

U.S. Circuit Court Vacancies at the Beginning of New Presidencies: Historical Overview and Analysis

March 5, 2025

This Insight provides a historical overview and analysis of U.S. circuit court vacancies that existed at the beginning of each new presidency since 1993. This period includes the first year of the Clinton, George W. Bush, Obama, and Biden presidencies, as well as the first year of each of President Trump's nonconsecutive terms in office.

Presidential appointments to [U.S. circuit courts](#) are particularly consequential because, with the exception of the relatively small number of cases for which the Supreme Court [grants certiorari](#), decisions by circuit courts represent the final word for [tens of thousands of cases each year](#).

Additionally, while Congress has authorized 673 [district court](#) judgeships, there are relatively fewer circuit court judgeships. Altogether, Congress has authorized 179 such judgeships (167 for the regional courts of appeals and 12 for the [U.S. Court of Appeals for the Federal Circuit](#)). Given that there are nearly four times as many district court judgeships as circuit court judgeships, there tend to be fewer opportunities for a President to make circuit court appointments. Consequently, the number of circuit court vacancies inherited by a President when he assumes office influences the overall number of appointment opportunities he has during his presidency, especially during his first year in office.

U.S. Circuit Court Vacancies at the Beginning of New Presidencies (1993-2025)

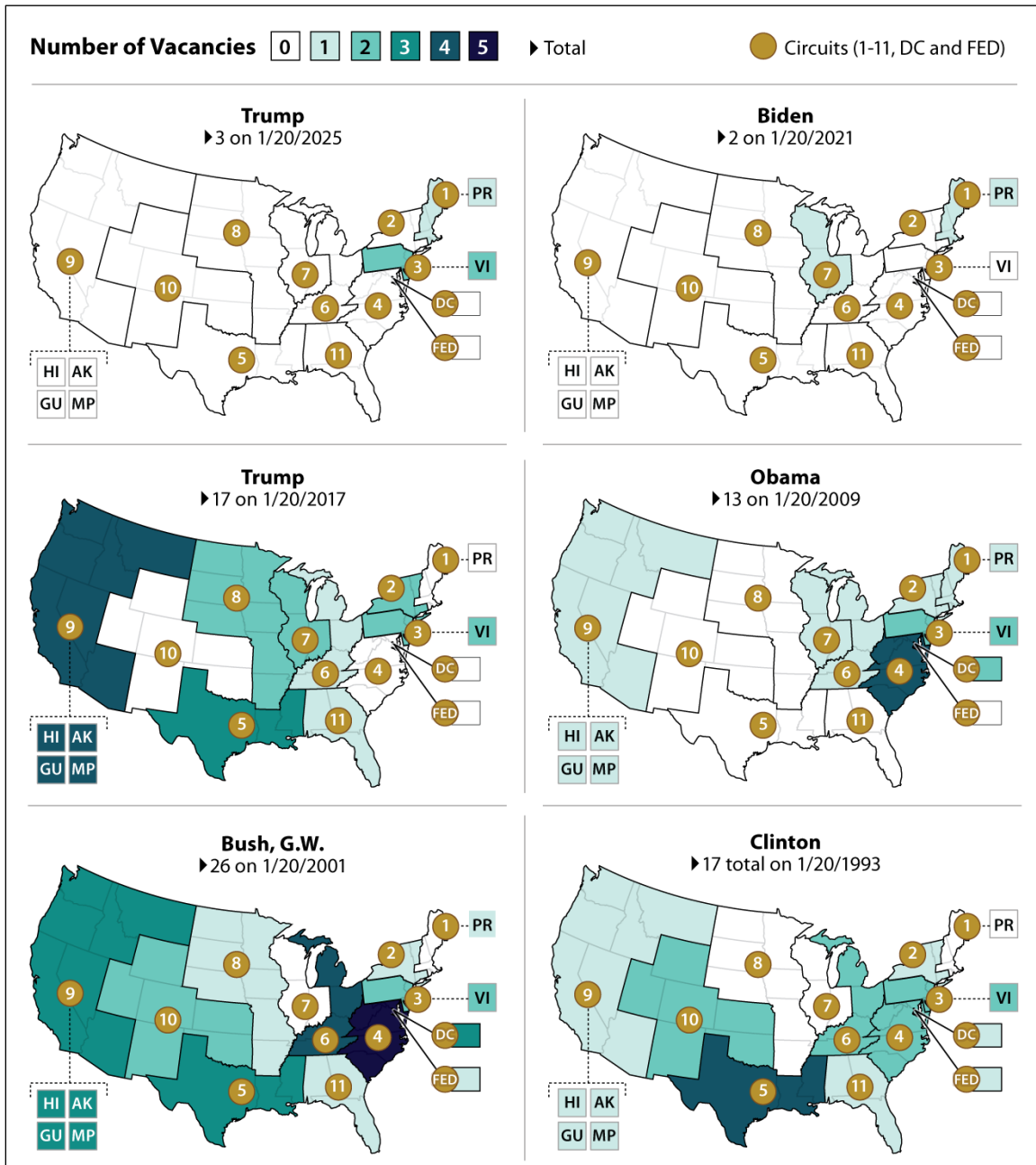
Figure 1 provides information related to the number and geographic location of circuit court vacancies that existed on January 20 at the beginning of each new presidency from 1993 to 2025. During this period, there were, on average, approximately 13 circuit court vacancies at the beginning of a new presidency (with a median of 15 vacancies).

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**Figure 1. U.S. Circuit Court Vacancies at the Beginning of a New Presidency
1993-2025**



Source: Congressional Research Service.

As shown by **Figure 1**, the number of circuit court vacancies that existed at the beginning of new presidencies from 1993 to 2025 ranged from a low of 2 vacancies in 2021 (the beginning of the Biden presidency) to a high of 26 vacancies in 2001 (the beginning of the George W. Bush presidency).

The second-lowest number of circuit court vacancies that existed at the beginning of a new presidency was on January 20, 2025 (the beginning of the second Trump presidency), when there were 3 such vacancies. In contrast, on January 20, 2017 (the beginning of the first Trump presidency), there were 17 circuit court vacancies.

The historically low number of circuit court vacancies at the beginning of the two most recent presidencies (i.e., in 2021 and 2025) may be attributable, in part, to institutional changes related to [cloture](#) and the [blue slip process](#), as well as unified party control of the presidency and Senate in 2020 and 2024. In short, these changes, combined with unified party control, allowed the President's party in the Senate to fill almost all circuit court vacancies prior to the start of new Administrations in 2021 and 2025.

Figure 1 also provides information related to the geographic location of circuit court vacancies that existed on January 20 of the first year of each new presidency. The number of circuits with vacant judgeships ranged from a low of 2 circuits (in both 2021 and 2025) to a high of 11 circuits (in 2001).

Most recently, on January 20, 2025, there were two vacancies on the [Third Circuit](#) and one vacancy on the [First Circuit](#). At the beginning of the Biden presidency in 2021, there were two circuit courts with vacancies, one on the [First Circuit](#) and one on the [Seventh Circuit](#). In contrast, at the start of the first Trump presidency in 2017, there were eight circuits with vacant judgeships, including four vacancies on the [Ninth Circuit](#) and three vacancies on the [Fifth Circuit](#).

The circuits that had at least four vacancies at the beginning of a new presidency during this period were the Fifth Circuit (January 20, 1993), the Fourth and Sixth Circuits (January 20, 2001), the Fourth Circuit (January 20, 2009), and the Ninth Circuit (January 20, 2017).

U.S. Circuit Court Nominees Confirmed During a President's First Year in Office: When Did the Vacancies Occur?

The data presented below, for the period 1981 to 2021, provide information as to how circuit court vacancies inherited by a new President might influence the appointment opportunities a President has during his first year in office. Specifically, **Figure 2** shows, for circuit court judgeships to which nominees were appointed during a President's first year, the timing as to when the judgeships became vacant. So, for example, of the 8 circuit court nominees confirmed during President Reagan's first year in office, 3 (38%) were confirmed to judgeships that were vacant prior to him assuming office, 1 (13%) became vacant after he assumed office but before March 1, 1981, and 4 (50%) became vacant on March 1, 1981 or later.

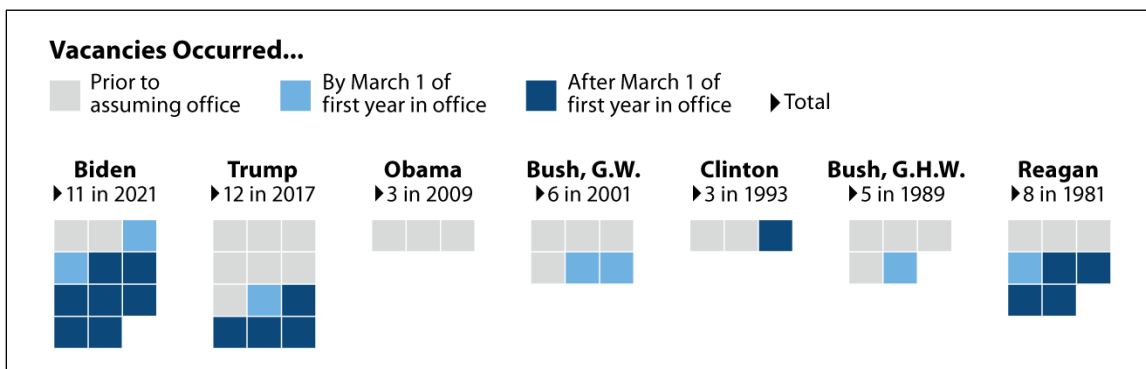
For five of the seven presidencies included in **Figure 2**, a majority of circuit court nominees confirmed during the first year of a presidency were confirmed to judgeships that were vacant prior to a President assuming office. For example, of the 12 circuit court nominees confirmed during the first Trump presidency, 7 (58%) were confirmed to judgeships that were vacant prior to January 20, 2017.

As shown by the figure, the two exceptions to this generalization were the Reagan presidency (discussed above) and the Biden presidency. During the first year of the Biden presidency, 7 (64%) of the 11 circuit court nominees confirmed in 2021 were appointed to judgeships that became vacant after March 1.

The second Trump presidency (not included in the figure) may also be an exception to this historical pattern. Given the relatively small number of circuit court vacancies that existed on January 20, 2025, the number of circuit court appointments made by President Trump during the first year of his second presidency will likely be determined in large part by the number of vacancies that arise in the coming months.

Figure 2. Timing of Vacancies: U.S. Circuit Judgeships Filled During the First Year of a Presidency

1981-2021



Source: Congressional Research Service.

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