S. Courts of Appeals Nominees: Renominations and Confirmation Rate, by Renomination, 95 th - 109 th Congresses (1977-2006)	18
Appendix 1. U.S. Courts of Appeals Nominees with Resubmitted Nominations, 95 th Congress - 109 th Congress (1977-2006)	20
Appendix 2. U.S. District Courts Nominees with Resubmitted Nominations, 95 th Congress - 109 th Congress (1977-2006)	32

Returns and Resubmissions of Nominees to the U.S. Courts of Appeals and District Courts, 1977-2006

Introduction

Over the past 30 years, the average time between presidential nomination and confirmation for persons nominated by the President to lower court judgeships (i.e., the U.S. courts of appeals and district courts) has increased steadily. Scholars and other observers have argued that several factors have contributed to this change.¹ One component of the increase in time to confirmation has been an increase in the number of Senate returns of judicial nominations to the President. All nominations, including judicial nominations, considered by the Senate can be returned to the President in two cases: after the adjournment *sine die* of a Congress or during a recess of 30 or more days if the Senate has not agreed by unanimous consent to carry nominations through the recess. The President usually renominates the person whose nomination was returned.

This report provides an overview of renominations that occur in the context of the process of appointing judges to what may amount to life tenure positions on the U.S. courts of appeals and district courts. The report then provides data on the number of returned and resubmitted nominations between 1977 and 2006, covering the terms of Presidents Carter, Reagan, George H.W. Bush, Clinton, and the first three Congresses of President George W. Bush. This report first reviews the nomination process, assessing how renominations fit into that process. The report then summarizes trends in renominations between 1977 and 2006, with particular attention to the Senate Judiciary Committee's practice of holding or not holding hearings for renominated individuals. Finally, the report analyzes the confirmation rates of renominated individuals compared with those who are nominated only one time. Throughout this report, attention will be called to the unique experience of the 107th Congress, where majority control of the Senate shifted during the first session. One of the consequences of that shift was the return of all of President Bush's pending judicial nominees at the beginning of an intrasession recess in August 2001. One of the central considerations in this report is the difference between *nominees* and *nominations*; each nominee to a judgeship may receive several nominations

¹ These factors include increased incidence of divided partisan control of the Senate and the presidency, increased disagreement among Senators over nominees, and rising attention to judicial nominations by interest groups. See, e.g., Nancy Scherer, *Scoring Points: Politicians, Activists, and the Lower Federal Court Appointment Process* (Palo Alto, CA: Stanford University Press, 2005); and Sarah A. Binder and Forest Maltzman, "Senatorial Delay in Confirming Federal Court Judges, 1947-1998," *American Journal of Political Science*, vol. 46, no. 1 (January 2002).

before being confirmed or rejected by the Senate, or having his or her name withdrawn by the President or returned to the President without renomination.

Resubmissions and Confirmation of Judicial Nominees

The constitutional provisions governing appointment and confirmation of federal judges are straightforward. According to Article II, Section 2 of the U.S. Constitution, the President shall “nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.” When the Senate has consented to a nomination, it has done so in the form of a vote on the President’s nominee.² This procedure applies to Article III judges as well as Article I judges.³

Senate consideration of a nominee is driven by Senate rules. One such rule, Rule XXXI, provides, in part, that nominations pending before the Senate shall be returned to the President if the Senate adjourns or takes a recess of more than 30 days. The rule may be set aside if the Senate agrees to do so by unanimous consent, but failure to waive the rule (usually by a Senator objecting to a proposed unanimous consent agreement) returns pending nominations to the President when the Senate takes a recess.⁴ The Senate’s August recess tends to last longer than 30 days,⁵ and the recess between sessions of a Congress may also last more than 30 days. In addition to returns that may occur during a recess of the Senate, nominations are returned to the President if a nominee has not been confirmed or rejected by the

² In the First Congress, there was some dispute as to how the Senate was to carry out its constitutional function. The Senate agreed at that time to do so by voice vote. See Joseph Harris, *The Advice and Consent of the Senate: A Study of Confirmation of Appointments by the United States Senate* (New York: Greenwood Press, 1988), pp. 37-39.

³ Article III, Section 1 of the U.S. Constitution established the Supreme Court and “such inferior Courts as the Congress may from time to time ordain and establish.” Appointees to these courts hold their offices during “good Behaviour,” and their compensation may not be diminished while they hold their office. Judges on Article I courts, also called legislative courts, are appointed by the President, are confirmed by the Senate, and serve for a fixed term. The territorial and commonwealth courts, as well as the Court of Appeals for the Armed Forces, the U.S. Tax Court, the Court of Appeals for Veterans Claims, and the Court of Federal Claims are all Article I courts. In this report, judges nominated to the territorial and commonwealth courts are included in statistical calculations; those nominated to the other Article I courts are not included in statistical calculations.

⁴ Senators have usually exempted from unanimous consent one or more pending nominations, and have only rarely insisted on the return of all pending nominations. See CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

⁵ The Senate’s August recess has lasted at least 30 days every year since 1996. Between 1977 and 1995, nine August recesses lasted fewer than 30 days. In no Congress since 1977 has the Senate gone without at least one 30-day recess, either during a session or between sessions. Dates of Senate sessions are available at [<http://senate.gov/reference/resources/pdf/congresses2.pdf>].

Senate or withdrawn by the President by the end of a Congress. Presidents may resubmit nominations on which the Senate did not take action in a previous Congress.⁶

Resubmissions are important to understanding how long judicial nominees wait for Senate confirmation. One might consider the example of Priscilla R. Owen, nominated to the Fifth Circuit Court of Appeals by President George W. Bush. Judge Owen was confirmed by the Senate on May 25, 2005, on a nomination submitted to the Senate on February 14, 2005, a period of 100 days from nomination to confirmation. As **Appendix 1** indicates, however, Judge Owen was first nominated to the Fifth Circuit on May 1, 2001, and her confirmation, after she was nominated a fourth time, did not come until 1,477 days after her original nomination. The three earlier nominations of Judge Owen were each returned by the Senate, during the August recess in 2001 and at the end of both the 107th and 108th Congresses, respectively.

Resubmissions are also relevant to a President's success rate on judicial confirmations. To take a recent example, President Clinton made 105 nominations to the circuit courts of appeals, 65 of which were confirmed. One might conclude, then, that 62% of President Clinton's courts of appeals nominations were successful. However, President Clinton nominated 90 individuals to the courts of appeals, of whom 65 were confirmed, a confirmation success rate of 72%.⁷ In any Administration, if one calculates the percentage of confirmations using the number of nominations as the denominator, one will likely calculate a lower success rate than if one uses the number of nominees as the denominator.

Returned Nominations

Patterns in Returned Nominations. **Table 1** outlines how many nominations were returned by Congress between 1977 and 2006. The columns in the table indicate, for each Congress, the number of nominations that were returned within a session (intrasession returns), between sessions (intersession returns), and at the end of a Congress. One nominee can have nominations returned more than once in a given Congress.

⁶ The President may also renominate individuals whose nominations were rejected or withdrawn, though this was not done with a nomination to the U.S. district courts or courts of appeals in the time frame covered by this report. In 1844, President Tyler renominated John C. Spencer to the Supreme Court after his nomination had been rejected by the Senate. The second Spencer nomination was withdrawn by President Tyler on the same day it was made. See CRS Report RL33225, *Supreme Court Nominations, 1789-2006: Actions by the Senate, the Judiciary Committee, and the President*, by Denis Steven Rutkus and Maureen Bearden.

⁷ Roger L. Gregory, originally nominated to the Fourth Circuit Court of Appeals by President Clinton, was confirmed once he was nominated by President George W. Bush. As a result, he is considered one of President Clinton's 25 unsuccessful nominees. See **Appendix 1**.

Table 1. Number of Returned U.S. District Court and U.S. Courts of Appeals Nominations, by Congress, 95th - 109th Congresses (1977-2006)

Congress	Years	Intrasession ^a		Intersession ^b		End of Congress		Total	
		District	Appeals	District	Appeals	District	Appeals	District	Appeals
95 th	1977-1978	0	0	3	0	1	0	4	0
96 th	1979-1980	0	0	0	0	13	4	13	4
97 th	1981-1982	0	0	0	0	1	1	1	1
98 th	1983-1984	3	2	1	2	13	3	17	7
99 th	1985-1986	0	0	8	1	3	0	11	1
100 th	1987-1988	0	0	0	0	10	7	10	7
101 st	1989-1990	2	0	0	0	2	1	4	1
102 nd	1991-1992	1	1	0	0	43	10	44	11
103 rd	1993-1994	0	0	0	0	11	3	11	3
104 th	1995-1996	0	0	0	0	20	8	20	8
105 th	1997-1998	0	0	0	0	12	9	12	9
106 th	1999-2000	0	1	0	0	24	17	24	18
107 th	2001-2002	20	20	0	0	16	15	36	35
108 th	2003-2004	0	0	0	1	8	17 ^c	8	18
109 th	2005-2006	0	11 ^d	0	1	28	10	28	22
Total		26	35	12	5	205	105	243	145

Source: CRS Judicial Nominations Database. Cell entries include district judges nominated to district courts in Guam, Northern Mariana Islands and Virgin Islands. Sixteen nominations to these Article I courts are included, of which four were returned (one intrasession return during the 101st Congress, one return at the end of each of the 96th, 100th, and 102nd Congresses). Fourteen nominations to seats on the Court of International Trade are also included, two of which were returned: one at the end of the 105th Congress, the other at the end of the 107th Congress.

Notes:

- a. Intrasession returns are those made during recesses *within* sessions of a Congress.
- b. Intersession returns are those made during recesses *between* sessions of a Congress.
- c. Charles W. Pickering, Sr., and William H. Pryor, Jr., are counted twice, because both had two nominations pending in the 108th Congress.
- d. William J. Haynes II, Terrence W. Boyle, Michael B. Wallace, N. Randy Smith, and William G. Myers III, are counted twice each in this cell. All five had nominations returned to the President on Aug. 3, 2006, and again on Sept. 29, 2006. All five were also returned to the President at the end of the 109th Congress.

Several patterns emerge from **Table 1**. First, the overwhelming majority of returns of nominations occur at the end of a Congress. Intrasession and intersession returns are less common. If one excludes the 107th Congress for reasons discussed below, 38 nominations have been returned during a Congress since 1977, compared with 310 returned at the end of a Congress.

Second, the four Congresses during which the Senate returned the most nominations were the 102nd (55 nominations returned), the 106th (42), the 107th Congress (71), and the 109th Congress (50). Forty of the 71 returns in the 107th Congress occurred during the August recess following a transfer in party control of the Senate. The 102nd and 106th Congresses represent the final Congresses coinciding with the presidencies of George H.W. Bush and William Clinton, respectively.

One might interpret these numbers as suggesting that the Senate, when controlled by the opposite party of the President, may attempt to wait out a President whose party the opposition hopes to see end its run in the White House. But the evidence to support such a conclusion is mixed. The number of returns in the 104th and 108th Congresses (the end of the first terms of President Clinton and President George W. Bush, respectively) is not much greater than for Congresses that did not lead up to a presidential election. Furthermore, more nominations were returned to the President at the end of President Reagan's first term (the 98th Congress, 24 nominations) than at the end of his second term (the 100th Congress, 17 nominations).

Third, returns have disproportionately affected nominees to the courts of appeals. Between 1977 and 2006, 1,437 nominations were made to district court positions, of which 243 (16.9%) were returned. For the courts of appeals, 461 nominations were made, of which 145 (31.5%) were returned.⁸

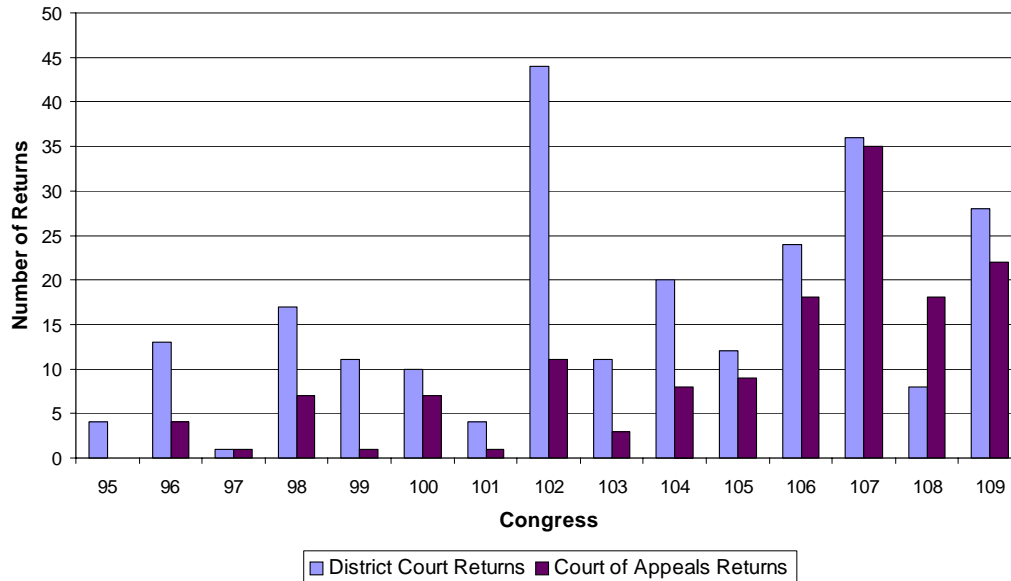
Fourth, the number of returns has trended upward, particularly during the last eight Congresses (102nd to 109th). President George W. Bush has the greatest number of returned nominations per Congress, with 147 returns over three Congresses, an average of 49 nominations per Congress. If one excludes the 40 intrasession returns during the 107th Congress, the average is 35.7 returns per Congress, higher than the average number of returns per Congress for President Clinton (26.3) and President George H.W. Bush (30). All three of those averages are higher than the average number of returns per Congress for President Reagan (13.8) and President Carter (10.5).

Figure 1 plots the trends in number of returns per Congress, counting all types of returns (intrasession, intersession, and end of Congress). As **Figure 1** indicates, in every Congress from the 103rd (1993-1994) through the 107th (2001-2002), the number of courts of appeals nominations returned increased, with a drop-off in the 108th Congress. The number of returns of courts of appeals nominations in the 109th Congress was the second-highest in the past 30 years. With the exception of the 105th Congress, a similar pattern can be observed for district court nominations, though the

⁸ These numbers reflect nominations, not nominees, of which there were 358 for the courts of appeals and 1,301 for district courts in the 95th - 109th Congresses.

number of district court nominations returned in the 109th Congress (28) was the third-highest number since 1977.

Figure 1. Returns of Judicial Nominations, 95th - 109th Congresses (1977-2006)



Possible Explanations for Returns. As suggested above, analysis of **Table 1** and **Figure 1** makes clear that returns of nominations have generally increased over time, and particular instances of high numbers of returns generally coincided with periods of divided party control of the presidency and the Senate. But divided party control of the Senate and presidency also existed during the 100th through 102nd Congresses, and the 101st Congress (1989-1990) had the lowest number of returns of any Congress since the 97th (1981-1982). Furthermore, in the absence of divided party control in the 108th and 109th Congresses, nominees were returned with some frequency.

Another explanation for the generally increasing frequency of returns may be related to timing; in particular, the President may have made nominations too late in a Congress for the Senate to have given full consideration to the nominee. If the timing of a nomination contributed to the likelihood of a return, the nominations made later in a Congress would have been more likely to be returned to the President than those made earlier in a Congress. This possibility can be evaluated by breaking each Congress down into five periods — specifically, the first session (roughly speaking, the first year) of any Congress, and then each of the quarters of the second session of each Congress, to see if the number of nominations returned increased in each period.⁹ **Table 2** focuses on the first nomination of each individual to a judgeship by the President, and excludes those nominations that resulted in intrasession and intersession returns to provide a clearer picture of the relationship

⁹ To simplify **Table 2**, the first session of each Congress was not broken up into quarters.

between the time remaining in a Congress and the likelihood of return of a nomination. Of the 1,437 district court and 461 courts of appeals nominations made between 1977 and 2006, 1,269 district court nominations and 332 courts of appeals nominations met these criteria. The nominations were assigned to one of the five time periods on the basis of the date the nomination was received by the Senate. **Table 2** presents information on when a nomination was submitted to the Senate and the percentage of nominations returned to the President.

As the data in **Table 2** indicate, 5.0% of nominations made to the district courts in the first session of a Congress were returned to the President, while 40.4% of nominations made in the third quarter (July 1-September 30) of the second session of a Congress and 74.1% of the nominations made in the fourth quarter (October 1-December 31) were returned. This pattern suggests that one of the factors influencing the number of district court nominations returned to the President was the time in a Congress when the President made a nomination. This pattern is also found in nominations to the courts of appeals, but the increase over time is somewhat less pronounced; 16.0% of nominations made in the first session were returned at the end of a Congress, while 30.6% of nominations made in the third quarter of the second session and 80.0% of the nominations made in the fourth quarter of the second session were returned.

The overall relationship between timing of a nomination and probability of a return may help explain why some nominations are returned while others are not, but does not aid in understanding why the number of returned nominations has increased over the past 30 years. If, however, more recent Presidents have made more of their nominations near the end of a Congress, then the Senate may be returning more nominations simply because the President is nominating more individuals to judgeships later in a Congress. **Table 3** reports the percentage of nominees who received their first nominations in the last six months of a Congress.

To a somewhat greater degree than 30 years ago, Presidents are nominating individuals to the district courts late in a Congress, and the Senate is returning those nominations with greater frequency. President George W. Bush (18.9% of first nominations submitted in the last six months of a Congress) submitted a greater percentage of nominations to district court judgeships than any other president in the past 30 years, followed by Presidents Reagan and Clinton (both at 16.8%). As the second column of **Table 3** indicates, a greater percentage of President George W. Bush's end-of-Congress nominations have been returned by the Senate than any other President's in the last 30 years. The increased percentage of nominations made late in a Congress and the increased percentage of those nominations returned during President George W. Bush's tenure may explain the increase in returns, but may themselves be explained by still other factors.

Table 2. Number of Returned U.S. District Court and U.S. Courts of Appeals Nominations, by Period in Which Nominations Were Submitted, 95th - 109th Congresses (1977-2006)

Time Period Nomination Submitted	District Courts			Courts of Appeals		
	Total Nominations ^a	Nominations Returned	Return %	Total Nominations ^a	Nominations Returned	Return %
First Session	679	34	5.0%	194	31	16.0%
First Quarter, Second Session	176	24	13.6%	50	12	24.0%
Second Quarter, Second Session	209	46	22.0%	47	17	36.2%
Third Quarter, Second Session	178	72	40.4%	36	11	30.6%
Fourth Quarter, Second Session	27	20	74.1%	5	4	80.0%
Total	1,269	196	15.4%	332	75	22.6%

Source: CRS Judicial Nominations Database.

Notes:

- a. Values indicate the number of nominations submitted by the President in the time period indicated. Only the first nomination of an individual to a judgeship is included. Any nominations that were first returned during an intrasession or intersession recess are excluded from the data used for this table in order to illustrate the effect of time period of nomination on end-of-Congress returns.

Table 3 also indicates that, on average, nominations to the courts of appeals made in the last six months of a Congress were less likely to occur, but more likely to be returned, under Presidents Clinton and George W. Bush than under their three predecessors. The percentage of nominations made by Presidents to the courts of appeals in the last six months of a Congress was 10.0% for three of the five presidents between 1977 and 2006 (Presidents Carter, George H.W. Bush, and Clinton). President George W. Bush has nominated one judge to the courts of appeals for the first time in the last six months of a Congress, and that nomination was returned by the Senate at the end of a Congress.¹⁰ The percentage of nominations to the courts of appeals made in the last six months of a Congress that were returned is substantially higher for Presidents Clinton and George W. Bush (taken together) than for the collective record of Presidents Carter, Reagan, and George H.W. Bush.

Table 3. Percentage of Nominations to U.S. District Courts and U.S. Courts of Appeals Made in the Last Six Months of a Congress and Percentage of Those Nominations Returned, by President, 1977-2006

President	District Courts		Courts of Appeals	
	% of Nominations Made in the Last Six Months of a Congress ^a	% of Those Nominations Returned	% of Nominations Made in the Last Six Months of a Congress ^a	% of Those Nominations Returned
Carter	10.3%	41.7%	10.0%	50.0%
Reagan	16.8%	32.7%	20.2%	30.0%
George H.W. Bush	13.1%	48.0%	10.0%	0.0%
Clinton	16.8%	37.7%	10.0%	55.6%
George W. Bush	18.9%	69.8%	1.6%	100.0%
Total	15.5%	44.9%	11.2%	36.6%

Source: CRS Judicial Nominations Database.

Notes:

a. Only the first nomination of an individual to a judgeship is included. Any nominations that were first returned during an intrasession or intersession recess are excluded from the data used for this table in order to illustrate the effect of time period of nomination on end-of-Congress returns.

¹⁰ The nomination was of Thomas M. Hardiman to the Third Circuit Court of Appeals, made on Sept. 13, 2006, and returned on Dec. 9, 2006, at the end of the 109th Congress.

Patterns in Renominations

The President resubmitted the nominations of 197 individuals to the Senate between 1977 and 2006: 70 to the courts of appeals and 127 to the district courts. The 70 individuals were renominated to the courts of appeals a total of 103 times; the 127 individuals renominated to the district courts were renominated a total of 145 times.

Not all returned nominations are resubmitted to the Senate. In some cases, a return at the end of a Congress may be of a nomination made by a President who is leaving office, and the next President may choose not to renominate the person. This particularly has been true when there have been changes in party control of the presidency. One President since 1977, George W. Bush, has resubmitted a court of appeals nomination originally made by a predecessor of the opposing party.¹¹ Renominations of individuals originally nominated by a President of a different party to district judgeships are also uncommon, but not quite as rare; such renominations have occurred 10 times since 1977.¹² **Table 4** and **Figure 2** track renominations of district court and courts of appeals nominees by President and Congress.

The patterns observed in returned nominations appear to some degree in renominations. Whereas returns were most common at the end of a President's term, renominations were least common during the first Congress of a President, because individuals whose nominations were returned in the last Congress of a predecessor were unlikely candidates for renomination. This is particularly noticeable when partisan control of the presidency changed with the elections of Presidents Carter, Reagan and Clinton. Each of these Presidents had three renominations in his first Congress.¹³

¹¹ Roger L. Gregory, originally nominated to the Fourth Circuit Court of Appeals by President Clinton, was confirmed once he was nominated by President George W. Bush. See **Appendix 1**.

¹² Two of the 10 nominees were first nominated by President Carter and renominated by President Reagan: Israel Glasser (Eastern New York), and John Sprizzo (Southern New York). One, Ralph Nimmons (Middle Florida), was nominated by President Carter and renominated by President George H.W. Bush. Five were first nominated by President George H.W. Bush and renominated by President Clinton: Richard Casey (Southern New York), Raymond Finch (Virgin Islands), George O'Toole (Massachusetts), Joanna Seybert (Eastern New York), and David Trager (Eastern New York). Two, David Cercone (Western Pennsylvania) and Legrome Davis (Eastern Pennsylvania, were first nominated by President Clinton and was renominated by President George W. Bush. All 10 were confirmed. See **Appendix 2** for additional details on these nominees.

¹³ President Clinton also renominated James Jones to the Western District of Virginia in the 104th Congress. Judge Jones was originally nominated by President Carter.

Table 4. Number of U.S. District Court and U.S. Courts of Appeals Renominations, by President and Congress, 95th - 109th Congresses (1977-2006)

President	Congress	District Court Renominations	Courts of Appeals Renominations	Total Renominations
Carter	95 th	3	0	3
	96 th	1	1	2
Reagan	97 th	3	0	3
	98 th	5	4	9
	99 th	20	4	24
	100 th	2	0	2
George H.W. Bush	101 st	7	3	10
	102 nd	3	1	4
Clinton	103 rd	3	0	3
	104 th	8	3	11
	105 th	18	7	25
	106 th	8	6	14
George W. Bush	107 th	31	32	63
	108 th	16	18	34
	109 th	8	24	32
Total Renominations		136	103	239

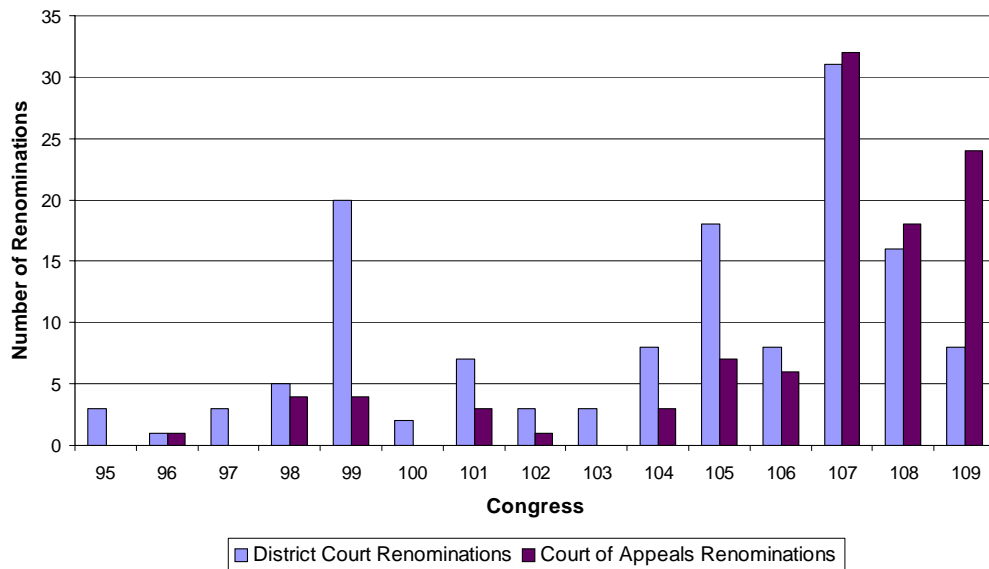
Source: CRS Judicial Nominations Database. Cell entries include all renominations, including those of persons first nominated in a previous Congress or earlier in the same Congress.

Two other patterns are consistent with respect to returns: appeals court nominees are disproportionately represented in the renomination data, and there has been a marked increase over time in the number of renominations. These two patterns clearly flow from the increase in returned nominations, but some specific data may prove illustrative. Of the 1,437 total nominations to district court positions between 1977 and 2006, 136, or 9.4%, were renominations. Of the 461 total nominations to the courts of appeals over that same time period, 103, or 22.3%, were renominations. Of the 245 returned district judge nominations, 136 (55.5%) of the nominations were resubmitted; of the 145 returned courts of appeals nominations, 103 (71.0%) of the nominations were resubmitted.¹⁴

¹⁴ On Jan. 9, 2007, President George W. Bush resubmitted the nominations of four of the 10 nominees to the courts of appeals whose nominations were returned at the end of the 109th Congress, and 24 of the 28 district court nominations returned at the end of the 109th Congress. This raises the count of resubmitted nominations to 140 of 245 (57.1%) for the courts of appeals and 127 of 145 (87.5%) for the district courts, as of Jan. 9, 2007.

Finally, as noted above in the case of returns, the number of renominations has also increased over time. Using the data from **Table 4**, one can calculate the average number of renominations per Congress for each President. President Carter resubmitted a judicial nomination an average of two times per Congress; President Reagan resubmitted a judicial nomination an average of 9.5 times per Congress; President George H.W. Bush did so seven times per Congress; and President Clinton averaged 13.3 judicial renominations per Congress. If one does not count the 40 nominations returned by the Senate in August 2001 and resubmitted the next month, President George W. Bush has averaged 29.7 renominations per Congress for his first three Congresses.¹⁵ **Figure 2** tracks this rise, by Congress, for district court and courts of appeals nominations that were resubmitted. As **Figure 2** indicates, a greater number of renominations have certainly occurred over the last three Congresses, but the 104th, 105th, and 106th Congresses all saw more renominations than most other Congresses (the clear exception being the considerable number of renominations to district court judgeships in the 99th Congress (1985-1986), which followed the return of 17 nominations to district court judgeships in the 98th Congress (1983-1984)).

Figure 2. Renominations to U.S. District Courts and U.S. Courts of Appeals by Congress, 1977-2006



Beyond the Second Nomination. Several nominees to the district courts and courts of appeals were renominated more than once between 1977 and 2006. **Table 5** reports the number of times each individual was nominated to a particular position. As **Table 5** indicates, courts of appeals nominees were more likely to have multiple nominations than district court nominees; 127 of 1,301 (9.8%) district court nominees were nominated more than once, while 70 of 358 (19.6%) courts of appeals nominees were nominated more than once. **Table 5** also indicates the unique nature of the experience of Terrence W. Boyle, the only judicial nominee in the last 30 years to be nominated seven times to the same judgeship; no other individual has been

¹⁵ If one does include the 40 individuals renominated in Sept. 2001, President George W. Bush's average rises to 43 renominations per Congress, through the 109th Congress.

nominated more than four times.¹⁶ All five of the courts of appeals nominees nominated to one judicial position four times were nominees of President George W. Bush (William J. Haynes II, William G. Myers III, Priscilla R. Owen, Charles W. Pickering, Sr., and John G. Roberts, Jr.). The number of nominations for Judges Boyle and (now Chief Justice) Roberts included one nomination each by President George H.W. Bush in the 102nd Congress.¹⁷

Table 5. Nomination Frequency for U.S. District Court and U.S. Courts of Appeals Nominees, 1977-2006

Times Nominated	District Court Nominees	Courts of Appeals Nominees	Total
1	1,174	288	1,462
2	118	46	164
3	9	18	27
4	0	5	5
5	0	0	0
6	0	0	0
7	0	1	1
Total	1,301 (1,437 nominations)	358 (461 nominations)	1,659

Source: CRS Judicial Nominations Database.

Senate Judiciary Committee Practice with Resubmitted Nominations

Renominated Courts of Appeals Nominees. Judicial nominations may be returned to the President at different points in the confirmation process: without ever receiving a confirmation hearing by the Senate Judiciary Committee; after receiving a hearing, but before receiving a recommendation from the Senate Judiciary Committee; or after being reported by the Judiciary Committee but before receiving a Senate confirmation vote.¹⁸

¹⁶ Media accounts at the opening of the 110th Congress reported that President George W. Bush did not intend to resubmit Boyle in the 110th Congress. See Keith Perine, "Bush Pulls Plug on Doomed Judicial Nominations, but Differences Remain," *CQ Today News*, Jan. 9, 2007, available at [<http://www.cq.com>].

¹⁷ This report does not include the nominations of John G. Roberts, Jr., to the U.S. Supreme Court. These statistics account only for his nominations to the U.S. Court of Appeals for the District of Columbia Circuit.

¹⁸ Nominations returned at this stage may include nominations that were debated by the Senate but were not voted on due to a motion on the floor that prevented a final vote on a nomination (e.g., to table the nomination, to recommit the nomination, or a failed cloture (continued...))

Table 6 sheds light on how nominations are processed by the Senate Judiciary Committee by looking at the first and second nominations of appeals court nominees and determining if those nominees received hearings before the Senate Judiciary Committee. **Table 6** accounts for all 70 renominated courts of appeals nominees during the 1977-2006 period, breaking down the numerical total according to whether they received or did not receive hearings on their first or second nominations.

Table 6. Renominated Nominees to the U.S. Courts of Appeals, 1977-2006: Number Receiving Hearings on the First or Second Nominations

	No Hearing on First Nomination	Hearing on First Nomination	Total Nominees
No Hearing on Second Nomination	15 ^a	13	28
Hearing on Second Nomination	33 ^b	9	42
Total Nominees	48	22	70

Source: CRS Judicial Nominations Database.

Notes:

a. Includes six nominations resubmitted by President Clinton at the beginning of the 107th Congress in the last weeks of the Clinton presidency, but withdrawn by President Bush in Mar. 2001, and two nominations returned during the Aug. 2001 recess, following change in party control of the Senate.

b. Includes 14 nominations returned during the Aug. 2001 recess, following change in party control of the Senate.

As **Table 6** indicates, a majority of the 70 courts of appeals nominees whose nominations were resubmitted during the 1977-2006 period received hearings by the Senate, even if they did not receive those hearings on their first nominations. Fifty-five of the 70 nominees (78.6%) received hearings on at least one of their first two nominations; nine of the 70 (12.9%) received hearings on both the first and second nominations.

The most common pattern is for nominees to receive no hearings on their first nominations, but to receive hearings on their second nominations; 33 of the 70 nominees (47.1%) whose nominations were resubmitted followed this trend. Some 15 nominees did not receive hearings on either of their first two nominations; six of these were individuals nominated first in the 106th Congress by President Clinton and

¹⁸ (...continued)
motion on the nomination).

then renominated at the beginning of the 107th Congress, 17 days before President Clinton left office. The remaining nine nominees who did not receive hearings on their first or second nominations received third nominations.

Hearings for Courts of Appeals Nominees with Three or More Nominations. Twenty-four individuals were renominated more than once to the courts of appeals during the 1977-2006 period (see **Table 5**). Fifteen of those 24 did not receive hearings on their first or second nominations; six of those were individuals nominated by President Clinton in the 106th Congress and renominated at the beginning of the 107th Congress, 17 days before President Clinton left office. Of the remaining nine nominees who did not receive hearings on their first or second nominations, seven eventually did receive hearings: Terrence W. Boyle (Fourth Circuit), Deborah L. Cook (Sixth Circuit), Carolyn B. Kuhl (Ninth), John G. Roberts, Jr. (District of Columbia), Jeffrey S. Sutton (Sixth), Timothy M. Tymkovich (Tenth), and Sherman E. Unger (Federal Circuit). Of these seven, Boyle, Kuhl, and Unger were never confirmed to seats on the courts of appeals. In addition to the six Clinton nominees renominated in the 107th Congress whose nominations were withdrawn by President George W. Bush, the other two nominees who were nominated at least twice and never received hearings were Barry P. Goode (Ninth Circuit) and Helene N. White (Sixth Circuit), both of whom were nominated three times, in the 105th, 106th, and 107th Congresses, by President Clinton.¹⁹

Resubmitted District Court Nominations. Many of the same patterns observed in Judiciary Committee practice with resubmitted courts of appeals nominations can be seen in Judiciary Committee treatment of resubmitted district court nominations. For district court nominees, third nominations are very rare (as **Table 5** indicates, nine individuals have been nominated to the same positions three times since 1977; none has been nominated more than three times). Accordingly, an analysis of Judiciary Committee treatment of the first two nominations covers nearly all nominations to the district courts in the last 30 years. **Table 7** reports Judiciary Committee practice with resubmitted district court nominations. Specifically, **Table 7** accounts for all 127 renominated district court nominees during the 1977-2006 period, breaking down the numerical total according to whether the nominees received or did not receive hearings on their first or second nominations.

¹⁹ For details on these nominees, see **Appendix 1**.

Table 7. Renominated Nominees to the U.S. District Courts, 1977 - 2006: Number Receiving Hearings on the First or Second Nominations

	No Hearing on First Nomination	Hearing on First Nomination	Total Nominees
No Hearing on Second Nomination	17	16	33
Hearing on Second Nomination	83 ^a	11	94
Total Nominees	100	27	127

Source: CRS Judicial Nominations Database.

Notes:

a. Includes 18 nominations returned during the Aug. 2001 recess, following change in party control of the Senate.

As was the case for courts of appeals nominees, most district court nominees received hearings by the Judiciary Committee, even if the hearings were not on the first nominations. Only 17 of the nominees whose nominations were resubmitted did not receive hearings on their first or second nominations.²⁰ The most common pattern is to not receive a hearing on the first nomination but to receive a hearing on the second nomination; 83 of the 127 (65.4%) district court nominees whose nominations were resubmitted followed this pattern.

District Court Nominees with Three Nominations. Only nine individuals were nominated to seats on the U.S. district courts more than twice between 1977 and 2006.²¹ All nine received hearings by the Senate Judiciary Committee on at least one of the three nominations. James McGregor, nominated in three consecutive Congresses (the 100th, 101st, and 102nd), received a hearing on his first nomination, but was never confirmed. The other eight nominees were eventually confirmed by the Senate, though three were first nominated by President George H. W. Bush during the 102nd Congress and were not confirmed until renominated by President George W. Bush.²²

²⁰ Seven of the 17 were nominated a third time, received hearings, and were confirmed on the third nomination. For details on these nominees, see **Appendix 2**.

²¹ Those nine individuals (and the districts to which they were nominated) are Legrome Davis (Eastern Pennsylvania), James Dever III (Eastern North Carolina), Larry Hicks (Nevada), Thomas Ludington (Eastern Michigan), James McGregor (Western Pennsylvania), James Payne (Northern, Eastern, and Western Oklahoma), William Quarles, Jr. (Maryland), John Vukasin, Jr. (Northern California), and Vaughn Walker (Northern California). See **Appendix 2** for details.

²² Larry Hicks (Nevada) and James Payne (Northern, Eastern, and Western Oklahoma) were
(continued...)

Resubmissions and Confirmation

Previous sections of this report have focused on Senate practice with returns, patterns in presidential resubmissions, and how renominated individuals were treated by the Senate Judiciary Committee. This section examines how renominated judicial nominees ultimately fared before the Senate relative to other judicial nominees. If returns and renominations tend to indicate controversial nominations, then one might expect that fewer judicial nominees who received multiple nominations were confirmed than those who were nominated only once. On the other hand, there is some evidence that returns (particularly of district court nominations) are necessitated by the Senate not finding time in its schedule to confirm nominees on their initial nominations. If returns and renominations are driven largely by the Senate calendar (and, by extension, the time the vacancy occurs and the time the President takes to fill vacancies with nominees), then renominated individuals should be confirmed at nearly the same rate as individuals who are nominated only once.

Table 8 presents the percentage of nominees confirmed by the number of times they were nominated during the 1977-2006 period. District judges who were nominated only once were confirmed 90.2% of the time on the first nomination. Of those district judges who were renominated, 88.1% were confirmed on the second nomination, and 88.9% of those who received three nominations were confirmed on the third nomination. Therefore, the data indicate that, for district judges, renominations (and returns that necessitate the President's renomination) do not appear to diminish substantially the probability that the nominee will eventually be confirmed.

The same cannot be said for nominees to the courts of appeals. Examination of **Table 8** reveals that 86.5% of the nominees who were nominated only once were confirmed.²³ That number fell to 78.3% for second nominations and to 55.6% for third nominations. Furthermore, of the five individuals who received four nominations, two (40.0%) were confirmed. Therefore, the data indicate that nominees to the courts of appeals faced a declining probability of confirmation the more often their nominations were returned by the Senate.

²² (...continued)

confirmed in the 107th Congress; William Quarles (Maryland) was confirmed in the 108th Congress. See **Appendix 2** for details.

²³ This is somewhat different from saying what percentage of nominees were confirmed on their first nomination. Between 1977 and 2006, 249 of 358 total courts of appeals nominees, or 69.5%, were confirmed on their first nomination. For district court nominees, 1,059 of 1,301 nominees, or 81.4%, were confirmed on their first nomination.

Table 8. U.S. District Court and U.S. Courts of Appeals Nominees: Renominations and Confirmation Rate, by Renomination, 95th - 109th Congresses (1977-2006)

Times Nominated	District Courts			Courts of Appeals			Total		
	Nominees	Confirmed	% Confirmed	Nominees	Confirmed	% Confirmed	Nominees	Confirmed	% Confirmed
1	1174	1059	90.2%	288	249	86.5%	1462	1308	89.5%
2	118	104	88.1%	46	36	78.3%	164	140	85.4%
3	9	8	88.9%	18	10	55.6%	27	18	66.7%
4	0	0	—	5	2	40.0%	5	2	40.0%
5	0	0	—	0	0	—	0	0	—
6	0	0	—	0	0	—	0	0	—
7	0	0	—	1	0	0.0%	1	0	0.0%
Total	1301	1171	90.0%	358	297	83.0%	1659	1468	88.5%
	1,437 total nominations			461 total nominations			1,898 total nominations		

Source: CRS Judicial Nominations Database.

Concluding Observations

Renominations are an increasingly common feature of the judicial nomination and confirmation process. This report chronicles the uneven rise of renominations in the judicial nomination process between 1977 and 2006 and assesses the Senate handling of hearings for judicial nominees whose nominations have been resubmitted, as well as the ultimate prospects for confirmation for nominees whose nominations were returned and resubmitted at least one time. Two important trends emerge from this analysis. First, returns by the Senate and renominations by the President have grown over the past 30 years. Within that overall growth, Senate returns of nominations are most common in the final Congress of a President's term. Before the 107th Congress, the two Congresses with the most returned nominations were the 102nd Congress, when Democrats controlled the Senate and President George H.W. Bush was ending what would be his only term as President; and the 106th Congress, when Republicans controlled the Senate and President Clinton was ending his second term.

Second, there is an important distinction between the path of nominees to the U.S. district courts and the U.S. courts of appeals. Nominees to the courts of appeals were more likely to have their nominations returned by the Senate, were more likely to be renominated more than once (though less likely to be renominated by a President of a different political party than district court nominees), were more likely to have second hearings if they received hearings on their first nominations, and were less likely to be confirmed on their second and subsequent nominations than nominees to the district courts. These trends reflect an increasing controversy over courts of appeals nominees; the difference in the treatment of district court nominees and courts of appeals nominees has become more pronounced in the last 30 years.

**Appendix 1. U.S. Courts of Appeals Nominees with Resubmitted Nominations,
95th Congress - 109th Congress (1977-2006)**

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Allen, Claude A.	Fourth	108 th	4/28/2003	10/28/2003	—	Returned 12/9/2003
		108 th	1/20/2004	—	—	Returned 12/8/2004
Arnold, Richard S.	Eighth	96 th	12/14/1979	—	—	Withdrawn 12/19/1979
		96 th	12/19/1979	2/7/1980	2/19/1980	Confirmed 2/20/1980
Beaty, James A., Jr.	Fourth	104 th	12/22/1995	—	—	Returned 10/4/1996
		105 th	1/7/1997	1/7/1997	—	Returned 10/21/1998
Berzon, Marsha L.	Ninth	105 th	1/27/1998	7/30/1998	—	Returned 10/21/1998
		106 th	1/26/1999	6/16/1999	7/1/1999	Confirmed 3/9/2000
Boggs, Danny J.	Sixth	99 th	12/9/1985	—	—	Returned 12/20/1985
		99 th	1/29/1986	2/5/1986	2/27/1986	Confirmed 3/3/1986
Boyle, Terrence W.	Fourth	102 nd	10/22/1991	—	—	Returned 10/8/1992
		107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	—	—	Returned 12/8/2004
		109 th	2/14/2005	3/3/2005	6/16/2005	Returned 8/3/2006
		109 th	9/5/2006	—	—	Returned 9/29/2006
		109 th	11/15/2006	—	—	Returned 12/9/2006

CRS-21

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Brown, Janice R.	DC	108 th	7/25/2003	10/22/2003	11/6/2003	Cloture failed (53-43), 11/14/2003
		109 th	2/14/2005	—	4/21/2005	Returned 12/8/2004
Brunetti, Melvin T.	Ninth	98 th	10/5/1984	—	—	Returned 10/18/1984
		99 th	2/26/1985	3/6/1985	4/3/1985	Confirmed 4/3/1985
Bybee, Jay S.	Ninth	107 th	5/22/2002	—	—	Returned 11/20/2002
		108 th	1/7/2003	2/5/2003	2/27/2003	Confirmed 3/13/2003
Campbell, Bonnie J.	Eighth	106 th	3/2/2000	5/25/2000	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001
Clay, Eric L.	Sixth	104 th	3/6/1996	3/27/1996	4/25/1996	Returned 10/4/1996
		105 th	1/7/1997	5/7/1997	5/22/1997	Confirmed 7/31/1997
Clement, Edith B.	Fifth	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	10/4/2001	11/1/2001	Confirmed 11/13/2001
Clifton, Richard R.	Ninth	107 th	6/22/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	5/9/2002	5/16/2002	Confirmed 7/18/2002
Cook, Deborah L.	Sixth	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	1/29/2003	2/27/2003	Confirmed 5/5/2003
Dennis, James L.	Fifth	103 rd	6/8/1994	9/14/1994	—	Returned 11/14/1994
		104 th	1/31/1995	9/14/1994	7/20/1995	Motion to recommit (46- 54), 9/28/1995
						Confirmed 9/28/1995

CRS-22

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Duffy, James E., Jr.	Ninth	106 th	6/17/1999	—	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001
Dyk, Timothy B.	Federal	105 th	4/1/1998	7/16/1998	9/10/1998	Returned 10/21/1998
		106 th	1/26/1999	—	10/21/1999	Confirmed 5/24/2000
Easterbrook, Frank H.	Seventh	98 th	8/1/1984	9/5/1984	9/28/1984	Returned 10/18/1984
		99 th	2/25/1985	—	4/3/1985	Confirmed 4/3/1985
Estrada, Miguel A.	DC	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	9/26/2002	—	Returned 11/20/2002
		108 th	1/7/2003	—	1/30/2003	Cloture failed (55-44), 3/6/2003
						Cloture failed (55-42), 3/13/2003
						Cloture failed (55-45), 3/18/2003
						Cloture failed (55-44), 4/2/2003
						Cloture failed (52-39), 5/5/2003
						Cloture failed (54-43), 5/8/2003
						Cloture failed (55-43), 7/30/2003
Withdrawn 9/4/2003						
Fernandez, Ferdinand F.	Ninth	100 th	9/16/1988	—	—	Returned 10/22/1988
		101 st	2/28/1989	5/11/1989	5/18/1989	Confirmed 5/18/1989

CRS-23

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Fletcher, William A.	Ninth	104 th	4/25/1995	12/19/1995	5/16/1996	Returned 10/4/1996
		105 th	1/7/1997	4/29/1998	5/21/1998	Confirmed 10/8/1998
Gajarsa, Arthur	Federal	104 th	4/18/1996	6/25/1996	6/27/1996	Returned 10/4/1996
		105 th	1/7/1997	5/7/1997	5/22/1997	Confirmed 7/31/1997
Garland, Merrick B.	DC	104 th	9/5/1995	11/30/1995	12/14/1995	Returned 10/4/1996
		105 th	1/7/1997	—	3/6/1997	Confirmed 3/19/1997
Goode, Barry P.	Ninth	105 th	6/24/1998	—	—	Returned 10/21/1998
		106 th	1/26/1999	—	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001
Gould, Ronald M.	Ninth	105 th	11/8/1997	—	—	Returned 10/21/1998
		106 th	1/26/1999	9/14/1999	10/7/1999	Confirmed 11/17/1999
Gregory, Roger L.	Fourth	106 th	6/30/2000	—	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001
		107 th	5/9/2001	7/11/2001	7/19/2001	Confirmed 7/20/2001
Griffin, Richard A.	Sixth	107 th	6/26/2002	—	—	Returned 11/20/2002
		108 th	1/7/2003	6/16/2004	7/20/2004	Cloture failed (54-44), 7/22/2004
		109 th	2/14/2005	—	5/26/2005	Returned 12/8/2004
Griffith, Thomas B.	DC	108 th	5/10/2004	11/16/2004	—	Confirmed 6/9/2005
		109 th	2/14/2005	3/8/2005	4/14/2005	Returned 12/8/2004
						Confirmed 6/14/2005

CRS-24

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Hartz, Harris L.	Tenth	107 th	6/21/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	10/25/2001	11/29/2001	Confirmed 12/6/2001
Haynes, William J., II	Fourth	108 th	9/29/2003	11/19/2003	3/11/2004	Returned 12/8/2004
		109 th	2/14/2005	7/11/2006	—	Returned 8/3/2006
		109 th	9/5/2006	—	—	Returned 9/29/2006
Howard, Jeffrey R.	First	107 th	8/2/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	4/11/2002	4/18/2002	Confirmed 4/23/2002
Johnson, H. Alston, III	Fifth	106 th	4/22/1999	—	—	Returned 12/15/2000
		107 th	1/4/2001	—	—	Withdrawn 3/19/2001
Jones, Edith H.	Fifth	98 th	9/17/1984	9/26/1984	—	Returned 10/18/1984
		99 th	2/27/1985	—	4/3/1985	Confirmed 4/3/1985
Kavanaugh, Brett M.	DC	108 th	7/25/2003	4/27/2004	—	Returned 12/8/2004
		109 th	2/14/2005	—	—	Returned 12/21/2005
		109 th	1/25/2006	5/9/2006	5/11/2006	Confirmed 5/26/2006
Keisler, Peter D.	DC	109 th	6/29/2006	8/1/2006	—	Returned 9/29/2006
		109 th	11/15/2006	—	—	Returned 12/9/2006
Kuhl, Carolyn B.	Ninth	107 th	6/22/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	4/1/2003	5/8/2003	Cloture failed (53-43), 11/14/2003 Returned 12/8/2004

CRS-25

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Lewis, Kathleen M.	Sixth	106 th	9/16/1999	—	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001
Lynch, Sandra L.	First	103 rd	9/14/1994	—	—	Returned 11/14/1994
		104 th	1/11/1995	2/8/1995	2/23/1995	Confirmed 3/17/1995
McConnell, Michael W.	Tenth	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	9/18/2002	11/14/2002	Confirmed 11/15/2002
McKeague, David W.	Sixth	107 th	11/8/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	6/16/2004	7/20/2004	Cloture failed (53-44), 7/22/2004
		109 th	2/14/2005	—	5/26/2005	Returned 12/8/2004
McKeown, M. Margaret	Ninth	104 th	3/29/1996	—	—	Confirmed 6/9/2005
		105 th	1/7/1997	2/4/1998	2/26/1998	Returned 10/4/1996
Melloy, Michael J.	Eighth	107 th	7/10/2001	—	—	Confirmed 3/27/1998
		107 th	9/4/2001	1/24/2002	2/7/2002	Returned 8/3/2001
Moore, Karen N.	Sixth	103 rd	9/14/1994	—	—	Confirmed 2/11/2002
		104 th	1/24/1995	2/27/1995	3/16/1995	Returned 11/14/1994
Moreno, Enrique	Fifth	106 th	9/16/1999	—	—	Confirmed 3/24/1995
		107 th	1/3/2001	—	—	Returned 12/15/2000
						Withdrawn 3/19/2001

CRS-26

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Myers, William G., III	Ninth	108 th	5/15/2003	2/5/2004	4/1/2004	Cloture failed (53-44), 7/20/2004
						Returned 12/8/2004
		109 th	2/14/2005	3/1/2005	3/17/2005	Returned 8/3/2006
		109 th	9/5/2006	—	—	Returned 9/29/2006
Neilson, Susan B.	Sixth	109 th	11/15/2006	—	—	Returned 12/9/2006
		107 th	11/8/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	9/8/2004	10/4/2004	Returned 12/8/2004
O'Brien, Terrence L.	Tenth	109 th	2/14/2005	—	10/20/2005	Confirmed 10/27/2005
		107 th	8/2/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	3/19/2002	4/11/2002	Confirmed 4/15/2002

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Owen, Priscilla R.	Fifth	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	7/23/2002	Motion to report favorably (9-10), 9/5/2002	Returned 11/20/2002
					Motion to report without recommendation (9-10), 9/25/2002	
					Motion to report unfavorably (9-10), 9/25/2002	
		108 th	1/7/2003	3/13/2003	3/27/2003	Cloture failed (52-45), 5/1/2003
						Cloture failed (52-45), 5/8/2003
						Cloture failed (53-43), 7/29/2003
						Returned 12/8/2004
109 th	2/14/2005	—	4/21/2005	Cloture invoked (81-18), 5/24/2005		
				Confirmed 5/25/2005		
Paez, Richard A.	Ninth	104 th	1/25/1996	7/31/1996	—	Returned 10/4/1996
		105 th	1/7/1997	2/25/1998	3/19/1998	Returned 10/21/1998
		106 th	1/26/1999	—	7/29/1999	Confirmed 3/9/2000
Parker, Barrington D., Jr.	Second	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	9/13/2001	10/4/2001	Confirmed 10/11/2001

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Pickering, Charles W., Sr.	Fifth	107 th	5/25/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	10/18/2001	Motion to report favorably (9-10), 3/14/2002	Returned 11/20/2002
				2/7/2002	Motion to report without recommendation (9-10), 3/14/2002	
					Motion to report unfavorably (9-10), 3/14/2002	
		108 th	1/7/2003	—	10/2/2003	Cloture failed (54-43), 10/30/2003
						Returned 12/8/2004
108 th	2/6/2004	—	—	Returned 12/8/2004 ^b		
Prost, Sharon	Federal	107 th	5/21/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	8/27/2001	9/6/2001	Confirmed 9/21/2001
Pryor, William H., Jr.	Eleventh	108 th	4/9/2003	6/11/2003	7/23/2003	Cloture failed (53-44), 7/31/2003
						Cloture failed (51-43), 11/6/2003
						Returned 12/8/2004
		108 th	3/12/2004	—	—	Returned 12/8/2004 ^c
109 th	2/14/2005	—	5/12/2005	Confirmed 6/9/2005		

CRS-29

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Roberts, John G., Jr.	DC	102 nd	1/27/1992	—	—	Returned 10/8/1992
		107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	1/29/2003 4/30/2003	2/27/2003 5/8/2003	Motion to recommit, 4/30/2003 Confirmed 5/8/2003
Rymer, Pamela A.	Ninth	100 th	4/26/1988	—	—	Returned 10/22/1988
		101 st	2/28/1989	4/5/1989	5/18/1989	Confirmed 5/18/1989
Ryskamp, Kenneth L.	Eleventh	101 st	4/26/1990	—	—	Returned 10/28/1990
		102 nd	1/8/1991	3/19/1991	Motion to report favorably (6-8), 4/11/1991 Motion to report without recommendation (7-7), 4/11/1991	Returned 8/2/1991
Saad, Henry W.	Sixth	107 th	11/8/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	7/30/2003	6/17/2004	Cloture failed (52-46), 4/30/2003 Returned 12/8/2004
		109 th	2/14/2005	—	—	Withdrawn 3/27/2006
Shedd, Dennis W.	Fourth	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	6/27/2002	11/14/2002	Confirmed 11/19/2002
Smith, Lavenski R.	Eighth	107 th	5/22/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	5/23/2002	6/27/2002	Confirmed 7/15/2002

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Smith, N. Randy ^d	Ninth	109 th	12/16/2005	3/1/2006	5/4/2006	Returned 8/3/2006
		109 th	9/5/2006	—	9/21/2006	Returned 9/29/2006
		109 th	11/15/2006	—	—	Returned 12/9/2006
Starr, Kenneth W.	DC	98 th	7/13/1983	7/22/1983	—	Returned 8/4/1983
		98 th	9/13/1983	—	9/15/1983	Confirmed 9/20/1983
Sutton, Jeffrey S.	Sixth	107 th	5/9/2001	—	—	Returned 8/3/2001
		107 th	9/4/2001	—	—	Returned 11/20/2002
		108 th	1/7/2003	1/29/2003	2/13/2003	Confirmed 4/29/2003
Tymkovich, Timothy M.	Tenth	107 th	9/4/2001	—	—	Returned 11/20/2002
		107 th	5/25/2001	—	—	Returned 8/3/2001
		108 th	1/7/2003	2/12/2003	3/6/2003	Confirmed 4/1/2003
Unger, Sherman E.	Federal	97 th	12/15/1982	—	—	Returned 12/23/1982
		98 th	4/21/1983	—	—	Returned 8/4/1983
		98 th	9/13/1983	9/29/1983	—	Returned 11/22/1983
				9/30/1983		
				10/05/1983		
				10/06/1983		
10/27/1983						
Van Antwerpen, Franklin S.	Third	102 nd	9/11/1991	—	—	Returned 10/8/1992
		108 th	11/21/2003	1/28/2004	3/4/2004	Confirmed 5/20/2004

Nominee's Name	Circuit	Congress	Date of:			
			Nomination	Hearing	Committee Action ^a	Final Action
Wallace, Michael B.	Fifth	109 th	2/8/2006	—	—	Returned 8/3/2006
		109 th	9/5/2006	9/26/2006	—	Returned 9/29/2006
		109 th	11/15/2006	—	—	Returned 12/9/2006
White, Helene N.	Sixth	105 th	1/7/1997	—	—	Returned 10/21/1998
		106 th	1/26/1999	—	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001
Wiener, Jacques L., Jr.	Fifth	100 th	6/27/1988	—	—	Returned 10/22/1988
		101 st	11/17/1989	2/21/1990	3/8/1990	Confirmed 3/9/1990
Wilkinson, James H., III	Fourth	98 th	11/10/1983	11/16/1983	—	Returned 11/22/1983
		98 th	1/30/1984	2/22/1984 8/7/1984	3/15/1984	Confirmed 8/9/1984
Wynn, James A., Jr.	Fourth	106 th	8/5/1999	—	—	Returned 12/15/2000
		107 th	1/3/2001	—	—	Withdrawn 3/19/2001

Source: CRS Judicial Nominations Database.

Notes:

- a. Unless otherwise noted, the committee action date is the date that the motion to report favorably carried.
- b. Because Pickering received a recess appointment to the Fifth Circuit without his nomination being formally withdrawn by the President, both a nomination to the seat (made 1/7/2003) and a nomination to convert the recess appointment to one with Senate confirmation (made 2/6/2004) were pending before the Senate.
- c. Because Pryor received a recess appointment to the Eleventh Circuit without his nomination being formally withdrawn by the President, both a nomination to the seat (made 4/9/2003) and a nomination to convert the recess appointment to one with Senate confirmation (made 3/12/2004) were pending before the Senate.
- d. Resubmitted in the 110th Congress on Jan. 9, 2007. That nomination was withdrawn by President Bush on Jan. 16, 2007 and Smith was renominated to a different seat on the Ninth Circuit on that same day.

**Appendix 2. U.S. District Courts Nominees with Resubmitted Nominations,
95th Congress - 109th Congress (1977-2006)**

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Adams, John R.	N.OH	107 th	10/10/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	01/29/2003	02/06/2003	Confirmed 02/10/2003
Aiken, Ann L.	OR	104 th	11/27/1995	09/24/1996	—	Returned 10/04/1996
		105 th	01/07/1997	10/28/1997	11/06/1997	Confirmed 01/28/1998
Anderson, Percy	C.CA	102 nd	03/20/1992	—	—	Returned 10/08/1992
		107 th	01/23/2002	04/11/2002	04/18/2002	Confirmed 04/25/2002
Armijo, M. Christina	NM	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/18/2001	11/01/2001	Confirmed 11/06/2001
Bataillon, Joseph F.	NE	104 th	03/06/1996	07/31/1996	—	Returned 10/04/1996
		105 th	01/07/1997	07/22/1997	07/31/1997	Confirmed 09/11/1997
Batchelder, Alice E.	N.OH	98 th	10/05/1984	—	—	Returned 10/18/1984
		99 th	02/28/1985	03/06/1985	04/03/1985	Confirmed 04/03/1985
Bates, John D.	DC	107 th	06/20/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/25/2001	11/29/2001	Confirmed 12/11/2001
Bingler, John H., Jr.	W.PA	104 th	07/21/1995	—	—	Returned 10/04/1996
		105 th	07/31/1997	—	—	Withdrawn 02/12/1998
Bonner, Robert C.	C.CA	100 th	06/15/1988	—	—	Returned 10/22/1988
		101 st	02/28/1989	04/05/1989	05/18/1989	Confirmed 05/18/1989
Bowdre, Karon O.	N.AL	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/18/2001	11/01/2001	Confirmed 11/06/2001

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Breen, J. Daniel	W.TN	107 th	10/10/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	02/12/2003	03/06/2003	Confirmed 03/13/2003
Bryan, Robert J.	W.WA	99 th	12/04/1985	—	—	Returned 12/20/1985
		99 th	02/03/1986	02/19/1986	02/27/1986	Confirmed 04/24/1986
Bunning, David L.	E.KY	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	12/10/2001	02/07/2002	Confirmed 02/14/2002
Caldwell, Karen K.	E.KY	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/04/2001	10/18/2001	Confirmed 10/23/2001
Camp, Laurie S.	NE	107 th	06/19/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/04/2001	10/18/2001	Confirmed 10/23/2001
Carney, Cormac J.	C.CA	107 th	10/10/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	03/12/2003	03/20/2003	Confirmed 04/07/2003
Casey, Richard C.	S.NY	102 nd	07/02/1992	—	—	Returned 10/08/1992
		105 th	07/16/1997	09/30/1997	10/09/1997	Confirmed 10/21/1997
Cassell, Paul G.	UT	107 th	06/19/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	03/19/2002	05/02/2002	Confirmed 05/13/2002
Cedarbaum, Miriam G.	S.NY	99 th	12/04/1985	—	—	Returned 12/20/1985
		99 th	02/03/1986	02/19/1986	02/27/1986	Confirmed 03/03/1986
Cercone, David S.	W.PA	106 th	07/27/2000	—	—	Returned 12/15/2000
		107 th	03/21/2002	06/13/2002	06/20/2002	Confirmed 08/01/2002
Chesney, Maxine M.	N.CA	103 rd	09/14/1994	—	—	Returned 11/14/1994
		104 th	01/24/1995	03/28/1995	04/05/1995	Confirmed 05/08/1995

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Cobb, Howell	E.TX	98 th	09/10/1984	09/18/1984	—	Returned 10/18/1984
		99 th	02/26/1985	—	04/03/1985	Confirmed 04/03/1985
Collins, Robert F.	E.LA	95 th	11/02/1977	—	—	Returned 12/15/1977
		95 th	1/26/1978	02/07/1978	Motion to report favorably (5-5), 04/14/1978 Motion to report favorably (13-1), 05/16/1978	Confirmed 05/17/1978
Conrad, Robert J., Jr.	W.NC	108 th	04/28/2003	—	—	Returned 12/08/2004
		109 th	02/14/2005	03/03/2005	04/14/2005	Confirmed 04/28/2005
Cox, Sean F.	E.MI	108 th	09/10/2004	—	—	Returned 12/08/2004
		109 th	02/14/2005	05/02/2006	05/11/2006	Confirmed 06/08/2006
Crotty, Paul A.	S.NY	108 th	09/07/2004	11/16/2004	—	Returned 12/08/2004
		109 th	02/14/2005	—	03/17/2005	Confirmed 04/11/2005
Davis, Legrome D.	E.PA	105 th	07/30/1998	—	—	Returned 10/21/1998
		106 th	01/26/1999	—	—	Returned 12/15/2000
		107 th	01/23/2002	03/19/2002	04/11/2002	Confirmed 04/18/2002
Davis, Leonard E.	E.TX	102 nd	06/03/1992	—	—	Returned 10/08/1992
		107 th	01/23/2002	04/25/2002	05/02/2002	Confirmed 05/09/2002
Dever, James C., III	E.NC	107 th	05/22/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	—	—	Returned 12/08/2004
		109 th	02/14/2005	03/03/2005	04/14/2005	Confirmed 04/28/2005
Dimitrouleas, William P.	S.FL	102 nd	10/02/1992	—	—	Returned 10/08/1992
		105 th	01/27/1998	04/29/1998	05/07/1998	Confirmed 05/14/1998

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Dorr, Richard E.	W.MO	102 nd	09/09/1992	—	—	Returned 10/08/1992
		107 th	03/21/2002	05/24/2002	06/13/2002	Confirmed 08/01/2002
Dudley, Adriane J.	VI	100 th	06/20/1988	—	—	Returned 10/22/1988
		101 st	03/08/1990	—	—	Returned 08/04/1990
Dwyer, William L.	W.WA	99 th	09/26/1986	—	—	Returned 10/18/1986
		100 th	07/28/1987	09/11/1987	10/29/1987	Confirmed 11/05/1987
Eagan, Clair V.	N.OK	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/04/2001	10/18/2001	Confirmed 10/23/2001
Edgar, R. Allan	E.TN	98 th	09/11/1984	09/19/1984	09/28/1984	Returned 10/18/1984
		99 th	02/26/1985	—	04/03/1985	Confirmed 04/15/1985
Engelhardt, Kurt D.	E.LA	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/25/2001	11/29/2001	Confirmed 12/11/2001
Erickson, Ralph R.	ND	107 th	09/12/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	02/05/2003	02/27/2003	Confirmed 03/12/2003
Feuerstein, Sandra J.	E.NY	107 th	07/25/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	07/22/2003	07/31/2003	Confirmed 09/17/2003
Finch, Raymond L.	VI	102 nd	06/19/1992	—	—	Returned 10/08/1992
		103 rd	03/22/1994	04/29/1994	05/05/1994	Confirmed 05/06/1994
Fitzwater, Sidney A.	N.TX	99 th	10/29/1985	11/22/1985	—	Returned 12/20/1985
		99 th	01/29/1986	02/05/1986	02/27/1986	Confirmed 03/18/1986
Folsom, David	E.TX	103 rd	10/05/1994	—	—	Returned 11/14/1994
		104 th	01/11/1995	02/08/1995	02/23/1995	Confirmed 03/17/1995

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Friot, Stephen P.	W.OK	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/18/2001	11/01/2001	Confirmed 11/06/2001
Frost, Gregory L.	S.OH	107 th	08/01/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	02/05/2003	02/27/2003	Confirmed 03/10/2003
Galane, Morton R.	NV	98 th	07/21/1983	—	—	Returned 08/04/1983
		98 th	09/13/1983	—	—	Withdrawn 10/18/1983
Garbis, Marvin J.	MD	100 th	07/06/1988	—	—	Returned 10/22/1988
		101 st	08/04/1989	09/26/1989	10/18/1989	Confirmed 10/24/1989
Gex, Walter J., III	S.MS	99 th	12/04/1985	—	—	Returned 12/20/1985
		99 th	01/29/1986	02/05/1986	02/20/1986	Confirmed 02/25/1986
Glasser, Israel L.	E.NY	96 th	09/17/1980	—	—	Returned 12/16/1980
		97 th	11/23/1981	12/04/1981	12/08/1981	Confirmed 12/09/1981
Granade, Callie V.	S.AL	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	12/05/2001	12/13/2001	Confirmed 02/04/2002
Green, Joyce H.	DC	96 th	03/05/1979	—	—	Withdrawn 03/06/1979
		96 th	03/06/1979	04/25/1979	05/08/1979	Confirmed 05/10/1979
Gritzner, James E.	S.IA	107 th	07/10/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	01/24/2002	02/07/2002	Confirmed 02/14/2002
Hanen, Andrew S.	S.TX	102 nd	03/20/1992	—	—	Returned 10/08/1992
		107 th	01/23/2002	04/25/2002	05/02/2002	Confirmed 05/09/2002
Hansen, David R.	N.IA	99 th	12/04/1985	—	—	Returned 12/20/1985
		99 th	02/03/1986	02/19/1986	02/27/1986	Confirmed 03/03/1986

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Hargrove, John R.	MD	98 th	11/10/1983	11/16/1983	—	Returned 11/22/1983
		98 th	01/30/1984	—	02/08/1984	Confirmed 02/09/1984
Harmon, Melinda	S.TX	100 th	06/23/1988	—	—	Returned 10/22/1988
		101 st	02/28/1989	04/05/1989	05/18/1989	Confirmed 05/18/1989
Heartfield, Thad	E.TX	103 rd	10/05/1994	—	—	Returned 11/14/1994
		104 th	01/11/1995	02/08/1995	02/23/1995	Confirmed 03/17/1995
Heaton, Joe L.	W.OK	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	11/07/2001	11/29/2001	Confirmed 12/06/2001
Heen, Walter M.	HI	96 th	02/27/1980	—	—	Returned 12/16/1980
		97 th	01/08/1981	—	—	Withdrawn 01/21/1981
Hibbler, William J.	N.IL	105 th	09/16/1998	10/06/1998	10/08/1998	Returned 10/21/1998
		106 th	01/26/1999	—	03/25/1999	Confirmed 04/15/1999
Hicks, Larry R.	NV	102 nd	07/12/1992	—	—	Returned 10/08/1992
		107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/18/2001	11/01/2001	Confirmed 11/05/2001
Hicks, S. Maurice, Jr.	W.LA	107 th	09/12/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	04/30/2003	05/08/2003	Confirmed 05/19/2003
Hochberg, Faith S.	NJ	104 th	11/27/1995	—	—	Returned 10/04/1996
		106 th	04/22/1999	10/26/1999	11/04/1999	Confirmed 11/10/1999
Holderman, James F., Jr.	N.IL	98 th	09/06/1984	09/18/1984	09/28/1984	Returned 10/18/1984
		99 th	02/25/1985	—	04/03/1985	Confirmed 04/03/1985

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Holwell, Richard J.	S.NY	107 th	08/01/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	07/22/2003	07/31/2003	Confirmed 09/17/2003
Johnson, William P.	NM	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/25/2001	11/29/2001	Confirmed 12/13/2001
Jones, James P.	W.VA	96 th	05/16/1979	08/26/1980	—	Returned 12/16/1980
		104 th	12/12/1995	02/28/1996	03/13/1996	Confirmed 07/18/1996
Junell, Robert A.	W.TX	107 th	07/18/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	01/29/2003	02/06/2003	Confirmed 02/10/2003
Keenan, John F.	S.NY	98 th	07/21/1983	08/01/1983	—	Returned 08/04/1983
		98 th	09/13/1983	—	09/15/1983	Confirmed 09/20/1983
Kennelly, Matthew F.	N.IL	105 th	09/16/1998	10/06/1998	—	Returned 10/21/1998
		106 th	01/26/1999	—	03/25/1999	Confirmed 04/15/1999
Klein, James W.	DC	105 th	01/27/1998	—	—	Returned 10/21/1998
		106 th	03/25/1999	—	—	Returned 12/15/2000
Kollar-Kotelly, Colleen	DC	104 th	03/29/1996	07/31/1996	09/19/1996	Returned 10/04/1996
		105 th	01/07/1997	—	05/06/1997	Confirmed 05/20/1997
La Plata, George	E.MI	98 th	09/11/1984	09/19/1984	09/28/1984	Returned 10/18/1984
		99 th	02/27/1985	—	04/03/1985	Confirmed 04/03/1985
Lazzara, Richard A.	M.FL	104 th	05/09/1996	—	—	Returned 10/04/1996
		105 th	01/07/1997	09/05/1997	09/18/1997	Confirmed 09/26/1997
Leighton, Ronald B.	W.WA	102 nd	04/30/1992	—	—	Returned 10/08/1992
		107 th	01/23/2002	10/07/2002	10/08/2002	Confirmed 11/14/2002

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Ludington, Thomas L.	E.MI	107 th	09/12/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	—	—	Returned 12/08/2004
		109 th	02/14/2005	05/02/2006	05/11/2006	Confirmed 06/08/2006
Mazzone, David A.	MA	95 th	11/21/1977	—	—	Returned 12/15/1977
		95 th	01/26/1978	02/07/1978	02/07/1978	Confirmed 02/07/1978
McAvoy, Thomas A.	N.NY	99 th	10/29/1985	—	—	Returned 12/20/1985
		99 th	01/29/1986	02/05/1986	02/27/1986	Confirmed 03/03/1986
McGregor, James R.	W.PA	100 th	03/14/1988	08/09/1988	10/05/1988	Returned 10/22/1988
		101 st	10/15/1990	—	—	Returned 10/28/1990
		102 nd	01/08/1991	—	—	Returned 08/02/1991
Meredith, Ronald E.	W.KY	98 th	09/11/1984	09/19/1984	09/28/1984	Returned 10/18/1984
		99 th	02/27/1985	—	04/03/1985	Confirmed 04/03/1985
Middlebrooks, Donald M.	S.FL	104 th	09/05/1996	—	—	Returned 10/04/1996
		105 th	01/07/1997	03/18/1997	04/17/1997	Confirmed 05/23/1997
Miller, Jeffrey T.	S.CA	104 th	07/19/1996	—	—	Returned 10/04/1996
		105 th	01/07/1997	03/18/1997	04/17/1997	Confirmed 05/23/1997
Mills, Michael P.	N.MS	107 th	07/10/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	09/13/2001	10/04/2001	Confirmed 10/11/2001
Mollway, Susan O.	HI	104 th	12/21/1995	03/27/1996	04/25/1996	Returned 10/04/1996
		105 th	01/07/1997	02/04/1998	04/30/1998	Confirmed 06/22/1998
Morrow, Margaret M.	C.CA	104 th	05/09/1996	06/25/1996	06/27/1996	Returned 10/04/1996
		105 th	01/07/1997	03/18/1997	06/12/1997	Confirmed 02/11/1998

CRS-40

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Nimmons, Ralph W., Jr.	M.FL	96 th	09/17/1980	—	—	Returned 12/16/1980
		102 nd	05/23/1991	06/20/1991	06/27/1991	Confirmed 06/28/1991
Norton, Lynette	W.PA	105 th	04/29/1998	—	—	Returned 10/21/1998
		106 th	01/26/1999	—	—	Returned 12/15/2000
Otero, S. James	C.CA	107 th	07/18/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	01/29/2003	02/06/2003	Confirmed 02/10/2003
O'Toole, George A., Jr.	MA	102 nd	09/24/1992	—	—	Returned 10/08/1992
		104 th	04/04/1995	05/04/1995	05/18/1995	Confirmed 05/25/1995
Payne, James H.	N.E.W.O K	102 nd	09/17/1992	—	—	Returned 10/08/1992
		107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	10/04/2001	10/18/2001	Confirmed 10/23/2001
Phillips, Virginia A.	C.CA	105 th	05/11/1998	—	—	Returned 10/21/1998
		106 th	01/26/1999	10/26/1999	11/04/1999	Confirmed 11/10/1999
Pratt, Robert W.	S.IA	104 th	08/02/1996	—	—	Returned 10/04/1996
		105 th	01/07/1997	03/18/1997	04/17/1997	Confirmed 05/23/1997
Quarles, William D., Jr.	MD	102 nd	06/02/1992	—	—	Returned 10/08/1992
		107 th	09/12/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	02/05/2003	02/27/2003	Confirmed 03/12/2003
Raggi, Reena	E.NY	99 th	10/03/1986	—	—	Returned 10/18/1986
		100 th	01/20/1987	04/01/1987	04/29/1987	Confirmed 05/07/1987
Reeves, Danny C.	E.KY	107 th	08/02/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	11/07/2001	11/29/2001	Confirmed 12/06/2001

CRS-41

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Rodriguez, Anabelle	PR	104 th	01/26/1996	—	—	Returned 10/04/1996
		105 th	03/21/1997	10/01/1998	—	Returned 10/21/1998
Rodriguez, Joseph H.	NJ	98 th	09/17/1984	09/26/1984	—	Returned 10/18/1984
		99 th	02/28/1985	04/17/1985	05/02/1985	Confirmed 05/03/1985
Rohlfing, Frederick W., III	HI	107 th	01/23/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	—	—	Withdrawn 05/06/2004
Ryan, Daniel P.	E.MI	108 th	04/28/2003	—	—	Returned 12/08/2004
		109 th	02/14/2005	—	—	Withdrawn 03/30/2006
Schattman, Michael D.	N.TX	104 th	12/19/1995	—	—	Returned 10/04/1996
		105 th	03/21/1997	—	—	Withdrawn 07/31/1998
Seabright, J. Michael	HI	108 th	09/15/2004	11/16/2004	—	Returned 12/08/2004
		109 th	02/14/2005	—	03/17/2005	Confirmed 04/27/2005
Sessions, Jefferson B., III	S.AL	99 th	10/23/1985	11/22/1985	—	Returned 12/20/1985
		99 th	01/29/1986	03/13/1986	Motion to report favorably (8-10), 06/05/1986	Withdrawn 07/31/1986
				03/19/1986		
				03/20/1986	Motion to report without recommendation (9-9), 06/05/1986	
05/06/1986						
Seybert, Joanna	E.NY	102 nd	07/27/1992	—	—	Returned 10/08/1992
		103 rd	09/24/1993	11/09/1993	11/18/1993	Confirmed 11/20/1993
Sheridan, Peter G.	NJ	108 th	11/05/2003	—	—	Returned 12/08/2004
		109 th	02/14/2005	04/25/2006	05/04/2006	Confirmed 06/08/2006

CRS-42

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Simmons, Paul A.	W.PA	95 th	11/22/1977	—	—	Returned 12/15/1977
		95 th	01/26/1978	02/09/1978	04/05/1978	Confirmed 04/06/1978
Snodgrass, John D.	N.AL	103 rd	09/22/1994	—	—	Returned 11/14/1994
		104 th	01/11/1995	—	—	Withdrawn 09/05/1995
Snyder, Christina A.	C.CA	104 th	05/15/1996	—	—	Returned 10/04/1996
		105 th	01/07/1997	07/22/1997	09/18/1997	Confirmed 11/07/1997
Sporkin, Stanley	DC	98 th	06/28/1984	—	—	Returned 10/18/1984
		99 th	04/05/1985	10/29/1985	12/12/1985	Confirmed 12/16/1985
				11/07/1985		
				11/15/1985		
				11/20/1985		
				12/10/1985		
Sprizzo, John E.	S.NY	96 th	06/02/1980	08/05/1980	—	Returned 12/16/1980
		97 th	07/29/1981	09/15/1981	09/23/1981	Confirmed 09/25/1981
Stanceu, Timothy C.	TRADE	107 th	12/19/2001	—	—	Returned 11/20/2002
		108 th	01/07/2003	02/12/2003	02/27/2003	Confirmed 03/06/2003
Stein, Sidney H.	S.NY	103 rd	09/14/1994	—	—	Returned 11/14/1994
		104 th	01/11/1995	02/08/1995	02/23/1995	Confirmed 03/17/1995
Sundram, Clarence J.	N.NY	104 th	09/29/1995	07/31/1996	—	Returned 10/04/1996
		105 th	01/07/1997	06/25/1997	—	Returned 10/21/1998
Tagle, Hilda G.	S.TX	104 th	08/10/1995	—	—	Returned 10/04/1996
		105 th	03/21/1997	02/25/1998	03/05/1998	Confirmed 03/11/1998

CRS-43

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Thornburg, Lacy H.	W.NC	103 rd	10/05/1994	—	—	Returned 11/14/1994
		104 th	01/11/1995	02/08/1995	02/23/1995	Confirmed 03/17/1995
Thrash, Thomas W., Jr.	N.GA	104 th	05/16/1996	07/31/1996	—	Returned 10/04/1996
		105 th	01/07/1997	05/07/1997	05/22/1997	Confirmed 07/31/1997
Trager, David G.	E.NY	102 nd	11/27/1991	—	—	Returned 10/08/1992
		103 rd	08/06/1993	11/09/1993	11/18/1993	Confirmed 11/20/1993
Varlan, Thomas A.	E.TN	107 th	10/10/2002	—	—	Returned 11/20/2002
		108 th	01/07/2003	02/12/2003	03/06/2003	Confirmed 03/13/2003
Vukasin, John P., Jr.	N.CA	97 th	12/16/1982	—	—	Returned 12/23/1982
		98 th	01/31/1983	06/22/1983	07/21/1983	Returned 08/04/1983
		98 th	08/08/1983	—	09/15/1983	Confirmed 09/20/1983
Walker, Vaughn R.	N.CA	100 th	12/19/1987	—	—	Returned 10/08/1992
		101 st	02/28/1989	—	—	Returned 08/04/1989
		101 st	09/07/1989	11/09/1989	11/16/1989	Confirmed 11/22/1989
Walter, Donald E.	W.LA	98 th	10/05/1984	—	—	Returned 10/18/1984
		99 th	05/15/1985	06/19/1985	06/20/1985	Confirmed 07/10/1985
Walter, John F.	C.CA	102 nd	03/20/1992	—	—	Returned 10/08/1992
		107 th	01/23/2002	04/11/2002	04/18/2002	Confirmed 04/25/2002
Walton, Reggie B.	DC	107 th	06/20/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	08/22/2001	09/06/2001	Confirmed 09/21/2001
Wanger, Oliver W.	E.CA	101 st	09/21/1990	—	—	Returned 10/28/1990
		102 nd	01/08/1991	03/13/1991	03/21/1991	Confirmed 03/21/1991

CRS-44

Nominee's Name	Court	Congress	Date of:			
			Nomination	Hearing	Committee Motion ^a	Final Action
Weber, Herman J.	S.OH	98 th	09/17/1984	09/26/1984	—	Returned 10/18/1984
		99 th	02/28/1985	—	04/03/1985	Confirmed 04/03/1985
White, Ronnie L.	E.MO	105 th	06/26/1997	05/14/1998	05/21/1998	Returned 10/21/1998
		106 th	01/26/1999	—	07/22/1999	Rejected (45-54), 10/05/1999
Williams, Ann C.	N.IL	98 th	10/05/1984	—	—	Returned 10/18/1984
		99 th	03/14/1985	03/26/1985	04/03/1985	Confirmed 04/03/1985
Wolf, Mark L.	MA	98 th	10/05/1984	—	—	Returned 10/18/1984
		99 th	03/14/1985	03/20/1985	04/03/1985	Confirmed 04/03/1985
Wooten, Terry L.	SC	107 th	06/18/2001	—	—	Returned 08/03/2001
		107 th	09/04/2001	08/27/2001 ^b	11/08/2001	Confirmed 11/08/2001
Young, William G.	MA	98 th	09/11/1984	09/19/1984	09/28/1984	Returned 10/18/1984
		99 th	03/14/1985	—	04/03/1985	Confirmed 04/03/1985

Source: CRS Judicial Nominations Database.

Notes:

a. Unless otherwise noted, committee action date is the date that the motion to report favorably carried.

b. The Senate Judiciary Committee held hearings in advance of the second nomination of Terry L. Wooten.