

# U.S. Circuit Court Nominees Confirmed Through February 15 of President Biden's Fourth Year in Office: Overview and Comparative Analysis

February 26, 2024

This Insight provides statistics related to the nomination and confirmation of U.S. circuit court nominees through February 15, 2024, of the Biden presidency. This Insight also provides comparative statistics through February 15 of the fourth year of the presidencies of President Joe Biden's three immediate predecessors—Presidents Donald Trump, Barack Obama, and George W. Bush. So, for example, statistics presented for the Trump presidency are for the period January 20, 2017, to February 15, 2020.

The statistics provided below for circuit court nominees confirmed as of February 15 of a President's fourth year in office do not always reflect the final statistics that characterize all of the circuit court nominees confirmed during a President's entire time in office.

For additional historical statistics related to the nomination and confirmation of U.S. circuit and district court nominees, see CRS Report R45622, *Judicial Nomination Statistics and Analysis: U.S. Circuit and District Courts, 1977-2022*.

## Number and Percentage of Nominees Confirmed

As of February 15, 2024, President Biden nominated 45 individuals to U.S. circuit court judgeships, of whom 40 (89%) were confirmed by that same date.

As of February 15, 2020, during the Trump presidency, 53 individuals were nominated to circuit court judgeships, of whom 51 (96%) were confirmed by that same date.

During the Obama and George W. Bush presidencies, 41 and 51 individuals were nominated, respectively, as of February 15 of each President's fourth year in office, with 26 (63%) and 30 (59%) confirmed, respectively, by that same date.

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IN12321

## Demographic Characteristics

**Figure 1** shows the numerical breakdown by gender and race for U.S. circuit court nominees who were confirmed as of February 15 of the fourth year of each presidency included in the analysis.

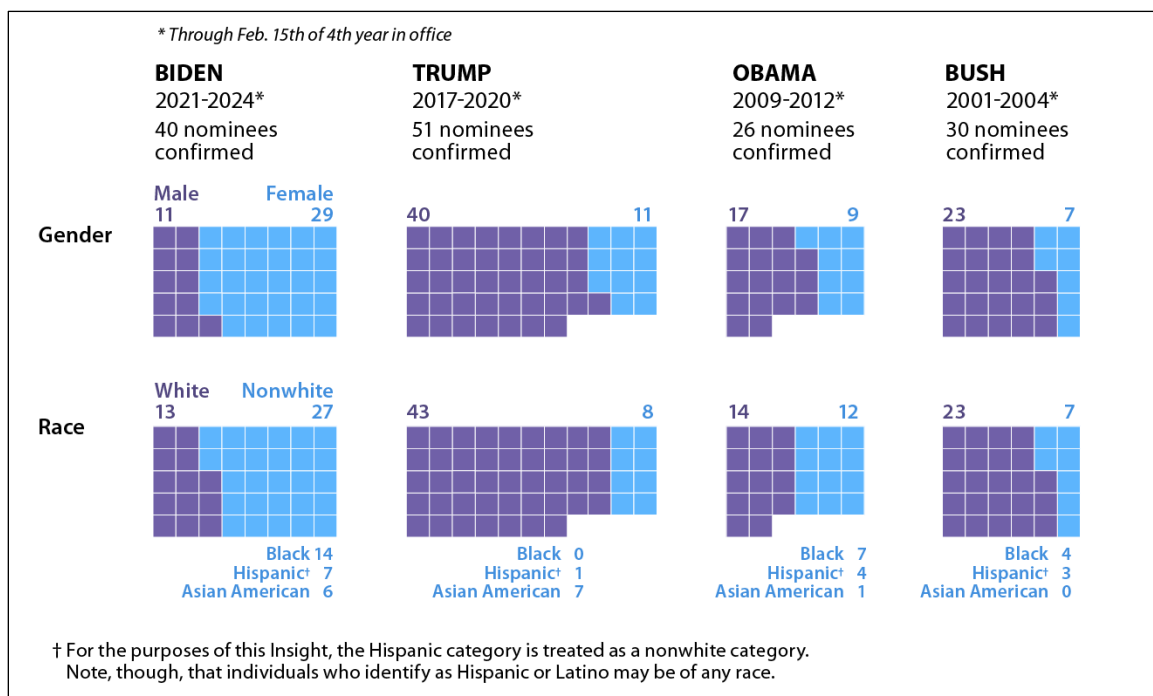
### Gender

Of the 40 circuit court nominees confirmed as of February 15, 2024, during the Biden presidency, 29 (73%) were women and 11 (28%) were men.

The percentages of circuit court nominees confirmed as of February 15 during the fourth years of the Trump, Obama, and Bush presidencies who were women were 22%, 35%, and 23%, respectively.

Overall, as of February 15, 2024, 104 (59%) of all active circuit court judges serving on the federal bench were men and 72 (41%) were women.

**Figure 1. Demographic Characteristics**  
Confirmed U.S. Circuit Court Nominees



**Source:** Congressional Research Service compilation of public data.

### Race

Of the 40 circuit court nominees confirmed as of February 15, 2024, during the Biden presidency, 14 (35%) were Black, 13 (33%) were White, 7 (18%) were Hispanic, and 6 (15%) were Asian American. For the purposes of this Insight, the Hispanic category is treated as a nonwhite category (but individuals who identify as Hispanic or Latino [may be of any race](#)).

For the Trump, Obama, and Bush presidencies, the percentages of circuit court nominees confirmed as of February 15 of the fourth year of each presidency who were White were 84%, 54%, and 77%, respectively.

The percentages of such nominees who were Black were 0%, 27%, and 13%, respectively, while the percentages of nominees who were Hispanic were 2%, 15%, and 10%, respectively. The percentages of such nominees who were Asian American were 14%, 4%, and 0%, respectively.

Overall, as of February 15, 2024, 120 (68%) of all active circuit court judges serving on the federal bench were White, 24 (14%) were Black, 16 (9%) were Hispanic, and 16 (9%) were Asian American.

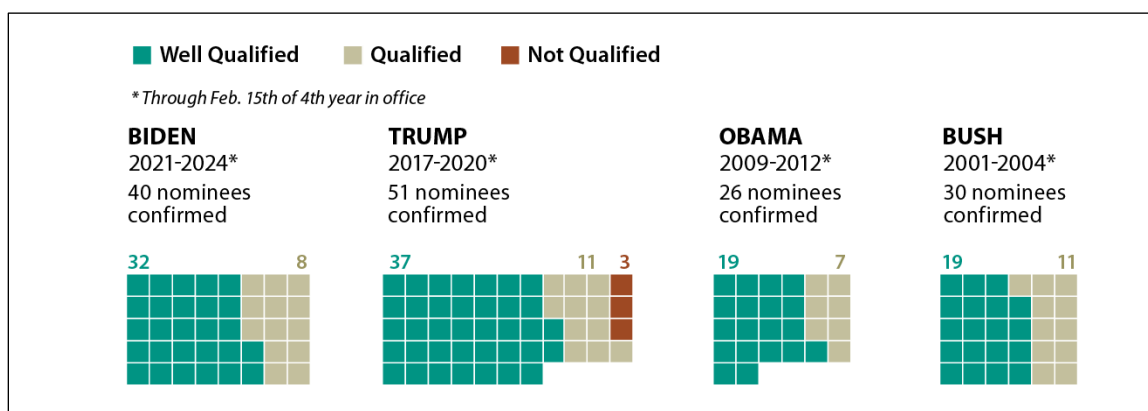
## ABA Ratings

**Figure 2** shows, as of February 15, 2024, the breakdown of ratings given by the American Bar Association (ABA) to circuit court nominees confirmed during the Biden presidency (as well as ratings given to nominees confirmed during comparable periods of the other presidencies included in the analysis). Each nominee received a rating of Well Qualified, Qualified, or Not Qualified.

Of the 40 circuit court nominees confirmed as of February 15, 2024, during the Biden presidency, 32 (80%) received a rating of Well Qualified and 8 (20%) received a rating of Qualified. No circuit court nominee confirmed during this period received a rating of Not Qualified.

**Figure 2. Ratings by the American Bar Association**

Confirmed U.S. Circuit Court Nominees



**Source:** Congressional Research Service compilation of public data.

For the Trump, Obama, and Bush presidencies, the percentages of circuit court nominees confirmed during the comparable periods of each presidency who were rated as Well Qualified were 73%, 73%, and 63%, respectively. The percentages rated as Qualified were 22%, 27%, and 37%, respectively, while the percentages rated as Not Qualified were 6%, 0%, and 0%, respectively.

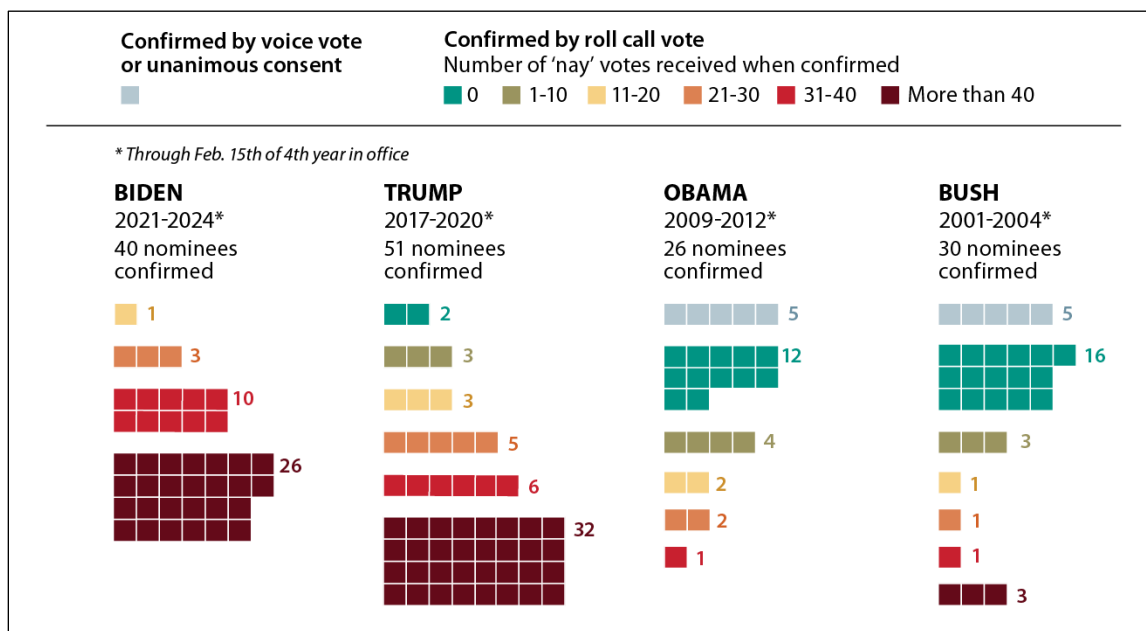
## Number of “Nay” Votes When Confirmed

**Figure 3** shows the number of circuit court nominees confirmed by voice vote, unanimous consent, or roll call vote as of February 15 of the fourth year of each presidency—and, if confirmed by roll call vote, the number of “nay” votes received when confirmed.

Of the 40 circuit court nominees confirmed as of February 15, 2024, during the Biden presidency, all were confirmed by roll call vote (i.e., none were confirmed by voice vote or unanimous consent). A majority of nominees (26, or 65%) received more than 40 nay votes when confirmed.

**Figure 3. Number of “Nay” Votes When Confirmed**

U.S. Circuit Court Nominees

**Source:** Congressional Research Service compilation of public data.

Of the 51 circuit court nominees confirmed as of February 15, 2020, during the Trump presidency, all were confirmed by roll call vote. A majority of nominees (32, or 63%) received more than 40 nay votes when confirmed.

During comparable periods of the Obama and Bush presidencies, five circuit court nominees apiece were confirmed by voice vote or unanimous consent (representing 19% and 17% of confirmed nominees, respectively). Of the nominees confirmed by roll call vote, a majority of nominees confirmed during comparable periods of each presidency did not receive any nay votes when confirmed (specifically, 12 of 21, or 57%, during the Obama presidency and 16 of 25, or 64%, during the Bush presidency).

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