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# Final Senate Action on U.S. Circuit and District Court Nominations During a President's Eighth Year in Office

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January 27, 2016

Congressional Research Service

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[www.crs.gov](http://www.crs.gov)

R44353

## Summary

This report, in light of continued Senate interest in the judicial confirmation process during a President's final year in office, provides statistics related to Senate action on U.S. circuit and district court nominations during the eighth year of the George W. Bush, Clinton, and Reagan presidencies. The eighth year of a presidency is significant, in part, because it is the final opportunity for a President to appoint individuals as U.S. circuit and district court judges. Such judges have what effectively has come to mean life tenure, holding office "during good Behaviour."

For the purposes of this report, final Senate action occurs either when the Senate confirms a nomination during a President's eighth year or when a nomination is returned to the President during his eighth year (and not resubmitted and ultimately approved by the Senate).

Some of the report's findings include the following:

- Of the three presidencies, the number of U.S. circuit court nominees confirmed during the eighth year ranged from a low of 4 (during the Bush presidency) to a high of 8 (during the Clinton presidency).
- The number of circuit court nominations not approved by the Senate and returned at the end of a President's eighth year in office ranged from a low of 9 (during the Reagan presidency) to a high of 18 during the Clinton presidency.
- Fewer than half of all circuit court nominations on which the Senate acted during a President's eighth year in office were confirmed by the Senate—specifically, 23.5%, 30.8%, and 43.7% were confirmed during the eighth year of the Bush, Clinton, and Reagan presidencies, respectively.
- Each of the three Presidents had at least one circuit court nomination made for the first time during his eighth year in office that was also approved by the Senate during his eighth year.
- During each President's eighth year in office, there was at least one month in which the Senate confirmed two or more of a President's circuit court nominees.
- For the two most recent Presidents in the comparison group, Bush and Clinton, there were no circuit court nominees approved by the Senate after June or July, respectively, of each President's eighth year in office.
- Of the three presidencies, the number of U.S. district court nominees confirmed during the eighth year ranged from a low of 24 (during the Bush presidency) to a high of 33 (during the Reagan presidency).
- The number of district court nominations not approved by the Senate and returned at the end of a President's eighth year in office ranged from a low of 12 during the Reagan presidency to a high of 25 (during the Clinton presidency).
- A majority of district court nominations that received final action during each President's eighth year in office were confirmed by the Senate—specifically, 54.5%, 55.4%, and 73.3% were confirmed during the eighth year of the Bush, Clinton, and Reagan presidencies, respectively.
- During each President's eighth year in office, there were at least two months in which the Senate confirmed more than five district court nominees each month.
- Senate confirmation of district court nominations extended into the final three or four months of each presidency.

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## Introduction

The process by which lower federal court judges are nominated by the President and approved by the Senate during the final year of a presidency has, in recent decades, been of continuing interest to Congress.<sup>1</sup> The eighth year of a presidency is significant, in part, because it is the final opportunity for a President to appoint individuals as U.S. circuit and district court judges.<sup>2</sup> Such judges have what effectively has come to mean life tenure, holding office “during good Behaviour.”<sup>3</sup>

This report, in light of continued Senate interest in the judicial confirmation process, provides statistics related to final Senate action on U.S. circuit and district court nominations during the eighth year of the George W. Bush, Clinton, and Reagan presidencies.<sup>4</sup> For the purposes of this report, a President’s eighth year in office is defined as the period from January 1 of his eighth calendar year in office to when he leaves office on January 20 of his ninth calendar year in office.<sup>5</sup>

Additionally, for the purposes of this report, final Senate action occurs either when the Senate confirms a nomination during a President’s eighth year or when a nomination is returned to the President during his eighth year (and not resubmitted by the President and ultimately approved by the Senate).<sup>6</sup>

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<sup>1</sup> See, for example, floor remarks by Sen. Patrick Leahy in “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, July 22, 2008, pp. S7084-S7085. See also floor remarks by Sen. Mitch McConnell in “Nominations,” Remarks in the Senate, *Congressional Record*, daily edition, July 17, 2008, pp. S6909-S6910; by Sen. Orrin Hatch in “Judicial Nominations,” Remarks in the Senate, *Congressional Record*, daily edition, October 11, 2000, pp. S10234-S10236; and by Sen. Chuck Robb in “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, October 3, 2000, pp. S9660-S9661.

<sup>2</sup> For one-term Presidents, it is not generally known at the beginning of the year that the fourth year will be their final year in office.

<sup>3</sup> Pursuant to this constitutional language, U.S. circuit and district court judges may hold office for as long as they live or until they voluntarily leave office. A President has no power to remove them from office. U.S. circuit and district court judges, however, may be removed by Congress through the process of impeachment by the House and conviction by the Senate.

<sup>4</sup> The scope of this report does not include the fourth, and final, year of the Carter or George H.W. Bush presidencies. It is possible, and perhaps likely, that the nomination and confirmation process is affected by whether a President is known to be in his final year in office (i.e., his eighth year) or whether he is at the end of his first term with the possibility of being re-elected. Consequently, the Presidents included in the comparison group analyzed in this report (G.W. Bush, Clinton, and Reagan) all share a defining characteristic (i.e., each served two full terms).

<sup>5</sup> For the Clinton presidency, this includes nine circuit court nominations that were made by President Clinton prior to him leaving office but not withdrawn until after President G.W. Bush was inaugurated.

<sup>6</sup> Nominations that are pending when the Senate adjourns sine die or recesses for more than 30 days are returned to the President unless the Senate, by unanimous consent, waives the rule requiring their return (Senate Rule XXXI, clause 6). If a nomination is returned, and the President still desires Senate consideration, he must submit a new nomination to the Senate. For further information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted). For the purposes of this report, any nominations that are withdrawn by a President are included in the “returned” category (note that it is a relatively rare occurrence for a President to withdraw a U.S. circuit or district court nomination). The returned category also includes any nominations on which the Senate fails to invoke cloture. Such nominations are either returned by the Senate to the President, or withdrawn by the President.

In addition to either confirming or returning a nomination, final Senate action can also be to reject the nomination by a roll call vote. This is a relatively rare occurrence (and it did not happen during the eighth year of the three presidencies included in the analysis).

The specific statistics and data discussed below include (1) the number and percentage of U.S. circuit and district court nominees confirmed or returned during the eighth year of each presidency; (2) the number and percentage of U.S. circuit and district court nominees confirmed during a President's eighth year who were nominated either during a President's eighth year or prior to his eighth year; (3) the number of U.S. circuit and district court nominees confirmed each month during a President's eighth year; and (4) the final date during each President's eighth year on which the Senate confirmed U.S. circuit and district court nominees.

The statistics provided in this report were generated from an internal CRS judicial nominations database. The statistics account only for nominations made to U.S. circuit and district court judgeships. This report does not analyze or take a position on the number or percentage of judicial nominations that would be appropriate for the Senate to approve during the final year of a presidency.

## U.S. Circuit Courts

### Final Disposition

The statistics reported in **Table 1** show final Senate action (i.e., the final disposition) on all U.S. circuit court nominations that were pending before the Senate, either in committee or on the *Executive Calendar*, during a President's eighth year in office.

Of the three most recent Presidents with a full eighth year in office, the number of U.S. circuit court nominees confirmed during the eighth year ranged from a low of 4 (in 2008, during the George W. Bush presidency) to a high of 8 (in 2000, during the Clinton presidency).

The number of nominations not approved by the Senate and returned at the end of a President's eighth year in office ranged from a low of 9 (in 1988, during the Reagan presidency) to a high of 18 during the Clinton presidency.<sup>7</sup>

**Table 1** also shows, for each of the three presidencies, fewer than half of all circuit court nominations on which the Senate acted during a President's eighth year in office were confirmed by the Senate—specifically, 23.5%, 30.8%, and 43.7% were confirmed during the eighth year of the George W. Bush, Clinton, and Reagan presidencies, respectively.

Consequently, more than half of the circuit court nominations that were pending before the Senate during each President's final year in office were not confirmed by the Senate—76.5%, 69.2%, and 56.2% were returned during the eighth year of the George W. Bush, Clinton, and Reagan presidencies, respectively.

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<sup>7</sup> There are multiple factors that influence the number and percentage of nominees approved, or not, by the Senate during a President's eighth year in office. For example, one of the possible reasons that twice as many circuit court nominees were confirmed during the final year of the Clinton presidency than during the final year of the G.W. Bush presidency might be that there were nearly twice as many more circuit court vacancies, on average, in 2000 than in 2008 (23 compared to 12, respectively). This might also have influenced the overall number of nominations that were pending before the Senate during each President's eighth year in office, as well as the number of nominations returned at the end of each eighth year. There were, however, 10 circuit court vacancies on average during the final year of the Reagan presidency (1988), and he had nearly as many circuit court nominees confirmed during his final year as were confirmed during the eighth year of the Clinton presidency.

**Table 1. U.S. Circuit Court Nominations: Final Action by the Senate During a President's Eighth Year in Office**

President	Year	Number of Nominations Pending during 8 <sup>th</sup> Year	Final Action			
			Confirmed		Returned	
			Number	Percent	Number	Percent
G.W. Bush	2008	17	4	23.5%	13	76.5%
Clinton	2000	26	8	30.8%	18	69.2%
Reagan	1988	16	7	43.8%	9	56.2%

**Source:** Congressional Research Service.

**Note:** This table shows the final action taken by the Senate on U.S. circuit court nominations during a President's eighth year in office.

### Final Disposition of New Nominations Made during Eighth Year

Another way to examine the data is to take into account only those nominations that were made for the *first time* during a President's eighth year in office. This approach omits nominations made prior to a President's eighth year in office (i.e., during a President's seventh year or earlier) that the Senate nonetheless approved or returned during a President's eighth year.

Each of the three Presidents had at least one circuit court nomination made for the first time during his eighth year in office that was also approved by the Senate during his eighth year.

Of the 17 circuit court nominations that received final Senate action during the final year of the George W. Bush presidency (as reported in **Table 1**), 6 were first submitted to the Senate in 2008, his final year in office. Of the 6, 2 (33.3%) were confirmed and 4 (66.7%) were returned (i.e., not confirmed).

Of the 26 circuit court nominations that received final Senate action during the final year of the Clinton presidency, 9 were first submitted to the Senate during his final year (2000). Of the 9, 1 (11.1%) was confirmed and 8 (88.9%) were returned.

Of the 16 circuit court nominations that received final Senate action during the final year of the Reagan presidency, 7 were first submitted to the Senate during his final year (1988). Of the 7, 2 (28.6%) were confirmed and 5 (71.4%) were returned.

### Nominees Confirmed by the Senate: When First Nominated by the President

The statistics reported in **Table 2** show, for circuit court nominees confirmed during a President's eighth year in office, the number and percentage first nominated at some point prior to the eighth year, as well as the number and percentage who were first nominated during the eighth year itself.

For Presidents Clinton and Reagan, more than half of the circuit court nominees confirmed by the Senate during each President's eighth year were first nominated prior to the eighth year—7 of 8 (87.5%) and 5 of 7 (71.4%), respectively. For President George W. Bush, half of the 4 nominees

that were confirmed during his eighth year were first nominated prior to the eighth year, while the other half were nominated during the eighth year.<sup>8</sup>

**Table 2. U.S. Circuit Court Nominees Confirmed During a President’s Eighth Year in Office: When First Nominated**

President	Year	Total Confirmed During 8 <sup>th</sup> Year	When First Nominated	
			Prior to 8th Year	During 8th Year
G.W. Bush	2008	4	2 (50.0%)	2 (50.0%)
Clinton	2000	8	7 (87.5%)	1 (12.5%)
Reagan	1988	7	5 (71.4%)	2 (28.6%)

**Source:** Congressional Research Service.

**Note:** This table shows, for U.S. circuit court nominees confirmed during a President’s eighth year in office, the number and percentage of nominees first nominated prior to the eighth year or during the eighth year.

During a President’s final year in office, the number and percentage of confirmed circuit court nominees who were first nominated prior to, or during, the eighth year might be influenced by factors such as how many circuit court nominees are “held over”<sup>9</sup> from a President’s seventh to eighth year in office. A President with relatively fewer circuit court nominations held over after his seventh year might have more (or a greater percentage of) nominees confirmed during his eighth year who were also nominated for the first time during his eighth year. While a President with relatively more circuit court nominations held over after his seventh year might have more (or a greater percentage of) nominees confirmed during his eighth year who were also nominated prior to his eighth year (since, presumably, the Senate might have less time to act on any new nominations made during a President’s eighth year).<sup>10</sup>

<sup>8</sup> There was some variation among the three presidencies in the number of circuit court nominations held over from each President’s seventh to eighth year. During the G.W. Bush presidency, 11 circuit court nominations were held over from the seventh to eighth year. During the Clinton presidency, 17 circuit court nominations were held over. And during the Reagan presidency, 9 circuit court nominations were held over from his seventh to eighth year. The number of circuit court nominations that were held over from a President’s seventh to eighth years might influence the number of confirmed nominees who were first nominated prior to a President’s eighth year versus those who were first nominated during a President’s eighth year. Presumably the Senate might have less time to act on new nominations during the eighth year of a presidency if it is still processing nominations made prior to the eighth year.

<sup>9</sup> “Held over” means circuit or district court nominations that were made by a President prior to his eighth year in office, i.e., his seventh year (or earlier), but were not acted upon by the Senate until his eighth year in office. For the purposes of this report, this includes any nominations that were returned to a President prior to his eighth year in office and resubmitted to the Senate by the President during his eighth year.

<sup>10</sup> For example, 17 circuit court nominees were held over from the seventh to eighth year during the Clinton presidency, while 11 circuit court nominees were held over from the seventh to eighth year during the G.W. Bush presidency. This may have contributed, in part, to a greater percentage of President Clinton’s confirmed circuit court nominees (87.5%) than President G.W. Bush’s nominees (50.0%) who were nominated for the first time prior to, respectively, each President’s eighth year in office. Note, however, that a relatively small number of circuit court nominees (9) were held over from the seventh to eighth year during the Reagan presidency. Despite that, most of the circuit court nominees confirmed during the eighth year of his presidency were nominated prior to his final year in office.



## Nominees Confirmed by the Senate: Month of Senate Approval

There is variation across presidencies as to when the Senate approves circuit court nominations during a President's eighth year in office. For the three most recent Presidents with a full eighth year in office, **Figure 1** shows the number of circuit court nominees confirmed each month during a President's eighth year.

As shown by the figure, there were no months in common during each President's eighth year in which the Senate confirmed at least one circuit court nominee. There were, however, four months in common in which two of the three Presidents had at least one circuit court nominee confirmed (February, March, April, May).<sup>11</sup>

Additionally, during each President's eighth year in office, there was at least one month in which the Senate confirmed two or more of a President's circuit court nominees (June 2008 during the George W. Bush presidency; February 2000, March 2000, and May 2000 during the Clinton presidency; February 1988, April 1988, and October 1988 during the Reagan presidency).

For Presidents Clinton and Reagan, a majority of the circuit court nominees confirmed during each of their eighth years were approved during the first quarter of each President's final year in office (January through March). For President George W. Bush, a majority of the circuit court nominees confirmed during his eighth year were approved during the second quarter (April through June).<sup>12</sup>

For the two most recent Presidents in the comparison group, George W. Bush and Clinton, there were no circuit court nominees approved by the Senate after June or July, respectively, of each President's eighth year in office.<sup>13</sup>

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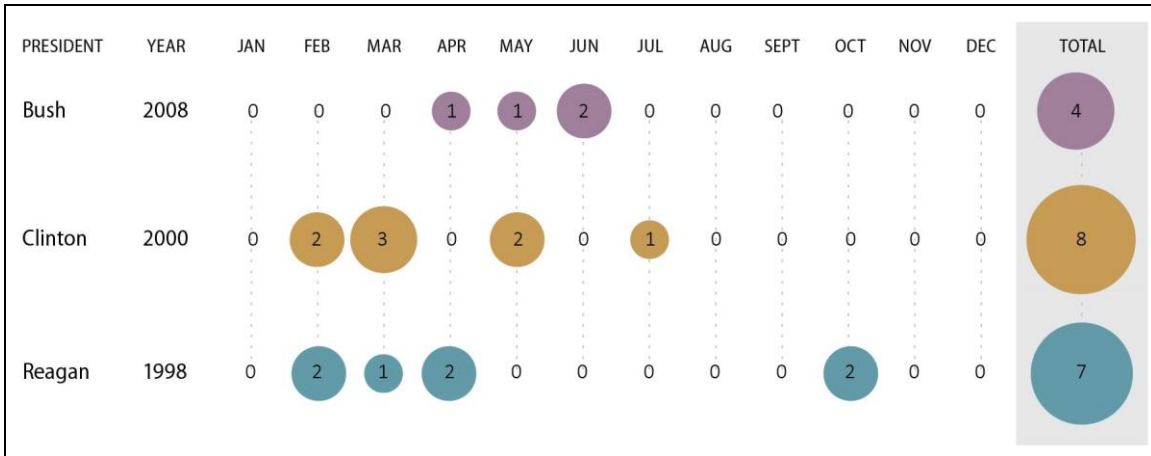
<sup>11</sup> Senate confirmation of at least one judicial nominee during any given month requires, of course, that there is at least one nomination pending before the Senate during that particular month. For months in which no circuit court nominees were confirmed by the Senate, **Figure 1** does not indicate whether any circuit court nominations were pending before the Senate during those months.

<sup>12</sup> The particular months during any given year in which the Senate approves one or more judicial nominations is influenced by various factors, including whether the Senate is in session; whether the Senate is focused on one or more matters on the *Legislative Calendar*; and whether the Senate is focused on other business items pending on the *Executive Calendar* (e.g., executive branch nominations or treaties).

<sup>13</sup> Some Senators previously have said they expected Senate processing of lower court nominations, particularly U.S. circuit court nominations, to drop off—and then to end—earlier in presidential election years than in other years. Such expectations, they asserted, were supported by past Senate practice, and by an informal Senate understanding, sometimes called the “Thurmond Rule.” In keeping with this understanding, the Senate, after a certain point in a presidential election year, would generally no longer act on judicial nominations, or act only on uncontroversial consensus nominees supported by the Senate leaders of both parties. Other Senators, however, have disputed that the Senate customarily slows down the process of confirming such nominations in presidential election years, or that Senators have a shared understanding about how late in a presidential election year judicial nominations should be processed. They have pointed to presidential election years in which relatively large numbers of judicial nominations have been confirmed or in which such confirmations occurred relatively late in the year. For further discussion, see CRS Report R42600, *Confirmation of U.S. Circuit and District Court Nominations in Presidential Election Years*, by (name redacted) and (name redacted)



**Figure 1. U.S. Circuit Court Nominees Confirmed During a President’s Eighth Year in Office: Month of Senate Approval**



**Source:** Congressional Research Service.

**Note:** This figure shows the number of U.S. circuit court nominees confirmed by month during a President’s eighth year in office.

### Date of Final Confirmation(s)

**Table 3** reports the final date during a President’s eighth year in office on which the Senate approved one or more circuit court nominations, as well as other information about each nomination.

Two of the three Presidents (George W. Bush and Reagan) had more than one circuit court nominee approved, for the final time, by the Senate on the same date.

**Table 3. U.S. Circuit Court Nominees Confirmed During a President’s Eighth Year in Office: Date of Final Confirmation**

President	Nominee	Circuit	Date of Final Confirmation
G.W. Bush	Raymond M. Kethledge	Sixth	June 24, 2008
	Helene N. White	Sixth	
Clinton	Johnnie B. Rawlinson	Ninth	July 21, 2000
Reagan	John M. Duhe, Jr.	Fifth	October 14, 1988
	Richard L. Nygaard	Third	

**Source:** Congressional Research Service.

**Note:** This table shows the date on which the Senate last approved one or more of a President’s circuit court nominees during the eighth year of his presidency.

## U.S. District Courts

### Final Disposition

The statistics reported in **Table 4** show final Senate action (i.e., the final disposition) on all U.S. district court nominations that were pending before the Senate, either in committee or on the *Executive Calendar*, during a President’s eighth year in office.

Of the three most recent Presidents with a full eighth year in office, the number of U.S. district court nominees confirmed during the eighth year ranged from a low of 24 (in 2008, during the George W. Bush presidency) to a high of 33 (in 1988, during the Reagan presidency).<sup>14</sup>

The number of nominations not approved by the Senate and returned at the end of a President’s eighth year in office ranged from a low of 12 during the Reagan presidency to a high of 25 (in 2000, during the Clinton presidency).

**Table 4. U.S. District Court Nominations: Final Action by the Senate During a President’s Eighth Year in Office**

President	Year	Number of Nominations Pending During 8 <sup>th</sup> Year	Final Action			
			Confirmed		Returned	
			Number	Percent	Number	Percent
G.W. Bush	2008	44	24	54.5%	20	45.5%
Clinton	2000	56	31	55.4%	25	44.6%
Reagan	1988	45	33	73.3%	12	26.7%

**Source:** Congressional Research Service.

**Note:** This table shows the final action taken by the Senate on U.S. district court nominations during a President’s eighth year in office.

In contrast to final Senate action on circuit court nominations, a majority of district court nominations that received final action during each President’s eighth year in office were confirmed by the Senate (rather than returned).

Specifically, as shown by **Table 4**, at least 50.0% of all district court nominations on which the Senate acted during a President’s eighth year in office were confirmed—specifically, 54.5%, 55.4%, and 73.3% were confirmed during the eighth year of the George W. Bush, Clinton, and Reagan presidencies, respectively.

Consequently, fewer than half of the district court nominations that were pending before the Senate during each President’s final year in office were not approved by the Senate—45.5%, 44.6%, and 26.7% were returned during the eighth year of the George W. Bush, Clinton, and Reagan presidencies, respectively.

### Final Disposition of New Nominations Made During Eighth Year

Also in contrast to U.S. circuit court nominations, a majority of new district court nominations made for the *first time* during each President’s eighth year were confirmed by the Senate.

<sup>14</sup> As with circuit court vacancies, the number of district court vacancies varied during the final year of each of the G.W. Bush, Clinton, and Reagan presidencies. Such variation might have contributed to the different number of district court nominees confirmed during the eighth year of each presidency. There were, on average, 37 district court vacancies throughout the eighth year of the G.W. Bush presidency (during which 24 nominees were confirmed). There were, on average, 46 district court vacancies during the eighth year of the Clinton presidency (during which 31 nominees were confirmed). During the final year of the Reagan presidency, however, there were, on average, 25 district court vacancies (during which 33 nominees were confirmed—the highest number among the three Presidents).

Of the 44 district court nominations that received final Senate action during the final year of the George W. Bush presidency (as reported in **Table 4**), 26 were first submitted to the Senate in 2008, his final year in office. Of the 26, 15 (57.7%) were confirmed and 11 (42.3%) were returned (i.e., not confirmed).

Of the 56 district court nominations that received final Senate action during the final year of the Clinton presidency, 38 were first submitted to the Senate during his final year (2000). Of the 38, 24 (63.2%) were confirmed and 14 (36.8%) were returned.

Of the 45 district court nominations that received final Senate action during the final year of the Reagan presidency, 26 were first submitted to the Senate during his final year (1988). Of the 26, 19 (73.1%) were confirmed and 7 (26.9%) were returned.

## Nominees Confirmed by the Senate: When First Nominated by the President

The statistics reported in **Table 5** show, for district court nominees confirmed during a President’s eighth year in office, the number and percentage first nominated at some point prior to the eighth year, as well as the number and percentage who were first nominated during the eighth year itself.

For each President in the comparison group, a majority of district court nominees confirmed during his eighth year in office were also nominated for the first time during the eighth year—specifically, 62.5%, 77.4%, and 57.6% were nominated for the first time (and confirmed) during the eighth year of the George W. Bush, Clinton, and Reagan presidencies, respectively.<sup>15</sup>

**Table 5. U.S. District Court Nominees Confirmed During a President’s Eighth Year in Office: When First Nominated**

President	Year	Total Confirmed During 8 <sup>th</sup> Year	When First Nominated	
			Prior to 8 <sup>th</sup> Year	During 8 <sup>th</sup> Year
G.W. Bush	2008	24	9 (37.5%)	15 (62.5%)
Clinton	2000	31	7 (22.6%)	24 (77.4%)
Reagan	1988	33	14 (42.4%)	19 (57.6%)

**Source:** Congressional Research Service.

**Note:** This table shows, for U.S. district court nominees confirmed during a President’s eighth year in office, the number and percentage of nominees first nominated prior to the eighth year or during the eighth year.

<sup>15</sup> There was little variation among the three presidencies in the number of district court nominations held over from each President’s seventh to eighth year. During the G.W. Bush presidency, 18 district court nominations were held over from the seventh to eighth year. Similarly, 18 district court nominations were held over during the Clinton presidency. And during the Reagan presidency, 19 district court nominations were held over from his seventh to eighth year. The number of district court nominations that were held over from a President’s seventh to eighth years might influence the number of confirmed nominees who were first nominated prior to a President’s eighth year versus those who were first nominated during a President’s eighth year. Presumably the Senate might have less time to act on new nominations during the eighth year of a presidency if it is still processing nominations made prior to the eighth year.

## Nominees Confirmed by the Senate: Month of Senate Approval

There is variation across presidencies as to when the Senate approves district court nominations during a President's eighth year in office. For the three most recent Presidents with a full eighth year in office, **Figure 2** shows the number of district court nominees confirmed each month during a President's eighth year.

As shown by the figure (and in contrast to circuit court nominations), Senate confirmation of district court nominations extended, for all three presidencies, into the final three or four months of each presidency.

There was one month in common during each President's eighth year in which the Senate confirmed at least one district court nominee (i.e., July in the eighth year of each presidency). There were another five months in common in which two of the three Presidents had at least one district court nominee confirmed (February, April, May, June, and October).<sup>16</sup>

Additionally, during each President's eighth year in office, there were at least two months in which the Senate confirmed more than five district court nominees each month (June 2008 and September 2008 during the George W. Bush presidency; May 2000 and June 2000 during the Clinton presidency; and February 1988, April 1988, October 1988 during the Reagan presidency).

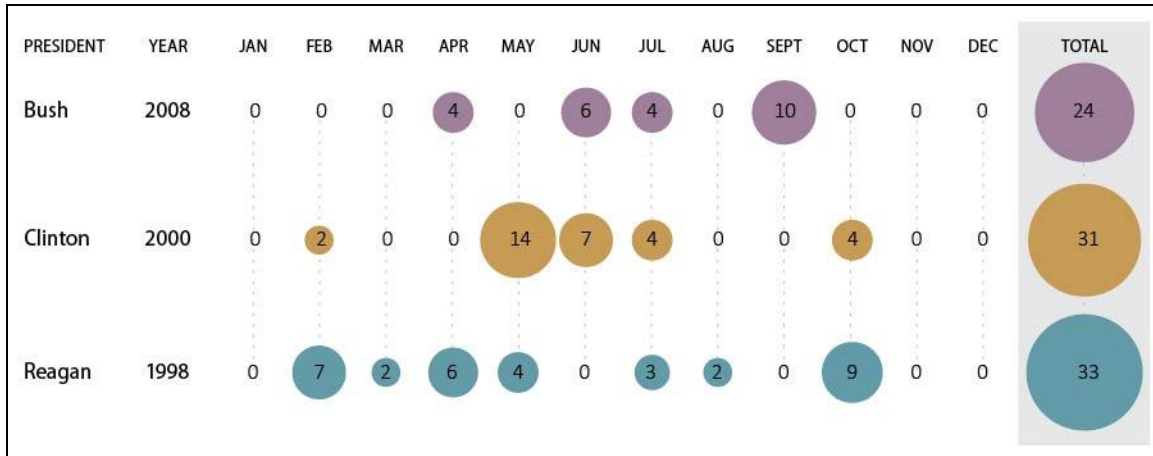
For Presidents Clinton and Reagan, a majority of the district court nominees confirmed during each of their eighth years were approved during the second quarter of each President's final year in office (April through June). For President George W. Bush, a majority of the district court nominees confirmed during his eighth year were approved during the third quarter of his final year (July through September).<sup>17</sup>

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<sup>16</sup> Senate confirmation of at least one judicial nominee during any given month requires, of course, that there is at least one nomination pending before the Senate during that particular month. For months in which no district court nominees were confirmed by the Senate, **Figure 2** does not indicate whether any district court nominations were pending before the Senate during those months.

<sup>17</sup> As with circuit court nominations, the particular months in which the Senate confirms district court nominees during a President's eighth year is likely influenced by various factors. These include whether the Senate is in session; whether the Senate is focused on one or more matters on the *Legislative Calendar*; and whether the Senate is focused on other business items pending on the *Executive Calendar* (e.g., executive branch nominations or treaties).

**Figure 2. U.S. District Court Nominees Confirmed During a President’s Eighth Year in Office: Month of Senate Approval**



**Source:** Congressional Research Service.

**Note:** This figure shows the number of U.S. district court nominees confirmed by month during a President’s eighth year in office.

**Date of Final Confirmation(s)**

**Table 6** reports the final date during a President’s eighth year in office on which the Senate approved one or more district court nominations, as well as other information about each nomination.

Each of the three Presidents had multiple district court nominees approved, for the final time, by the Senate on the same date. Specifically, there were 10 district court nominees approved by the Senate for the final time, on September 26, 2008, during the George W. Bush presidency. There were 4 nominees approved for the final time, on October 3, 2000, during the Clinton presidency. And there were 8 nominees approved for the final time, on October 14, 1988, during the Reagan presidency.

**Table 6. U.S. District Court Nominees Confirmed During a President’s Eighth Year in Office: Date of Final Confirmation**

President	Nominee	District Court	Date of Final Confirmation
G.W. Bush	Michael A. Anello	Southern California	September 26, 2008
	Christine M. Arguello	Colorado	
	Philip A. Brimmer	Colorado	
	Mitchell S. Goldberg	Eastern Pennsylvania	
	Darnell C. Jones III	Eastern Pennsylvania	
	Eric F. Melgren	Kansas	
	Mary S. Scriven	Middle Florida	
	Joel H. Slomsky	Eastern Pennsylvania	
	Anthony J. Trenga	Eastern Virginia	
Clinton	Clark Waddoups	Utah	October 3, 2000
	Susan Ritchie Bolton	Arizona	

<b>President</b>	<b>Nominee</b>	<b>District Court</b>	<b>Date of Final Confirmation</b>
Reagan	Mary H. Murguia	Arizona	October 14, 1988
	Michael J. Reagan	Southern Illinois	
	James A. Teilborg	Arizona	
	Lewis T. Babcock	Colorado	
	Charles R. Butler Jr.	Southern Alabama	
	Paul V. Gadola	Eastern Michigan	
	Robert Leon Jordan	Eastern Tennessee	
	D. Brooks Smith	Western Pennsylvania	
	Norwood Carlton Tilley Jr.	Middle North Carolina	
	Richard L. Voorhees	Western North Carolina	
Jay C. Waldman	Eastern Pennsylvania		

**Source:** Congressional Research Service.

**Note:** This table shows the date on which the Senate last approved one or more of a President's district court nominees during the eighth year of his presidency.

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