

U.S. Circuit Court Nominees Confirmed During the Biden Presidency: Overview and Comparative Statistics

January 21, 2025

This Insight provides statistics related to the nomination and confirmation of U.S. circuit court nominees during the Biden presidency. This Insight also compares these statistics with those for circuit court nominees confirmed during the terms of his three immediate predecessors—Presidents Donald Trump (2017-2020), Barack Obama (2009-2016), and George W. Bush (2001-2008).

Number and Percentage of Nominees Confirmed

President Biden nominated 51 individuals to circuit court judgeships, of whom 45 (88%) were confirmed. In comparison, President Trump during his first presidency (2017-2020) nominated 57 individuals to circuit court judgeships, of whom 54 (95%) were confirmed. During the Bush and Obama presidencies, 85 and 68 individuals were nominated, respectively, to circuit court judgeships, with 61 (72%) and 55 (81%) nominees confirmed during each presidency.

Days from Nomination to Confirmation

Overall, the median number of days from nomination to confirmation for circuit court nominees confirmed during the Biden presidency was 140 days (the average was 171 days). The shortest length of time a nominee waited to be confirmed after being nominated was 50 days (1.6 months), while the greatest length of time was 493 days (16.2 months).

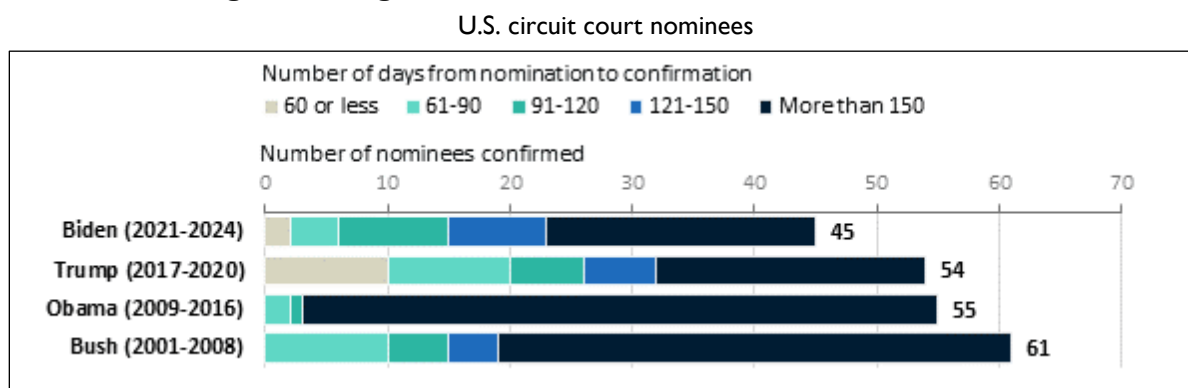
The median number of days from nomination to confirmation for circuit court nominees during the first Trump presidency was 134 days (with an average of 135 days). The median number of days from nomination to confirmation for circuit court nominees confirmed during the Obama and Bush presidencies was 229 and 216 days, respectively (with averages of 260 and 351 days).

Figure 1 provides a numerical breakdown in the length of time from nomination to confirmation for circuit court nominees confirmed within specified time periods during each presidency.

Congressional Research Service

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IN12490

Figure 1. Length of Time from Nomination to Confirmation

Source: Congressional Research Service.

Notes: If a nominee was nominated more than once prior to confirmation, the first date he or she was nominated is used in calculating the number of days from nomination to confirmation.

A plurality (22 of 45, or 49%) of President Biden's circuit court nominees were confirmed more than 150 days after being nominated. Of the remaining nominees, 2 were confirmed within 60 days of being nominated; 4 were confirmed within 61 to 90 days; 9 were confirmed within 91 to 120 days; and 8 were confirmed within 121 to 150 days.

A plurality (22 of 54, or 41%) of President Trump's circuit court nominees confirmed during his first presidency were also confirmed more than 150 days after being nominated. Of the remaining nominees, 10 were confirmed within 60 days of being nominated; 10 were confirmed within 61 to 90 days; 6 were confirmed within 91 to 120 days; and 6 were confirmed within 121 to 150 days.

The figure also shows that a majority of circuit court nominees during the Obama and Bush presidencies were confirmed more than 150 days after being nominated (95% and 69%, respectively).

Nays Received When Confirmed

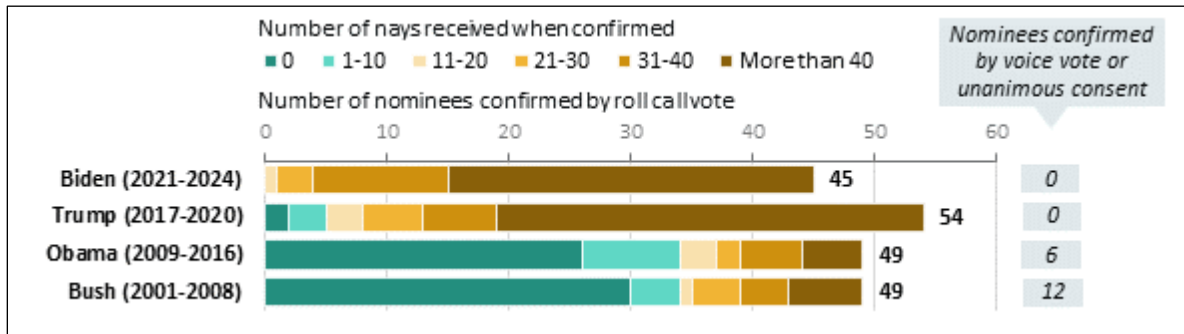
Figure 2 shows, for circuit court nominees confirmed during each presidency, the number of nominees confirmed by voice vote or unanimous consent. The figure also shows, for nominees confirmed by roll call vote, the number of nominees confirmed within specified ranges of nay votes.

During the Biden presidency, no circuit court nominees were confirmed by voice vote or unanimous consent. A majority of nominees, 30 of 45 (67%), received more than 40 nay votes when confirmed. The remaining 15 nominees received between 12 and 40 nay votes when confirmed.

During the first Trump presidency, no circuit court nominees were confirmed by voice vote or unanimous consent. A majority of nominees, 35 of 54 (65%), received more than 40 nay votes when confirmed. The remaining 19 nominees received between 0 and 40 nay votes when confirmed (5 nominees received 0 to 8 nay votes).

During the Obama and Bush presidencies, 6 and 12 circuit court nominees, respectively, were confirmed by voice vote or unanimous consent. Of the circuit court nominees who were confirmed by roll call vote during the Obama and Bush presidencies, a majority were confirmed with zero nay votes (53% and 61%, respectively).

Figure 2. Number of Nay Votes Received When Confirmed
U.S. circuit court nominees

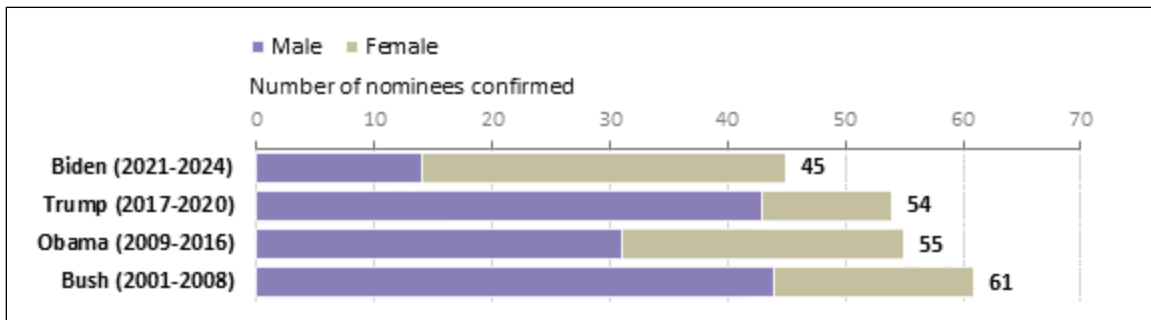


Source: Congressional Research Service.

Demographic Characteristics

Figure 3 shows the number of circuit court nominees confirmed by gender for each of the four presidencies. Of nominees confirmed during the Biden presidency, 31 of 45 (69%) were women. Of nominees confirmed, respectively, during the first Trump presidency, the Obama presidency, and the Bush presidency, 11 (20%), 24 (44%), and 17 (28%) were women.

Figure 3. U.S. Circuit Court Nominees Confirmed by Gender



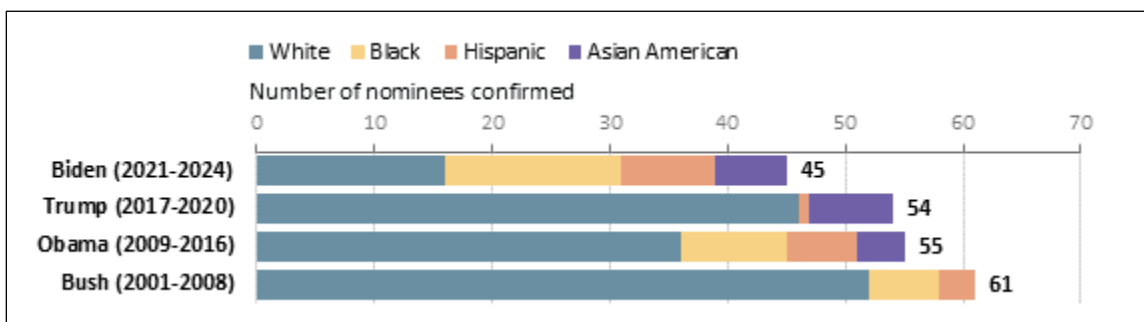
Source: Congressional Research Service.

Figure 4 provides a breakdown in the racial background of circuit court nominees confirmed during each of the four presidencies. During the Biden presidency, a plurality of confirmed nominees (16 of 45, or 36%) were White. Of the remaining nominees, 15 (33%) were Black, 8 (18%) were Hispanic, and 6 (13%) were Asian American.

During the first Trump presidency, a majority of confirmed nominees (46 of 54, or 85%) were White. Of the remaining nominees, 1 was Hispanic and 7 (13%) were Asian American.

During the Obama presidency, a majority of confirmed nominees (36 of 55, or 65%) were White. Of the remaining nominees, 9 (16%) were Black, 6 (11%) were Hispanic, and 4 (7%) were Asian American.

During the Bush presidency, a majority of confirmed nominees (52 of 61, or 85%) were White. Of the remaining nominees, 6 (10%) were Black and 3 (5%) were Hispanic.

Figure 4. U.S. Circuit Court Nominees Confirmed by Race

Source: Congressional Research Service.

Notes: For the purposes of this Insight, the Hispanic category is treated as a non-White category (but individuals who identify as Hispanic or Latino may be of any race).

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