

Judicial Nomination Statistics and Analysis: U.S. Circuit and District Courts, 1977-2024

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The process of appointing judges to U.S. circuit courts of appeals and U.S. district courts is of continuing interest to Congress. The President and the Senate share responsibility for making these appointments. Under the Constitution's Appointments Clause, the President nominates individuals to fill federal judgeships, while the Senate exercises its advice and consent power to approve or reject the President's nominations. Although it is not mentioned in the Constitution, an important role is also played midway in the appointment process by the Senate Judiciary Committee.

The statistics presented in this report reflect congressional interest in issues related to the confirmation process for U.S. circuit and district court nominees. Statistics are provided for each stage of the nomination and confirmation process—from the frequency of judicial vacancies at the beginning of a Congress (which provide a President with opportunities to submit nominations) to the frequency of roll call votes, rather than the use of unanimous consent or voice votes, to confirm judicial nominees. This report also provides statistics related to the length of various stages of the appointment process (e.g., the length of time from nomination to committee hearing), as well as the overall length of the confirmation process itself. Additional statistics relate to the demographic characteristics of circuit and district court nominees confirmed by the Senate.

The period covered by the report, 1977 through 2024, includes every Administration from the Carter presidency to the Biden presidency (2021-2024). This period also includes every Congress from the 95th (1977-1978) through the 118th (2023-2024).

CRS plans to prepare the next update to this report at the conclusion of the 119th Congress.

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Introduction

Under the Appointments Clause of the Constitution,¹ the President and the Senate share responsibility for making appointments to the Supreme Court, as well as to various lower courts of the federal judiciary. While the President nominates persons to fill federal judgeships, the appointment of each nominee also requires Senate confirmation.²

Historically, the vast majority of appointments to federal judgeships (other than to the Supreme Court) have typically not involved much public disagreement between the President and the Senate or between the parties within the Senate.³ Debate in the Senate over particular lower court nominees, or over the lower court appointment process itself, was uncommon. Typically, such nominations were both reported out of the Judiciary Committee and confirmed by the Senate without any recorded opposition.

In recent decades, however, appointments to two kinds of lower federal courts—the U.S. circuit courts of appeals⁴ and the U.S. district courts—have often been the focus of heightened Senate interest and debate, as has the process itself for appointing judges to these courts.⁵

Given congressional interest in the subject, this report provides statistics and analysis related to the nomination and confirmation of U.S. circuit and district court judges by presidency and Congress from 1977 through 2024.⁶

The report focuses on the U.S. circuit courts of appeals and U.S. district courts. Excluded from the scope of the report are the U.S. Supreme Court; the U.S. Court of International Trade; the U.S. Court of Federal Claims; and territorial district courts (e.g., the District Court of Guam).

¹ Article II, Section 2, clause 2 of the Constitution—often referred to as the Appointments Clause—provides that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... 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.”

² The Constitution also, in its Recess Appointments Clause (Article II, Section 2, clause 3), authorizes the President to make temporary appointments unilaterally during periods when the Senate is in recess. This was rarely done, however, during the presidencies discussed in this report. For example, over the past 25 years, “there have been only three recess appointments to fill Article III judgeships”—one such appointment to a circuit court judgeship by President William J. Clinton in 2000 and two to circuit court judgeships by President George W. Bush in 2004. CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue.

³ In this vein, one scholar has noted that, relative to Supreme Court appointments, appointments to the lower federal courts “have not, for most of our history, engaged remotely similar public interest. Nor as a historical matter has the Senate played the same role in considering nominations to those courts.” Stephen B. Burbank, “Politics, Privilege & Power; The Senate’s Role in the Appointment of Federal Judges,” *Judicature*, vol. 86 (July/August 2002), p. 25.

⁴ The U.S. courts of appeals are routinely referred to as “circuit courts” throughout the text of this report.

⁵ For discussion by scholars of the Senate’s increased interest in the judicial appointment process in recent decades, see Nancy Scherer, *Scoring Points: Politicians, Activists, and the Lower Federal Court Appointment Process* (Stanford, CA: Stanford University Press, 2005), p. 271 (hereinafter cited as Scherer, *Scoring Points*). See also Sarah A. Binder and Forrest Maltzman, *Advice & Dissent: The Struggle to Shape the Federal Judiciary* (Brookings Institution Press, 2009), p. 198. For two forums in which numerous Senators expressed, in detailed statements, their views concerning the lower court appointment process, see U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, *The Judicial Nomination and Confirmation Process*, Hearings, 107th Cong., 1st sess., June 26 and September 4, 2001, S.Hrg. 107-463 (GPO, 2002), p. 276; and U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Constitution, Civil Rights and Property Rights, *Judicial Nominations, Filibusters, and the Constitution: When a Majority Is Denied Its Right to Consent*, Hearing, 108th Cong., 1st sess., May 6, 2003, S.Hrg. 108-227 (GPO, 2003), p. 393.

⁶ This period includes the 95th Congress through the 118th Congress.

Overview of the U.S. Courts of Appeals and U.S. District Courts

U.S. Circuit Courts

The U.S. courts of appeals, or circuit courts, take appeals from federal district court decisions and are also empowered to review the decisions of many administrative agencies. Cases presented to the courts of appeals are generally considered by judges sitting in three-member panels. Courts within the courts of appeals system are often called “circuit courts” (e.g., the First Circuit Court of Appeals is also referred to as the “First Circuit”), because the nation is divided into 12 geographic circuits, each with a U.S. court of appeals. One additional nationwide circuit, the U.S. Court of Appeals for the Federal Circuit, has specialized subject matter jurisdiction.

Altogether, 179 judgeships for these 13 circuit courts are currently authorized by law (167 for the 12 regional circuit courts and 12 for the U.S. Court of Appeals for the Federal Circuit).⁷ The First Circuit (comprising Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico) has the fewest number of authorized judgeships, 6, while the Ninth Circuit (comprising Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) has the most, 29.⁸

U.S. District Courts

U.S. district courts are the federal trial courts of general jurisdiction. There are 91 Article III district courts: 89 in the 50 states, plus 1 in the District of Columbia and 1 in Puerto Rico. Each state has at least one U.S. district court, while some states (specifically California, New York, and Texas) have as many as four.

Altogether, 673 Article III U.S. district court judgeships are currently authorized by law. Congress has authorized between 1 and 28 judgeships for each district court. The Eastern District of Oklahoma (Muskogee) has 1 authorized judgeship, the smallest number among Article III district courts, while the Southern District of New York (Manhattan) and the Central District of California (Los Angeles) each have 28 judgeships, the most among Article III district courts.⁹

U.S. Circuit and District Court Vacancies

Opportunities for a President to make circuit and district court appointments arise when judgeships are vacant or are scheduled to become vacant. Factors that influence the number of

⁷ The Federal Circuit (which was created in its modern form in 1982 by the Federal Courts Improvement Act, 96 Stat. 25), has nationwide jurisdiction and hears certain specialized legal claims related to international trade, government contracts, patents, trademarks, certain money claims against the U.S. government, federal personnel, veterans’ benefits, and public safety officers’ benefits claims.

⁸ The relative number of different judgeships authorized among circuit courts generally reflects the population differences of the geographic areas over which each circuit court exercises jurisdiction. For example, based on 2020 Census Bureau population estimates, the First Circuit has a population of approximately 13.8 million while the Ninth Circuit has a population of 67.1 million.

⁹ The relative number of different judgeships authorized among district courts generally reflects the population differences of the geographic areas over which each district court exercises jurisdiction. For example, based on 2020 Census Bureau population estimates, the Eastern District of Oklahoma (Muskogee) has a population of approximately 752,000 while the Central District of California (Los Angeles) has a population of approximately 19.4 million.

judicial vacancies during a presidency include whether any vacancies were “inherited” or carried over from the previous Administration, the frequency with which judges depart from active service, and whether any new judgeships are legislatively authorized by Congress (which provides a President with the opportunity to nominate individuals to new judgeships).¹⁰

Table 1 reports the percentage of U.S. circuit and district court judgeships that were vacant on January 1 immediately prior to the beginning of each new Congress and four-year presidential term from 1977 through 2023.¹¹

Table 1. Percentage of U.S. Circuit and District Court Judgeships Vacant on January 1 Prior to Beginning of Each Congress and Four-Year Presidential Term
(1977 to 2023)

Year	Congress	President	Percentage of Judgeships Vacant on January 1	
			U.S. Circuit Courts	U.S. District Courts
1977	95 th	Carter	5%	5%
1979	96 th	Carter	29%	25%
1981	97 th	Reagan	4%	6%
1983	98 th	Reagan	4%	5%
1985	99 th	Reagan	15%	13%
1987	100 th	Reagan	8%	7%
1989	101 st	Bush, G.H.W.	6%	5%
1991	102 nd	Bush, G.H.W.	10%	16%
1993	103 rd	Clinton	10%	14%
1995	104 th	Clinton	9%	8%
1997	105 th	Clinton	13%	10%
1999	106 th	Clinton	10%	6%
2001	107 th	Bush, G.W.	15%	8%
2003	108 th	Bush, G.W.	14%	5%
2005	109 th	Bush, G.W.	8%	3%
2007	110 th	Bush, G.W.	9%	6%
2009	111 th	Obama	7%	6%
2011	112 th	Obama	9%	12%
2013	113 th	Obama	9%	9%

¹⁰ The large number of district court vacancies, for example, “inherited” by President Clinton contributed, in turn, to the relatively large number of district court confirmations during his presidency (see **Table 2**). The large number of district court vacancies inherited by President Clinton was, in part, the result of 74 new district court judgeships created by the Federal Judgeship Act of 1990 (P.L. 101-650). Other legislation substantially increasing the number of authorized circuit and district court judgeships was enacted in 1978 (Omnibus Judgeship Act, P.L. 95-486) and in 1984 (Bankruptcy Amendments and Federal Judgeship Act, P.L. 98-353).

¹¹ The percentage of U.S. circuit and district court judgeships that were vacant is calculated by dividing the number of circuit or district court vacancies that existed on a particular date by the number of authorized circuit or district court judgeships that were authorized on that same date. Note that, over the course of the eight presidencies included in this analysis, the number of authorized circuit court judgeships ranged from 97 to 179. The number of authorized district court judgeships varied from 394 to 673.

Year	Congress	President	Percentage of Judgeships Vacant on January 1	
			U.S. Circuit Courts	U.S. District Courts
2015	114 th	Obama	4%	5%
2017	115 th	Trump	10%	13%
2019	116 th	Trump	7%	18%
2021	117 th	Biden	1%	6%
2023	118 th	Biden	5%	11%

Source: Congressional Research Service.

Notes: This table shows the percentage of U.S. circuit and district court judgeships that were vacant on January 1 immediately prior to a new Congress convening that same month and prior to a President being inaugurated on January 20. Percentages are rounded to the nearest whole number.

Overall, during this period, the median percentage of circuit court judgeships that were vacant immediately prior to the start of a new Congress was 9%.¹² The median percentage of district court judgeships that were vacant immediately prior to the start of a new Congress was 7%.

As shown by the table, the percentage of U.S. circuit judgeships that were vacant was highest at the beginning of the 96th Congress (1979-1980),¹³ at 29%, and lowest at the beginning of the 117th Congress (2021-2022), at 1%. The percentage of vacant U.S. district court judgeships was also highest at the beginning of the 96th Congress, at 25%, and the lowest at the beginning of the 109th Congress (2005-2006), at 3%.

At the beginning of the 118th Congress (2023-2024), which is the most recent entry in **Table 1**, the percentage of vacant circuit court judgeships, at 5%, was below both the average and median percentages of circuit court judgeships that were vacant at the beginnings of new Congresses since 1977, while, in contrast, the percentage of district court judgeships, at 11%, was above both the average and median percentages of district court judgeships that were vacant during this same period.

Vacancies at the Beginning of a New Presidency

The percentage of judgeships that are vacant at the beginning of a new presidency is influenced, in part, by the extent to which the preceding President's nominees were approved by the Senate during the final year or two of his term. For example, at the beginning of the first Trump presidency (and the 115th Congress), the percentage of U.S. district court judgeships that were vacant was 13%. This was due, in part, to the comparatively small number of district court nominations confirmed by the Senate during the final two years of the Obama presidency.¹⁴

¹² The median is the middle value for a particular set or group of numbers. So, for example, the median percentage of circuit court judgeships that were vacant on January 1 prior to Congresses from 1977 through 2018 is referring to the middle value when considering the entire group of percentages of vacant circuit court judgeships on January 1 during this period. The median is less affected than the average by outliers or extreme cases. Consequently, for the purposes of this report, the median may be a better measure of central tendency.

¹³ In 1978 Congress passed legislation that increased the number of U.S. circuit court judgeships from 97 to 132 and the number of district court judgeships from 394 to 511 (P.L. 95-486, October 20, 1978). This increased the number of vacancies at the beginning of the 96th Congress, as shown by **Table 1**.

¹⁴ Specifically, 18 district court nominations were approved during the 114th Congress (while 43 district court nominations were returned to President Obama at the end of the Congress, including 20 nominations that had been pending on the Senate *Executive Calendar*). See CRS Insight IN10570, *U.S. District Court Vacancies at the Beginning* (continued...)

In contrast, the historically low number of circuit court vacancies at the beginning of the two most recent presidencies (i.e., in 2021 and 2025)¹⁵ 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 2024.¹⁶ 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 2025.¹⁷

Number and Percentage of Nominees Confirmed

Some of the factors that influence the number and percentage of judicial nominees confirmed during any given presidency include the frequency with which judges depart the bench; the speed with which a presidential Administration vets and selects nominees for vacant judgeships; whether a President is of the same political party as the majority party in the Senate; whether a congressional session coincides with a presidential election year; and the point in a congressional session when nominations arrive in the Senate.¹⁸

By Presidency

U.S. Circuit Court Nominees

The median number of U.S. circuit court nominees confirmed during the eight presidencies from 1977 to 2024 was 56.¹⁹

As shown by **Table 2**, the number of U.S. circuit court nominees confirmed during the eight presidencies ranged from a high of 83 during the Reagan presidency to a low of 42 during the single four-year term of George H. W. Bush. Among two-term Presidents during this period, the number ranged from a high of 83 (Reagan) to a low of 55 during the Obama presidency.

and End of the Obama Presidency: Overview and Comparative Analysis, by Barry J. McMillion (available to congressional staff upon request). Similarly, at the beginning of the Clinton presidency, the percentage of district court judgeships that were vacant was 13.8%. This was due, in part, to the relatively large number of district court nominees whose nominations were returned at the end of the G.H.W. Bush presidency. During the 102nd Congress (i.e., the final two years of the G.H.W. Bush presidency), the Senate approved 100 district court nominations and returned 42 at the end of the Congress.

¹⁵ Data for the 119th Congress (2025-2026) are not yet included in this report. The percentage of circuit court judgeships that were vacant on January 1, 2025, prior to the start of the 119th Congress, was 1%.

¹⁶ For additional information on these topics, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki. See also CRS Report R44975, *The Blue Slip Process for U.S. Circuit and District Court Nominations (1917-Present)*, by Barry J. McMillion.

¹⁷ For additional information, see CRS Insight IN12518, *U.S. Circuit Court Vacancies at the Beginning of New Presidencies: Historical Overview and Analysis*, by Barry J. McMillion.

¹⁸ See, for example, Roger E. Hartley and Lisa M. Holmes, "The Increasing Senate Scrutiny of Lower Federal Court Nominees," *Political Science Quarterly*, vol. 117, no. 2 (summer, 2002); Tajuana D. Massie, Thomas G. Hansford, Donald R. Songer, "The Timing of Presidential Nominations to the Lower Federal Courts," *Political Research Quarterly*, vol. 57, no. 1 (March 2004); and Elisha Carol Savchak, Thomas G. Hansford, Donald R. Songer, Kenneth L. Manning, Robert A. Carp, "Taking It to the Next Level: The Elevation of District Court Judges to the U.S. Courts of Appeals," *American Journal of Political Science*, vol. 50, no. 2 (April 2006).

¹⁹ For the purposes of this report, the circuit court statistics presented throughout the report for the George W. Bush presidency include Roger L. Gregory, who received a recess appointment to the Fourth Circuit by President Clinton but was later nominated to the same judgeship by President G.W. Bush and confirmed by the Senate. Additionally, the circuit court calculations for the G.W. Bush presidency exclude Charles W. Pickering, Sr., who received a recess appointment to the Fifth Circuit by President G.W. Bush but who was not later confirmed by the Senate.

In terms of the percentage of circuit court nominees confirmed during presidencies from 1977 to 2024 (which takes into account the number of nominations submitted to the Senate), the median percentage of nominees confirmed by the Senate was 85%.

The greatest percentage of nominees, as shown by **Table 2**, were confirmed during the first Trump presidency (95%), while the smallest percentage were confirmed during the George W. Bush presidency (72%). Among two-term Presidents during this period, the percentage ranged from 88% during the Reagan presidency to a low of 72% (George W. Bush).

Table 2. U.S. Circuit and District Court Nominees of Eight Most Recent Presidents: Number Nominated, Number Confirmed, Percentage Confirmed
(1977 to 2024)

President (Congresses, Years)		U.S. Circuit Court Nominees	U.S. District Court Nominees	U.S. Circuit and District Court Nominees (Combined)
Carter (95 th -96 th , 1977-1980)	N	60	218	278
	C	56	202	258
	%	93%	93%	93%
Reagan (97 th -100 th , 1981-1988)	N	94	306	400
	C	83	290	373
	%	88%	95%	93%
Bush, G.H.W. (101 st -102 nd , 1989-1992)	N	53	192	245
	C	42	148	190
	%	79%	77%	78%
Clinton (103 rd -106 th , 1993-2000)	N	90	350	440
	C	65	305	370
	%	72%	87%	84%
Bush, G.W. (107 th -110 th , 2001-2008)	N	85	286	371
	C	61	261	322
	%	72%	91%	87%
Obama (111 th -114 th , 2009-2016)	N	68	322	390
	C	55	268	323
	%	81%	83%	83%
Trump (115 th -116 th , 2017-2020)	N	57	208	265
	C	54	174	228
	%	95%	84%	86%
Biden (117 th -118 th , 2021-2024)	N	51	199	250
	C	45	187	232
	%	88%	94%	93%

Source: Congressional Research Service.

Notes: This table shows, for each of the past eight Presidents, the number of individuals nominated to U.S. circuit and district court judgeships during his presidency (N); the number confirmed during his presidency (C); and the percentage confirmed (%), rounded to the nearest whole number. Any individual nominated more than

once prior to final action is counted only once for the purpose of calculating the overall number and percentage of nominees confirmed during a particular presidency.

Most recently, during the single term of the Biden presidency, 45 circuit court nominees were confirmed, ranking as the second-lowest number of circuit court nominees confirmed during the eight presidencies included in the analysis. Overall, 88% of President Biden's circuit court nominees were confirmed, representing the fourth-highest percentage of nominees confirmed during this same period.

The Blue Slip Process and Opposition by Home State Senators

The blue slip process for U.S. circuit and district court nominations refers to a practice used by the Senate Judiciary Committee in the confirmation of federal judges and other positions. Specifically, when a President nominates an individual to a U.S. circuit or district court judgeship, the chair of the committee sends a blue-colored form to the Senators representing the home state of the nominee. If a home state Senator has no objection to a nominee, he or she returns the blue slip with a positive response. If, however, a Senator has some objection to the nominee and wants to prevent confirmation, he or she might decide not to return the blue slip or to return it with a negative response.

Since the use of blue slips is not codified or included in the committee's rules, the chair of the committee has the discretion to determine the extent to which a home state Senator's negative or withheld blue slip stops a President's judicial nomination from receiving consideration by the committee and, consequently, whether it reaches the Senate floor. There have been recent years when a negative (or unreturned) blue slip precluded Judiciary Committee action on a nomination and, consequently, the nomination was not considered by the full Senate. This policy, for example, characterizes how blue slips were used during the entirety of the Obama presidency (2009-2016) and much of the George W. Bush presidency (2001-2002 and 2005-2008). These years during the Obama and Bush presidencies included both unified and divided party control.

The blue slip policy for U.S. circuit court nominees that was in place during the Obama presidency and much of the George W. Bush presidency was changed in 2017 during the 115th Congress (which coincided with the first year of the first Trump presidency). The revised policy, which has remained in effect to the present, no longer requires a circuit court nominee to receive two positive blue slips from his or her home state Senators in order to be considered by the Senate Judiciary Committee or reported to the full Senate.²⁰ There were also several other years during the period covered by **Table 2** for which the committee's blue slip policy did not necessarily preclude committee action on judicial nominations that did not have the support of both home state Senators (e.g., 2003-2004 during the Bush presidency).

Regardless of the committee's blue slip policy during a particular Congress, it was nonetheless relatively rare, at least from 1977 through 2016, for the Senate to confirm circuit court nominees who did not have the support of both home state Senators. Overall, from 1977 to 2024, CRS identified a total of 23 circuit court nominees who were confirmed with negative or unreturned blue slips by home state Senators (representing approximately 5% of the total number of circuit court nominees confirmed during this period). All but one of these 23 nominees were confirmed between 2017 and 2024 (representing approximately 29% of all circuit court nominees confirmed

²⁰ The blue slip policy for district court nominees was not changed in 2017 and has not, as of this writing, been changed from the past practice of requiring such nominees to have the support of both home state Senators.

since the first nominee was confirmed without the support of both home state Senators following the change in the Judiciary Committee's blue slip policy during the 117th Congress).²¹

Of the 22 nominees confirmed during the 2017 to 2024 period without the support of one or both home state Senators, 3 were confirmed during the 115th Congress (2017-2018), 14 during the 116th Congress (2019-2020), 2 during the 117th Congress (2021-2022), and 3 during the 118th Congress (2023-2024).²²

U.S. District Court Nominees

The median number of U.S. district court nominees confirmed during the eight presidencies from 1977 to 2024 was 232.

As shown by **Table 2**, the number of U.S. district court nominees confirmed during the eight presidencies ranged from a high of 305 during the Clinton presidency to a low of 148 during the single four-year term of George H. W. Bush. Of two-term Presidents during this period, the number ranged from a high of 305 (Clinton) to a low of 261 during the George W. Bush presidency.

In terms of the percentage of district court nominees confirmed during presidencies from 1977 to 2024 (which takes into account the number of nominations submitted to the Senate), the median percentage of nominees confirmed by the Senate was 89%.

The greatest percentage of nominees were confirmed during the Reagan presidency (95%), and the smallest percentage confirmed during the George H. W. Bush presidency (77%). Of two-term Presidents during this period, the percentage ranged from 95% (Reagan) to a low of 83% during the Obama presidency.

Most recently, during the single term of the Biden presidency, 187 district court nominees were confirmed, ranking as the third-lowest number of district court nominees confirmed during the eight presidencies included in the analysis. In contrast, however, 94% of President Biden's district court nominees were confirmed, representing the second-highest percentage of nominees confirmed during this same period.

By Congress

U.S. Circuit Court Nominees

The median number of U.S. circuit court nominees confirmed during a Congress, from the 95th through the 118th, was 18 (while the median number of circuit court nominations submitted to the Senate was 26).

²¹ The blue slip status for the circuit court nominees confirmed without the support of both home state Senators was gathered by CRS using publicly available information. See, e.g., Patrick L. Gregory, "Trump 7th Cir. Nominee Michael Brennan Advances Without Blue Slip," *Bloomberg Law*, February 15, 2018, at <https://news.bloomberglaw.com/us-law-week/trump-7th-cir-nominee-michael-brennan-advances-without-blue-slip>; David Wildstein, "Senate panel moves Matey nomination," *New Jersey Globe*, February 7, 2019, at <https://newjerseyglobe.com/congress/senate-panel-moves-matey-nomination>; Matt Bernardini, "2nd Circ. Pick Confirmed Despite No Home-State Support," *Law360*, May 8, 2019, at <https://www.law360.com/articles/1157699/2nd-circ-pick-confirmed-despite-no-home-state-support>.

²² Additionally, as of this writing, there has been one circuit court nominee confirmed during the 119th Congress without the support of one or both home state Senators. For a full list of the circuit court nominees confirmed from 2018 to the present without two positive blue slips, see **Table 2** in CRS Report R44975, *The Blue Slip Process for U.S. Circuit and District Court Nominations (1917-Present)*, by Barry J. McMillion.

As shown by **Table 3**, the number of U.S. circuit court nominees confirmed during this same period ranged from a low of 2 (during the 114th Congress, 2015-2016) to a high of 44 (during the 96th Congress, 1979-1980). Recently, the 115th Congress (2017-2018) had the third-highest number of circuit court nominees (30) confirmed during a Congress, and the 117th Congress (2021-2022) had the fourth-highest number of circuit court nominees confirmed during a Congress (28).

The 17 circuit court nominees confirmed during the 118th Congress (2023-2024) was below the median number of circuit court nominees confirmed during Congresses since 1977 (there were a total of 22 circuit nominees submitted during the 118th Congress, which was also below the median number of nominations submitted to the Senate during Congresses in this period).

The median percentage of circuit court nominees confirmed during a Congress, from the 95th through the 117th, was 68%. The smallest percentage of circuit court nominees, 22%, were confirmed during the 114th Congress (2015-2016). All (100%) of circuit court nominations submitted to the Senate during the 95th and 99th Congresses (1977-1978 and 1985-1986, respectively) were confirmed by the Senate.

More recently, the 116th Congress (2019-2020) had the greatest percentage of circuit court nominees confirmed during a Congress (92%) since the 101st Congress (1989-1990). The percentage of circuit court nominees confirmed during the 118th Congress (77%) ranks as the ninth-greatest percentage of nominees confirmed during the 24 Congresses since 1976.

Overall, from 1976 to 2024, there were three Congresses during which fewer than half of the circuit court nominees pending in the Senate were confirmed—the 106th (1999-2000), 110th (2007-2008), and 114th (2015-2016). Each of these Congresses preceded a presidential election year and featured divided party control between the presidency and the Senate majority.

U.S. District Court Nominees

The median number of U.S. district court nominees confirmed during a Congress, from the 95th through the 118th, was 68 (while the median number of district court nominations submitted to the Senate was 94). The number of nominees confirmed ranged from a low of 18 (during the 114th Congress, 2015-2016) to a high of 154 (during the 96th Congress, 1979-1980).

More recently, the 116th Congress (2019-2020) had the second-highest number of district court nominees (121) confirmed during a Congress, while the 118th Congress (2023-2024) had the third-highest number confirmed (119). Additionally, the 116th Congress had the second-greatest number of district court nominees (147) with nominations submitted during a Congress for the 1977-2022 period (the 118th Congress had the fourth-greatest number submitted during the same period).

More than 100 district court nominees were submitted during each of the four most recent Congresses, from the 115th (2017-2018) Congress to the 118th (2023-2024). This is the only instance since 1977 that more than 100 district court nominees were submitted to the Senate during four consecutive Congresses.

The median percentage of district court nominees confirmed during a Congress, from the 95th through the 118th, was 83%. The smallest percentage confirmed during this period was 30% (during the 114th Congress, 2015-2016), and the greatest percentage confirmed was 99% (during the 97th Congress, 1981-1982).

Recently, the 118th Congress (2023-2024) had the fifth-greatest percentage of district court nominees confirmed (92%) during a Congress for the 1977-2020 period (and the highest percentage since the 101st Congress in 1989-1990).

Overall, from 1977 through 2024, there were two Congresses during which fewer than half of the district court nominees pending in the Senate were confirmed—the 114th (2015-2016) and 115th (2017-2018).

Table 3. Nominees to U.S. Circuit and District Court Judgeships During Each Congress: Number Nominated, Number Confirmed, Percentage Confirmed
(95th Congress to 118th Congress)

Congress (Years)	U.S. Circuit Court Nominees			U.S. District Court Nominees			U.S. Circuit & District Court Nominees (Combined)		
	# of Nominees	Nominees Confirmed		# of Nominees	Nominees Confirmed		# of Nominees	Nominees Confirmed	
		#	%		#	%		#	%
95 th (1977-78)	12	12	100%	50	48	96%	62	60	97%
96 th (1979-80)	48	44	92%	168	154	92%	216	198	92%
97 th (1981-82)	20	19	95%	69	68	99%	89	87	98%
98 th (1983-84)	19	14	74%	75	61	81%	94	75	80%
99 th (1985-86)	33	33	100%	100	95	95%	133	128	96%
100 th (1987-88)	26	17	65%	78	66	85%	104	83	80%
101 st (1989-90)	23	22	96%	50	48	96%	73	70	96%
102 nd (1991-92)	31	20	65%	144	100	69%	175	120	69%
103 rd (1993-94)	22	19	86%	118	107	91%	140	126	90%
104 th (1995-96)	20	11	55%	85	62	73%	105	73	70%
105 th (1997-98)	30	20	67%	94	79	84%	124	99	80%
106 th (1999-00)	34	15	44%	83	57	69%	117	72	62%
107 th (2001-02)	32	17	53%	98	83	85%	130	100	77%
108 th (2003-04)	34	18	53%	94	85	90%	128	103	81%
109 th (2005-06)	28	16	57%	65	35	54%	93	51	55%
110 th (2007-08)	23	10	44%	79	58	73%	102	68	67%
111 th (2009-10)	25	16	64%	78	44	56%	103	60	58%
112 th (2011-12)	25	14	56%	127	97	76%	152	111	73%
113 th (2013-14)	26	23	89%	123	109	89%	149	132	89%
114 th (2015-16)	9	2	22%	61	18	30%	70	20	29%
115 th (2017-18)	43	30	70%	112	53	47%	155	83	54%
116 th (2019-20)	26	24	92%	147	121	82%	173	145	84%
117 th (2021-22)	37	28	76%	104	68	65%	141	96	68%
118 th (2023-24)	22	17	77%	129	119	92%	151	136	90%

Source: Congressional Research Service.

Notes: This table shows, for the 95th Congress through the 118th Congress, the number of individuals nominated to U.S. circuit and district court judgeships during each Congress; the number of nominees confirmed during each Congress (#); and the percentage of nominees confirmed during the same Congress (%), rounded to the nearest whole number. An individual is counted during any Congress for which he or she had a nomination submitted for a particular judgeship. Consequently, if an individual was nominated during more than one Congress prior to final action on his or her nomination, he or she is counted for each Congress during which he or she had a nomination submitted.

Influence of Unified and Divided Party Control

In general, both a greater number and percentage of circuit and district court nominees were confirmed during Congresses in which the party of the President was the same as the majority party in the Senate.²³

U.S. Circuit Court Nominees

During Congresses in which there was unified party control (i.e., the party of the President and the majority party in the Senate were the same),²⁴ the median number of circuit court nominees confirmed was 19, while the median percentage of nominees confirmed was 77%. In contrast, during Congresses in which there was divided party control (i.e., the party of the President was different than the majority party in the Senate),²⁵ the median number of circuit court nominees confirmed was 16, while the median percentage of nominees confirmed was 60%.

The influence of unified versus divided party control on the *percentage* of circuit court nominees confirmed by the Senate has been more notable for relatively recent Congresses. For the 10 Congresses since the 103rd Congress (1993-1994) during which there was unified party control, the median percentage of nominees confirmed was 73%.²⁶ In contrast, for the five Congresses in which there was divided party control, the median percentage of nominees confirmed was 44%.²⁷

U.S. District Court Nominees

During Congresses in which there was unified party control, the median number of district court nominees confirmed was 85, while the median percentage of nominees confirmed was 89%. In contrast, during Congresses in which there was divided party control, the median number of district court nominees confirmed was 60, while the median percentage of nominees confirmed was 73%.²⁸

²³ This part of the analysis omits the 107th Congress (during which majority party control of the Senate changed prior to the end of the Congress).

²⁴ These Congresses include the 95th, 96th, 97th, 98th, 99th, 103rd, 108th, 109th, 111th, 112th, 113th, 115th, 116th, 117th, and 118th.

²⁵ These Congresses include the 100th, 101st, 102nd, 104th, 105th, 106th, 110th, and 114th.

²⁶ These Congresses include the 103rd, 108th, 109th, 111th, 112th, 113th, 115th, 116th, 117th, and 118th.

²⁷ These Congresses include the 104th, 105th, 106th, 110th, and 114th.

²⁸ There was also a notable difference in the number of district court nominations *submitted* to the Senate during Congresses in which there was unified or divided party control. During Congresses with unified control the median number of nominations submitted by a President was 115, while during Congresses with divided control the median number of nominations submitted was 83. In contrast, there was not a comparatively large difference in the median number of circuit court nominations submitted during Congresses with unified or divided control (26 and 23, respectively).

The influence of unified versus divided party control on the *number* of district court nominees confirmed by the Senate has been especially notable for relatively recent Congresses.²⁹ For the 10 Congresses since the 103rd Congress (1993-1994) in which there was unified party control, the median number of district court nominees confirmed was 91, while for the five Congresses in which there was divided party control, the median number of district court nominees confirmed was 58.

Multiple Nominations of the Same Person Prior to Final Action by the Senate

Over the last several presidencies, it has become increasingly common for a President to nominate an individual two or more times to a U.S. circuit or district court judgeship prior to final action on the nomination by the Senate (irrespective of whether the Senate ultimately approved the nomination).³⁰ Consequently, the percentage of nominees confirmed during a presidency who were nominated two or more times prior to being approved by the Senate is also greater for more recent presidencies during the 1977-2024 period.

U.S. Circuit Court Nominees

As shown by **Table 4**, the total number of circuit court nominees who were nominated two or more times prior to final action, whether confirmed or not, ranged from a low of 1 (during the Carter and George H. W. Bush presidencies) to a high of 39 (during the George W. Bush presidency). Apart from the single case reported for the George H. W. Bush presidency, a majority of circuit court nominees nominated two or more times during the presidencies included in **Table 4** were ultimately confirmed by the Senate.

The number of circuit court nominees who were nominated more than once and ultimately *confirmed* by the Senate ranged from a low of 0 (during the George H. W. Bush presidency) to a high of 28 (during the George W. Bush presidency). And the number of nominees who were nominated more than once but *not confirmed* by the Senate ranged from a low of 0 (during the Carter presidency) to a high of 11 (during the George W. Bush presidency).

Overall, of the eight presidencies listed in **Table 4**, President George W. Bush had the greatest percentage of confirmed circuit court nominees who were nominated more than once prior to being confirmed by the Senate (46%). Subsequently, the number and percentage of circuit court

²⁹ As discussed in the footnote immediately above, there was a notable difference in the median number of district court nominations submitted to the Senate during Congresses since 1977 in which there was unified or divided party control. This is also true for relatively more recent Congresses. During Congresses since the 103rd Congress (1993-1994) with unified party control the median number of nominations submitted by a President was 112, while during Congresses with divided control the median number of nominations submitted was 83. Consequently, while there are generally more district court nominations confirmed by the Senate during periods of unified party control, the percentage of such nominees confirmed during periods of unified control doesn't increase as might be expected (relative to periods of divided party control) given that more nominations are also submitted during periods of unified control.

³⁰ Senate rules provide that "nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President..." In practice, such nominations, whether for the executive or judicial branch, have sometimes been returned to the President at the end of the first session and are always returned to the President at the end of the Congress. Nominations also may be returned automatically to the President at the beginning of a recess of more than 30 days, but the Senate rule providing for this return has often been waived. See CRS Report R44083, *Appointment and Confirmation of Executive Branch Leadership: An Overview*, by Henry B. Hogue and Maeve P. Carey.

nominees nominated more than once prior to confirmation declined during each of the three completed presidencies following the George W. Bush presidency.

During the Obama presidency, the percentage of confirmed circuit court nominees who were nominated more than once prior to being approved by the Senate declined to 36% (representing the second-highest percentage of circuit court nominees nominated more than once prior to Senate approval).

During the first Trump presidency, the percentage of confirmed circuit court nominees who were nominated more than once prior to Senate confirmation declined to 33% (representing the third-highest percentage of circuit court nominees nominated more than once prior to Senate approval).

Most recently, of the 45 circuit court nominees confirmed by the Senate during the Biden presidency, 14 (31%) were nominated more than once prior to being confirmed.

Table 4. Number of U.S. Circuit Court Nominees Who Were Nominated Two or More Times Prior to Final Action and Percentage of All Confirmed U.S. Circuit Court Nominees Nominated Two or More Times Prior to Being Confirmed

President	Number of Nominees Nominated Two or More Times Prior To Final Action			Percentage of President's Confirmed Nominees Who Were Nominated Two or More Times Prior to Being Confirmed
	Confirmed	Not Confirmed	Total	
Carter	1	0	1	2%
Reagan	6	1	7	7%
Bush, G.H.W.	0	1	1	0%
Clinton	12	10	22	19%
Bush, G.W.	28	11	39	46%
Obama	20	5	25	36%
Trump	18	1	19	33%
Biden	14	1	15	31%

Source: Congressional Research Service.

Notes: This table shows the number of U.S. circuit court nominees who were nominated two or more times prior to final action on their nominations (and whether confirmed or not by the Senate). The table also provides the overall percentage (rounded to the nearest whole number) of circuit court nominees confirmed during a presidency who were nominated two or more times prior to being confirmed by the Senate.

U.S. District Court Nominees

As shown by **Table 5**, the total number of district court nominees who were nominated two or more times prior to final action ranged from a low of 3 (during the George H. W. Bush presidency) to a high of 111 (during the Obama presidency). A majority of district court nominees nominated two or more times during each of the presidencies included in **Table 5** were ultimately confirmed by the Senate.

The number of district court nominees who were nominated more than once and ultimately *confirmed* by the Senate ranged from a low of 2 (during the George H. W. Bush presidency) to a high of 104 (during the Obama presidency). And the number of nominees who were nominated more than once but *not confirmed* by the Senate ranged from a low of 1 (during the Carter and George H. W. Bush presidencies) to a high of 13 (during the first Trump presidency).

Overall, of the eight presidencies listed in **Table 5**, President Trump had the greatest percentage of confirmed district court nominees who were nominated more than once prior to being confirmed by the Senate (41%). This was an increase from the Obama presidency, when 39% of district court nominees were nominated more than once prior to being confirmed (which represents the second-highest percentage of district court nominees nominated more than once prior to Senate approval).

Most recently, of the 187 district court nominees confirmed by the Senate during the Biden presidency, 59 (32%) were nominated more than once prior to being confirmed.

Table 5. Number of U.S. District Court Nominees Who Were Nominated Two or More Times Prior to Final Action and Percentage of All Confirmed U.S. District Court Nominees Nominated Two or More Times Prior to Being Confirmed

President	Number of Nominees Nominated Two or More Times Prior to Final Action			Percentage of All Confirmed Nominees Who Were Nominated Two or More Times Prior to Being Confirmed
	Confirmed	Not Confirmed	Total	
Carter	4	1	5	2%
Reagan	24	2	26	8%
Bush, G.H.W.	2	1	3	1%
Clinton	21	9	30	7%
Bush, G.W.	62	6	68	24%
Obama	104	7	111	39%
Trump	71	13	84	41%
Biden	59	3	62	32%

Source: Congressional Research Service.

Notes: This table shows the number of U.S. district court nominees who were nominated two or more times prior to final action on their nominations (and whether confirmed or not by the Senate). The table also provides the overall percentage (rounded to the nearest whole number) of district court nominees who were confirmed during a presidency and nominated two or more times prior to being confirmed by the Senate.

Nominations Returned at the End of a Congress

Table 6 provides data related to the number of U.S. circuit and district court nominations returned by the Senate to the President at the end of each Congress, from the 95th (1977-1978) through the 118th (2023-2024).³¹ The table also indicates how many nominees with returned nominations received or did not receive a hearing by the Judiciary Committee, as well as how many had their nominations reported by the committee and were pending on the *Executive Calendar* prior to being returned to the President.

If a Congress did not coincide with the last two years of a presidency, it was not uncommon for a returned nomination to be resubmitted during a subsequent Congress and eventually be approved

³¹ These data do not include nominations that were returned to a President or withdrawn by a President at times other than at the end of a Congress. They also excludes nominations that were rejected by the Senate in up-or-down roll call votes.

by the Senate.³² If a Congress did, however, coincide with the last two years of a presidency, a nominee whose nomination was returned at the end of it was not confirmed by the Senate.

The median number of U.S. circuit court nominations returned at the end of a Congress during the 1977-2024 period was 7, while the median number of district court nominees whose nominations were returned at the end of a Congress was 14.

For the 16 most recent Congresses (corresponding to the Clinton, George W. Bush, Obama, Trump, and Biden presidencies), the median number of circuit court nominations returned at the end of a Congress was 9, while the median number of district court nominations returned was approximately 21.

U.S. Circuit Court Nominees

There were no circuit court nominations returned at the end of the 95th Congress (1977-1978) or the 99th Congress (1985-1986). There was one circuit court nomination returned at the end of the 116th Congress (2019-2020), which was the fewest number of circuit court nominations returned at the end of a Congress since the 101st Congress (1989-1990).

Most recently, there were four circuit court nominations returned to President Biden at the end of the 118th Congress (representing 18% of the circuit court nominations pending in the Senate during the 118th Congress).

The 106th Congress (1999-2000), corresponding to the final two years of the Clinton presidency, had the greatest number of circuit court nominations returned at the end of a Congress, with a total of 17 nominations returned to the President. The 107th Congress (2001-2002) and 108th Congress (2003-2004), corresponding to President George W. Bush's first term, each had 15 circuit court nominations returned at the end of a Congress.

Other than the 95th and 99th Congresses, when there were no circuit court nominations returned at the end of either Congress, the smallest percentage of circuit court nominees with returned nominations, as a percentage of all circuit court nominees who were nominated during a Congress, occurred at the end of the 116th Congress (2019-2020), when 4% of nominations were returned.

The greatest percentage of circuit court nominees with returned nominations, as a percentage of all circuit court nominees who were nominated during a Congress, occurred at the end of the 114th Congress (2015-2016) when seven of nine nominations, or 78%, were returned at the end of the Obama presidency.

³² For example, each of the 13 district court nominations returned at the end of the 98th Congress (1983-1984) was later approved by the Senate during a subsequent Congress. Similarly, 22 of 24 district court nominations returned at the end of the 112th Congress (2011-2012) were later approved during a subsequent Congress.

Table 6. U.S. Circuit and District Court Nominees: Number Whose Nominations Were Returned at End of Each Congress and the Percentage of All Nominees Whose Nominations Were Returned at End of Each Congress
(95th Congress to 117th Congress)

Congress (Years)	U.S. Circuit Court Nominees					U.S. District Court Nominees				
	Hearing & Reported	Hearing & Not Reported	No Hearing	Total	% of All Nominees	Hearing & Reported	Hearing & Not Reported	No Hearing	Total	% of All Nominees
95 th (1977-78)	0	0	0	0	0%	1	0	0	1	2%
96 th (1979-80)	0	3	1	4	8%	0	6	6	12	7%
97 th (1981-82)	0	0	1	1	5%	0	0	1	1	1%
98 th (1983-84)	1	1	1	3	16%	5	3	5	13	17%
99 th (1985-86)	0	0	0	0	0%	0	1	2	3	3%
100 th (1987-88)	2	0	5	7	27%	1	5	3	9	12%
101 st (1989-90)	0	0	1	1	4%	0	0	2	2	4%
102 nd (1991-92)	0	1	9	10	32%	0	0	42	42	29%
103 rd (1993-94)	0	1	2	3	14%	0	2	9	11	9%
104 th (1995-96)	4	1	3	8	40%	3	5	12	20	24%
105 th (1997-98)	2	1	6	9	30%	2	3	6	11	12%
106 th (1999-00)	0	2	15	17	50%	0	2	22	24	29%
107 th (2001-02)	0	3	12	15	47%	0	0	15	15	15%
108 th (2003-04)	11	3	1	15	44%	0	2	6	8	9%
109 th (2005-06)	0	1	9	10	36%	13	1	14	28	43%
110 th (2007-08)	0	0	10	10	44%	0	3	17	20	25%
111 th (2009-10)	4	0	5	9	36%	16	1	17	34	44%
112 th (2011-12)	4	0	3	7	28%	6	4	14	24	19%
113 th (2013-14)	0	0	2	2	8%	0	1	10	11	9%
114 th (2015-16)	2	1	4	7	78%	18	10	15	43	71%
115 th (2017-18)	0	6	6	12	28%	31	17	8	56	50%
116 th (2019-20)	0	1	0	1	4%	3	0	18	21	14%
117 th (2021-22)	5	3	1	9	24%	19	12	5	36	35%
118 th (2023-24)	4	0	0	4	18%	0	2	2	4	3%

Source: Congressional Research Service.

Note: This table shows, for the 95th Congress through the 118th Congress, the number of nominees whose nominations were returned at the end of a Congress (as well as how many of the nominees had received a Judiciary Committee hearing, or not, and how many had their nominations reported by the committee). Percentages are rounded to the nearest whole number.

U.S. District Court Nominees

A single district court nomination was returned at the end of both the 95th Congress (1977-1978) and the 97th Congress (1981-1982).

The 115th Congress (2017-2018) had the greatest number of district court nominations returned at the end of a Congress, with 56 nominations returned to the President.

Most recently, there were 4 district court nominations returned at the end of the 118th Congress. This ranks, among the 24 Congresses included in **Table 6**, as the fifth-fewest number of district court nominations returned at the end of a Congress since the 95th Congress (1977-1978), as well as the fewest number of district court nominees returned since the 101st Congress (1989-1990).

The smallest percentage of district court nominees with returned nominations, as a percentage of all district court nominees who were nominated during a Congress, occurred at the end of the 97th Congress (1981-1982) during the Reagan presidency. The percentage of district court nominations returned at the end of the 118th Congress, at 3%, ranks as the fourth-smallest percentage of district court nominees returned at the end of a Congress since the 95th Congress (1977-1978).

The greatest percentage of district court nominees with returned nominations, as a percentage of all district court nominees who were nominated during a Congress, occurred at the end of the 114th Congress (2015-2016), when 43 of 61 nominations, or 71%, were returned at the end of the Obama presidency.

Note that **Table 6** does not indicate when a President submitted nominations to the Senate. If nominations are submitted for the first time relatively late in a Congress, it may not give the Senate adequate time to act upon them prior to adjournment.

Time from Nomination to Confirmation

This section provides, for nominees confirmed by the Senate from 1977 through 2024, the median number of days from nomination to confirmation by presidency and by Congress.³³

In general, since 1977, there has been an increase in the overall length of time from when a President nominates an individual to a vacant circuit or district court judgeship to when the Senate approves that nomination.³⁴ A nominee might also experience a relatively longer period of time from nomination to confirmation due to opposition to his or her nomination in the Senate; committee and floor scheduling decisions unrelated to opposition to the nomination; and delays in receiving requested background information from the nominee.³⁵

³³ Excluded from the analysis are unsuccessful nominations that were not approved by the Senate. These nominations are excluded because most of a President's nominees are approved by the Senate and, consequently, provide a better indication as to how the length of time from nomination to confirmation has changed over time for a typical circuit or district court nominee.

³⁴ If a nominee was nominated more than once by a President prior to the nominee's eventual confirmation by the Senate, the first date on which he or she was nominated was used to calculate the days elapsed from nomination to confirmation.

³⁵ There may be several consequences to the relatively longer waiting times from nomination to confirmation experienced by many judicial nominees, including an increase in the vacancy rates of circuit and district court judgeships; detrimental effects on judicial administration, such as caseload management; fewer highly qualified nominees who are willing to undergo a more lengthy, and potentially more combative, confirmation process; and an excessive emphasis on the ideological or partisan predisposition of nominees. For further discussion of these factors, see CRS Report R43316, *Length of Time from Nomination to Confirmation for U.S. Circuit and District Court Nominees: Overview and Policy Options to Shorten the Process*, by Barry J. McMillion.

By Presidency

U.S. Circuit Court Nominees

As shown by **Table 7**, the median number of days from nomination to confirmation for U.S. circuit court nominees ranged from a low of 45 days during the Reagan presidency to a high of 229 days during the Obama presidency.

Most recently, the median number of days from nomination to confirmation for the 45 circuit court nominees confirmed during the Biden presidency was 140 days.

Following the Reagan presidency, the median number of days from nomination to confirmation increased during each successive presidency with the recent exception of the first Trump presidency—increasing by 176% from 83 days during the George H. W. Bush presidency to 229 days during the Obama presidency, and then declining by 42% to approximately 134 days during the first Trump presidency. The decline in the length of time from nomination to confirmation for U.S. circuit court nominees during recent presidencies likely reflects, in part, institutional changes related to cloture and the blue slip process.³⁶

If the average, rather than the median, is used to measure the length of time a President's circuit court nominees waited from nomination to confirmation,³⁷ the length of time from nomination to confirmation ranged from a low of 69 days during the Reagan presidency to a high of 351 days during the George W. Bush presidency.³⁸

Most recently, the average number of days from nomination to confirmation for circuit court nominees confirmed during the first Trump presidency and the Biden presidency was 135 days and 171 days, respectively.

³⁶ The processing of circuit court nominations was likely facilitated in part by the earlier reinterpretation of Senate Rule XXII during the 113th Congress to allow cloture to be invoked on most nominations by a majority of Senators voting (a quorum being present), as well as by the change surrounding the Senate Judiciary Committee's blue slip policy for circuit court nominees during the first year of the first Trump presidency itself. This change permitted the Judiciary Committee to consider circuit court nominees whose nominations lacked the support from one or both of their home state Senators. See *Congressional Record*, daily edition, vol. 159 (November 21, 2013), pp. S8417-S8418; CRS Report R43331, *Majority Cloture for Nominations: Implications and the "Nuclear" Proceedings of November 21, 2013*, by Valerie Heitshusen; and see Sen. Chuck Grassley, *Congressional Record*, daily edition, vol. 163 (November 16, 2017), pp. S7285-S7287. See also Joseph P. Williams, "Sen. Grassley Opts to Ignore Blue Slips Against Trump Judicial Nominees," *U.S. News & World Report*, November 16, 2017, at <https://www.usnews.com/news/politics/articles/2017-11-16/sen-grassley-opts-to-ignore-blue-slips-against-trump-judicial-nominees>. Both of the changes discussed above, as of this writing, have remained in effect during subsequent Congresses (including the entirety of the Biden presidency).

³⁷ The average number of days from nomination to confirmation increases, relative to the median number of days from nomination to confirmation, because during each presidency there are nominees whose wait times from nomination to confirmation were particularly long relative to a President's other nominees who were confirmed by the Senate. The nominees with relatively long wait times are outliers in the sense of having the effect of "skewing" or increasing the average wait time from nomination to confirmation. The median number of days from nomination to confirmation, however, is less affected by these extreme cases and represents a measure of time from nomination to confirmation that was more typical for a President's nominees.

³⁸ The average number of days from nomination to confirmation for U.S. circuit court nominees confirmed during the Clinton and Obama presidencies was 238 days and 260 days, respectively.

Table 7. U.S. Circuit and District Court Nominees: Median Number of Days from Nomination to Confirmation, by Presidency
(1977 to 2024)

President	Circuit Court Nominees		District Court Nominees	
	Number Confirmed	Average (Median) # of Days from Nomination to Confirmation	Number Confirmed	Average (Median) # of Days from Nomination to Confirmation
Carter	56	63	202	57
Reagan	83	45	290	41
G.H.W. Bush	42	83	148	93
Clinton	65	139	305	99
G.W. Bush	61	216	261	141
Obama	55	229	268	215
Trump	54	134	174	237
Biden	45	140	187	138

Source: Congressional Research Service.

Notes: This table shows the median number of days from nomination to confirmation for U.S. circuit and district court nominees whose nominations were approved by the Senate from 1977 through 2024. Medians are rounded to the nearest whole number.

Figure 1 shows, for each U.S. circuit court nominee who was confirmed from 1977 through 2024, the number of days from when that individual was first nominated to when he or she was confirmed by the Senate. The interactive version of the figure shows information for each nominee, while the particular circuit court nominee who waited the longest period of time from nomination to confirmation for each presidency is labeled on the static version of the figure.³⁹

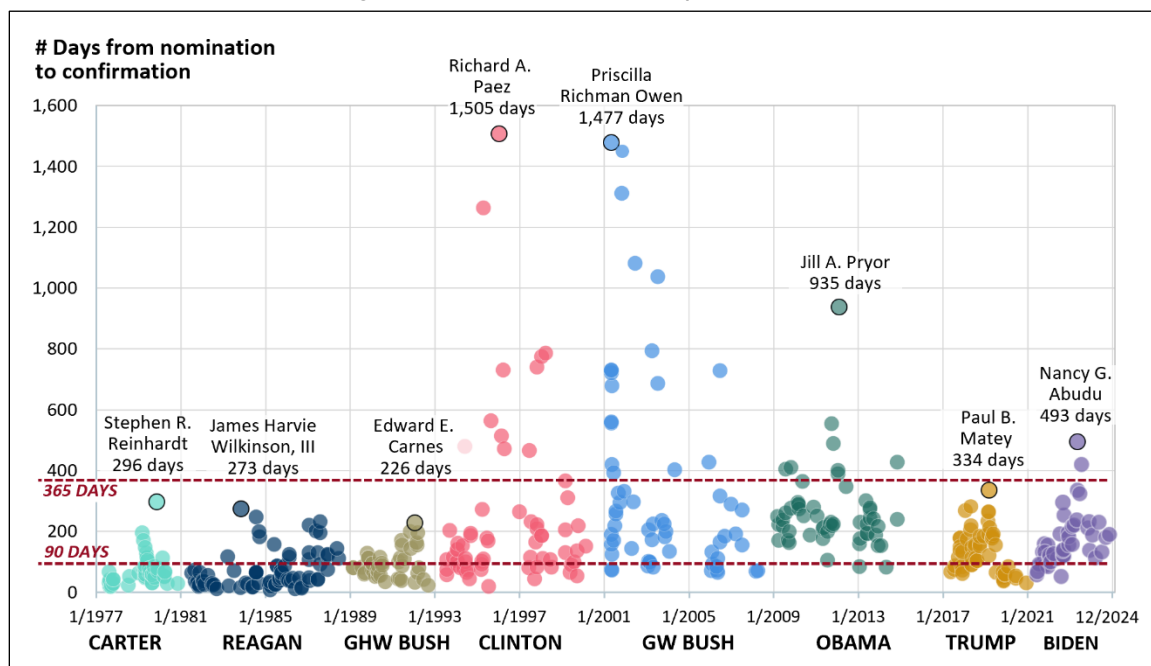
365 or More Days from Nomination to Confirmation

As shown by the figure, there was a notable increase from the Clinton presidency through the Obama presidency in the number of nominees who waited one year or more from nomination to confirmation. During the Carter, Reagan, and George H. W. Bush presidencies, no circuit court nominees waited 365 days or more to be confirmed. Additionally, no nominees waited 365 days or more to be confirmed during the first Trump presidency.

³⁹ As shown by the figure, the circuit court nominee who experienced the longest period of time from nomination to confirmation across all eight presidencies was Richard A. Paez, who waited 1,505 days, or approximately four years, to be confirmed after first being nominated by President Clinton in 1996 (he was confirmed in 2000). The circuit court nominee with the second-longest period of time from nomination to confirmation was Priscilla R. Owen, who waited 1,477 days (also approximately four years) to be confirmed after first being nominated by President G.W. Bush in 2001 (she was confirmed in 2005).

Figure 1. U.S. Circuit Court Nominees: Number of Days from Nomination to Confirmation (1977 to 2024)

Figure is interactive in HTML report version.



Source: Congressional Research Service.

Notes: This figure shows the number of days from nomination to confirmation for U.S. circuit court nominees whose nominations were approved by the Senate from 1977 through 2024. For each presidency, the circuit court nominee who waited the longest from nomination to confirmation is labeled in the figure.

During the Clinton presidency, there were 12 circuit court nominees who waited one year or more to be confirmed. The number of circuit court nominees who waited at least 365 days to be confirmed increased further, to a high of 18, during the George W. Bush presidency. During the Obama presidency, there were 8 circuit court nominees who waited at least one year to be confirmed. Most recently, during the Biden presidency, two circuit court nominees waited 365 days or more to be confirmed.

Overall, 18% of President Clinton's circuit court nominees waited at least 365 days to be confirmed, while 30% of President George W. Bush's nominees waited at least this long (the highest among the eight presidencies) and 15% of President Obama's nominees waited at least 365 days. Most recently, 4% of President Biden's circuit court nominees waited at least 365 days to be confirmed.

90 or Fewer Days from Nomination to Confirmation

During the Carter and Reagan presidencies, 47 and 63 circuit court nominees, respectively, waited 90 or fewer days from nomination to confirmation (i.e., were confirmed within approximately three months). During the George H. W. Bush presidency, 24 circuit court nominees waited 90 or fewer days to confirmation. President Clinton had 18 circuit court nominees confirmed within 90 days of being nominated, while President George W. Bush had 11 such nominees. President Obama had 2 circuit court nominees confirmed within three months of being nominated (the lowest number among the eight presidencies included in the analysis). During the first Trump presidency, 20 circuit court nominations were confirmed within 90 days of being nominated.

Most recently, during the Biden presidency, 6 circuit court nominees were confirmed within 90 days of being nominated.

Overall, 84% of President Carter's circuit court nominees were confirmed within 90 days of being nominated. During the Reagan presidency, 76% of circuit court nominees were confirmed within 90 days of nomination, while during the George H. W. Bush presidency 57% of circuit court nominees were confirmed within this time frame.

During the Clinton presidency, the percentage of circuit court nominees approved by the Senate within 90 days fell below half of all circuit court nominees confirmed (to 26%). The percentage of nominees confirmed in 90 or fewer days decreased further during both the George W. Bush presidency (to 16%) and the Obama presidency (to 4%, the lowest percentage among the eight completed presidencies). During the first Trump presidency, 37% of confirmed circuit court nominees were confirmed within 90 days of being nominated.

Most recently, during the Biden presidency, 13% of confirmed circuit court nominees were confirmed within 90 days of being nominated (the second-lowest percentage among the eight presidencies).

U.S. District Court Nominees

As shown by **Table 7**, the median number of days from nomination to confirmation for U.S. district court nominees ranged from a low of 41 days during the Reagan presidency to a high of approximately 237 days during the first Trump presidency.

Following the Reagan presidency, the median number of days from nomination to confirmation increased during each successive completed presidency, increasing by 154% from 93 days during the George H. W. Bush presidency to 237 days during the first Trump presidency.

Most recently, the median number of days from nomination to confirmation for the 187 district court nominees confirmed during the Biden presidency was 138 days (which, by presidency, was the overall lowest median number of days from nomination to confirmation for district court nominees since the Clinton presidency).

If the average, rather than the median, is used to measure the length of time a President's district court nominees waited from nomination to confirmation, the length of time ranged from a low of 68 days during the Reagan presidency to a high of 276 days during the first Trump presidency.⁴⁰

Most recently, the average number of days from nomination to confirmation for district court nominees confirmed during the Biden presidency was 163 days.

Figure 2 shows, for each U.S. district court nominee who was confirmed from 1977 through 2024, the number of days from when that individual was first nominated to when he or she was confirmed by the Senate. The interactive version of the figure shows information for each nominee, while the particular circuit court nominee who waited the longest period of time from nomination to confirmation for each presidency is labeled on the static version of the figure.⁴¹

⁴⁰ The average number of days from nomination to confirmation for U.S. district court nominees confirmed during the Clinton and Obama presidencies was 136 days and 225 days, respectively.

⁴¹ As shown by the figure, the district court nominee who experienced the longest period of time from nomination to confirmation (across all eight presidencies) was Faith S. Hochberg, who waited 1,444 days, or nearly four years, to be confirmed after first being nominated by President Clinton in 1995 (she was confirmed in 1999). The district court nominee who waited the second-longest period of time from nomination to confirmation was Thomas L. Ludington, who waited 1,365 days (or approximately 3.7 years) to be confirmed after first being nominated by President G.W. Bush in 2002 (he was confirmed in 2006).

365 or More Days from Nomination to Confirmation

As shown by the figure, there was a notable increase after the George H. W. Bush presidency in the number of nominees who waited one year or more from nomination to confirmation. During the Carter and Reagan presidencies, a combined total of five district court nominees waited 365 days or more to be confirmed.⁴² No district court nominees during the George H. W. Bush presidency waited 365 or more days from nomination to confirmation.

During the Clinton presidency, there were 14 district court nominees who waited one year or more to be confirmed. The number of district court nominees who waited at least 365 days to be confirmed increased further, to a high of 17, during the George W. Bush presidency. During the Obama presidency, there were 16 district court nominees who waited at least 365 days to be confirmed (which was the second highest among the eight presidencies). During the first Trump presidency, 44 district court nominees waited at least 365 days from nomination to confirmation (this was the highest for the same presidencies).

Most recently, during the Biden presidency, 12 district court nominees waited 365 or more days from nomination to confirmation (this was the fewest number of district court nominees to wait a year or more to be confirmed since the George H. W. Bush presidency).

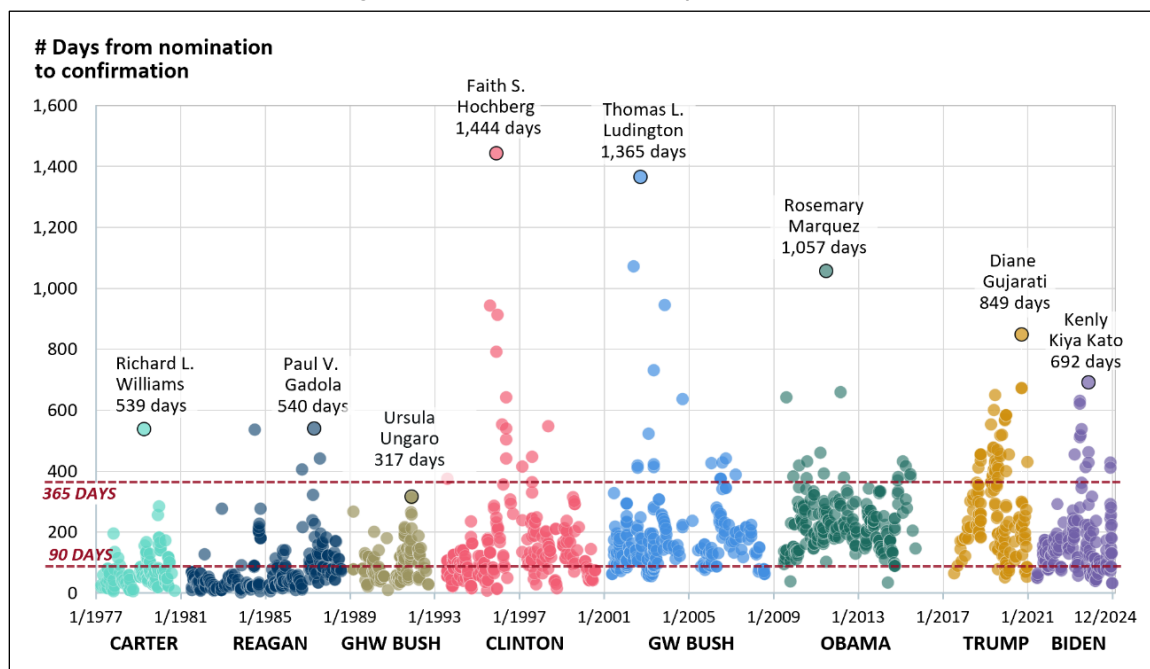
Overall, 5% of President Clinton's district court nominees waited at least 365 days from nomination to confirmation, 7% of President George W. Bush's nominees waited at least this long, and 6% of President Obama's nominees waited at least this long. During President Trump's first term, 25% of district court nominees waited at least 365 days to be confirmed (which was the highest percentage among the eight presidencies included in the figure).

Most recently, during the Biden presidency, 6% district court nominees waited 365 or more days from nomination to confirmation.

⁴² One district court nominee during the Carter presidency waited 365 or more days from nomination to confirmation, while four nominees during the Reagan presidency waited this long.

Figure 2. U.S. District Court Nominees: Number of Days from Nomination to Confirmation (1977 to 2024)

Figure is interactive in HTML report version.



Source: Congressional Research Service.

Notes: This figure shows the number of days from nomination to confirmation for U.S. district court nominees whose nominations were approved by the Senate from 1977 through 2024. For each presidency, the district court nominee who waited the longest from nomination to confirmation is labeled in the figure.

90 or Fewer Days from Nomination to Confirmation

During the Carter and Reagan presidencies, 157 and 234 district court nominees, respectively, waited 90 or fewer days from nomination to confirmation. During the George H. W. Bush presidency, 72 district court nominees waited 90 or fewer days to confirmation. President Clinton had 129 district court nominees confirmed within 90 days (i.e., within approximately three months) of being nominated, while President George W. Bush had 41 such nominees. President Obama had five district court nominees, the fewest of the eight presidencies, confirmed within three months of being nominated. President Trump had, during his first term, 15 district court nominees confirmed within 90 or fewer days of being nominated.

Most recently, during the Biden presidency, 48 district court nominees were confirmed within 90 or fewer days of being nominated.

Overall, 78% of President Carter's district court nominees were confirmed within 90 days of being nominated. During the Reagan presidency, 81% of district court nominees were confirmed within 90 days of nomination, while during the George H. W. Bush presidency 49% of district nominees were confirmed within this time frame.

During the Clinton and George W. Bush presidencies, the percentage of district court nominees approved by the Senate within 90 days declined further to 42% and 16%, respectively. During the Obama presidency, the percentage of nominees confirmed in 90 or fewer days was 2% (the lowest percentage of the eight presidencies), while 9% of district court nominees during the first Trump presidency were confirmed within 90 or fewer days.

Most recently, during the Biden presidency, 26% of district court nominees were confirmed within 90 days of being nominated.

By Congress

Table 8 reports the median number of days from nomination to confirmation for U.S. circuit and district court nominees whose nominations were approved by the Senate from the 95th Congress through the 118th Congress.

Table 8. U.S. Circuit and District Court Nominees: Median Number of Days from Nomination to Confirmation, by Congress
(95th Congress to 118th Congress)

Congress	Years	Circuit Court Nominees		District Court Nominees	
		Number Confirmed	Median # of Days from Nomination to Confirmation	Number Confirmed	Median # of Days from Nomination to Confirmation
95 th	1977-78	12	29	48	38
96 th	1979-80	44	67	154	65
97 th	1981-82	19	28	68	30
98 th	1983-84	14	46	61	26
99 th	1985-86	33	45	95	41
100 th	1987-88	17	118	66	98
101 st	1989-90	22	79	48	73
102 nd	1991-92	20	103	100	118
103 rd	1993-94	19	99	107	78
104 th	1995-96	11	167	62	99
105 th	1997-98	20	197	79	139
106 th	1999-2000	15	204	57	119
107 th	2001-02	17	256	83	126
108 th	2003-04	18	201	85	152
109 th	2005-06	16	282	35	132
110 th	2007-08	10	229	58	199
111 th	2009-10	16	253	44	140
112 th	2011-12	14	219	97	225
113 th	2013-14	23	229	109	203
114 th	2015-16	2	331	18	300
115 th	2017-18	30	141	53	235
116 th	2019-20	24	101	121	238
117 th	2021-22	28	121	68	139
118 th	2023-24	17	216	119	132

Source: Congressional Research Service.

Note: This table shows, for the 95th Congress through the 118th Congress, the number of U.S. circuit and district court nominees confirmed during each Congress and the median number of days from nomination to confirmation, rounded to the nearest whole number.

U.S. Circuit Court Nominees

For circuit court nominees, the median number of days from nomination to confirmation ranged from a low of 28 days during the 97th Congress (1981-1982) to a high of 331 days during the 114th Congress (2015-2016). The second-shortest median number of days from nomination to confirmation was 29 days during the 95th Congress (1977-1978), while the second-highest median number of days was 282 days during the 109th Congress (2005-2006).

The median number of days from nomination to confirmation for U.S. circuit court nominees stayed above 200 days from the 106th through the 114th Congress. In contrast, for the 115th Congress, the median number of days from nomination to confirmation (141 days, or 4.6 months) fell below 200 days for the first time since the 105th Congress (1997-1998). Additionally, the median number of days from nomination to confirmation for the 24 circuit court nominees approved by the Senate during the 116th Congress (i.e., 101 days) represented the shortest length of time from nomination to confirmation for circuit court nominees since the 103rd Congress (1993-1994). The median number of days from nomination to confirmation for circuit court nominees also remained below 200 days during the 117th Congress. This is the first instance since the 103rd, 104th, and 105th Congresses (1993-1998) that the median time from nomination to confirmation for circuit court nominees has been below 200 days for three consecutive Congresses.

Most recently, for circuit court nominees confirmed during the 118th Congress (2023-2024), the median number of days from nomination to confirmation increased to 216 days.

The relatively shorter median duration from nomination to confirmation for circuit court nominees during recent Congresses with unified party control was facilitated, at least in part, by the earlier reinterpretation of Senate Rule XXII during the 113th Congress (2013-2014) to allow cloture to be invoked on most nominations by a majority of Senators voting, a quorum being present, as well as by the change surrounding the Senate Judiciary Committee's blue slip policy for circuit court nominees during the 115th Congress (2017-2018).⁴³ These changes generally enabled, during periods of unified party control, a majority party in the Senate to prioritize and more quickly process a President's circuit court nominations.

If the average, rather than the median, is used to measure the length of time from nomination to confirmation for circuit court nominees, the average number of days ranged from a low of 33 days during the 95th Congress (1977-1978) to a high of 563 days during the 109th Congress (2005-2006). Most recently, during the 118th Congress (2023-2024), the average length of time from nomination to confirmation for circuit court nominees was 236 days.

U.S. District Court Nominees

For U.S. district court nominees, the median number of days from nomination to confirmation ranged from a low of 26 days during the 98th Congress (1983-1984) to a high of 300 days during the 114th Congress (2015-2016). The second-shortest median was 30 days during the 97th

⁴³ Both changes, as of this writing, have remained in effect during subsequent Congresses.

Congress (1981-1982), while the second-longest median was 238 days during the 116th Congress (2019-2020).⁴⁴

The median number of days from nomination to confirmation for district court nominees confirmed during the 117th Congress was 139 days. This was the first Congress since the 111th Congress (2009-2010) that the median number of days from nomination to confirmation for district court nominees was below 200 days. Most recently, during the 118th Congress (2023-2024), the median number of days from nomination to confirmation for district court nominees was 132 days. This is the first instance since the 110th Congress (2007-2008) and 111th Congress (2009-2010) that the median time from nomination to confirmation for district court nominees was below 200 days for two consecutive Congresses.

The average number of days from nomination to confirmation for U.S. district court nominees during this period ranged from a low of 33 days during the 97th Congress (1981-1982) to a high of 302 days during the 114th Congress (2015-2016). The second-lowest average wait time for district court nominees occurred during the 98th Congress (1983-1984), at 37 days, and the second-longest average wait time occurred during the 116th Congress (2019-2020), at 285 days. Most recently, during the 118th Congress (2023-2024), the average length of time from nomination to confirmation for district court nominees was 181 days.

By Presidency and Congress

Figure 4 displays, by presidency and Congress, the median number of days from nomination to confirmation for U.S. circuit and district court nominees who were confirmed during the 1977 to 2024 period (i.e., from the 95th through the 118th Congress).

U.S. Circuit Court Nominees

For circuit court nominees, the five greatest increases in the number of median days from nomination to confirmation occurred during the 114th Congress (2015-2016), an increase of 102 days from the 113th Congress (2013-2014); the 118th Congress (2023-2024), an increase of 95 days from the 117th Congress (2021-2022); the 109th Congress (2005-2006), an increase of approximately 81 days from the 108th Congress (2003-2004); the 100th Congress (1987-1988), an increase of 73 days from the 99th Congress (1985-1986); and the 104th Congress (1995-1996), an increase of 68 days from the 103rd Congress (1993-1994).

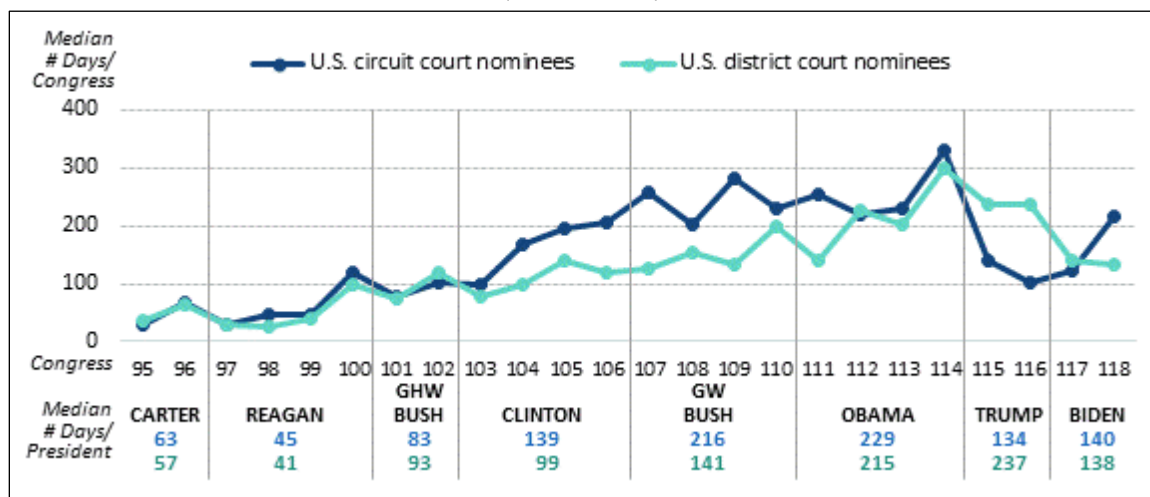
As shown by the figure, from the 114th Congress (2015-2016) to the 115th Congress (2017-2018), the median number of days from nomination to confirmation for U.S. circuit court nominees declined from 331 to 141 days⁴⁵ and declined further from the 115th to 116th Congress (2019-2020), from 141 to 101 days. The median number of days from nomination to confirmation increased by 20 days from 101 days during the 116th Congress (2019-2020) to 121 days during the 117th Congress (2021-2022).

Most recently, the median number of days from nomination to confirmation for circuit court nominees increased by 95 days from 121 days during the 117th Congress (2021-2022) to 216 days during the 118th Congress (2023-2024).

⁴⁴ The median number of days from nomination to confirmation during the 116th Congress was the fifth consecutive Congress for which the median wait time from nomination to confirmation for district court nominees was greater than 200 days. The first Congress during which the median wait time for district court nominees exceeded 200 days was the 112th Congress (2011-2012).

⁴⁵ This was, for this period, the greatest decline in the median number of days from nomination to confirmation for circuit court nominees during two consecutive Congresses.

Figure 3. U.S. Circuit and District Court Nominees: Median Number of Days from Nomination to Confirmation, by Presidency and Congress (1977 to 2024)



Source: Congressional Research Service.

Note: This figure shows the median number of days from nomination to confirmation for U.S. circuit and district court nominees from the 95th Congress (Carter presidency) through the 118th Congress (Biden presidency).

U.S. District Court Nominees

For district court nominees, the five greatest increases in the median number of days from nomination to confirmation occurred during the 114th Congress (2015-2016), an increase of 97 days from the 113th Congress (2013-2014); the 112th Congress (2011-2012), an increase of 85 days from the 111th Congress (2009-2010); the 110th Congress (2007-2008), an increase of 67 days from the 109th Congress (2005-2006); the 100th Congress (1987-1988), an increase of 57 days from the 99th Congress (1985-1986); and the 102nd Congress (1991-1992), an increase of 46 days from the 101st Congress (1989-1990).

More recently, from the 114th Congress (2015-2016) to the 115th Congress (2017-2018), the median number of days from nomination to confirmation for U.S. district court nominees declined from approximately 300 days to 235 days⁴⁶ and increased slightly, from 235 to 238 days, during the 116th Congress (2019-2020).

During the 117th Congress (2021-2022), the median time from nomination to confirmation for district court nominees was 139 days—a decline of nearly 100 days (or 3.3 months) from the median number of days of 238 days during the 116th Congress (2019-2020). This decline in the median number of days from nomination to confirmation from the 116th Congress to 117th Congress represents, since the 95th Congress (1977-1978), the greatest decline in the median number of days from nomination to confirmation for district court nominees from any Congress to the immediate subsequent one.

Most recently, the median number of days from nomination to confirmation for district court nominees decreased by 7 days from 139 days during the 117th Congress (2021-2022) to 132 days during the 118th Congress (2023-2024). The median length of time from nomination to

⁴⁶ This was, for this period, the greatest decline in the median number of days from nomination to confirmation for district court nominees during two consecutive Congresses.

confirmation for district court nominees during the 118th Congress was the shortest length of time for district court nominees since the 109th Congress (2005-2006).

Time from Nomination to Committee Hearing

The President customarily transmits a circuit or district court nomination to the Senate in the form of a written nomination message. Once received, the nomination is numbered by the Senate executive clerk, read on the floor, and then immediately referred to the Judiciary Committee.⁴⁷

The Judiciary Committee's processing of the nomination typically consists of three stages—a prehearing phase, the holding of a hearing on the nomination, and voting on whether to report the nomination to the Senate.⁴⁸ During a hearing on the nomination, lower court nominees engage in a question-and-answer session with members of the Senate Judiciary Committee. The hearing typically is held for more than one judicial nominee at a time.

As shown in **Table 9**, the median length of time from nomination to committee hearing for circuit and district court nominees has varied across presidencies.⁴⁹

U.S. Circuit Court Nominees

By presidency, the median number of days from nomination to committee hearing for U.S. circuit court nominees ranged from a low of 23 days (during the Reagan presidency) to a high of 145 days (during the George W. Bush presidency).⁵⁰

Most recently, during the Biden presidency, the median number of days from nomination to committee hearing for circuit court nominees was 28 days (which was the second-fewest number of days among the eight presidencies included in **Table 9**).⁵¹

⁴⁷ The nomination is referred to the Judiciary Committee as a result of two Senate rules—specifically Rule XXXI, which provides that nominations shall be referred to appropriate committees “unless otherwise ordered,” and Rule XXV, paragraph 2(m), which outlines the jurisdiction of the Judiciary Committee. See CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki (under heading “Receipt and Referral”).

Senate rules also permit the Senate to discharge the Judiciary Committee from a nomination by unanimous consent or by motion or resolution. During the 117th Congress, six judicial nominations were placed on the *Executive Calendar* as a result of a majority of the Senate agreeing by motion to discharge the nominations from the Judiciary Committee (each of the motions was subject to a roll call vote). These are the only instances identified by CRS, since at least the early 1940s, of the Judiciary Committee being discharged of a circuit or district court nomination. For further discussion of this issue, see CRS Report R43762, *The Appointment Process for U.S. Circuit and District Court Nominations: An Overview*, by Barry J. McMillion.

⁴⁸ For additional discussion of these three phases, see CRS Report R43762, *The Appointment Process for U.S. Circuit and District Court Nominations: An Overview*, by Barry J. McMillion.

⁴⁹ The median length of time has also varied by Congress. These data are not reported for this particular section of the report but are available to congressional staff upon request from the author.

⁵⁰ The data provided in **Table 9** include all nominees who received a hearing by the Judiciary Committee (including nominees whose nominations were not eventually approved by the Senate). For the presidencies included in the table, the *average* number of days from nomination to committee hearing for U.S. circuit court nominees ranged from a low of 42 days during the Carter presidency to a high of 247 days during the G.W. Bush presidency. The second-shortest average wait time from nomination to hearing for circuit court nominees was during the Reagan presidency (43 days), while the second-longest was during the Clinton presidency (120 days). Most recently, during the Biden presidency, the average number of days from nomination to committee hearing for circuit court nominees was 65 days.

⁵¹ During the Biden presidency, the number of days from nomination to committee hearing for circuit court nominees ranged from a low of 6 days to 107 days.

Table 9. U.S. Circuit and District Court Nominees: Median Number of Days from Nomination to Committee Hearing
(1977-2024)

President	Circuit Court Nominees	District Court Nominees
	Median Number of Days from Nomination to Hearing	Median Number of Days from Nomination to Hearing
Carter	39	38
Reagan	23	22
G.H.W. Bush	66	65
Clinton	91	68
G.W. Bush	145	86
Obama	76	78
Trump	55	65
Biden	28	28

Source: Congressional Research Service.

Note: This table shows, by presidency, the median number of days (rounded to the nearest whole number) from nomination to hearing for U.S. circuit and district court nominees from 1977 through 2024.

U.S. District Court Nominees

The median number of days from nomination to committee hearing for U.S. district court nominees ranged from a low of 22 (during the Reagan presidency) to a high of 86 days (during the George W. Bush presidency).⁵²

Most recently, during the Biden presidency, the median number of days from nomination to committee hearing for district court nominees was 28 days (which was the second-fewest number of days among the eight presidencies included in **Table 9**).⁵³

Time from Committee Report to Confirmation

After a nominee receives a hearing by the Judiciary Committee, he awaits a vote by the committee on whether his nomination will be reported to the Senate as a whole.⁵⁴ If the

⁵² The *average* number of days from nomination to committee hearing for U.S. district court nominees ranged from a low of 43 days during the Reagan presidency to a high of 120 days during the G.W. Bush presidency. The second-shortest average wait time from nomination to hearing for district court nominees was during the Carter presidency (51 days), while the second-longest was during the Clinton presidency (97 days). Most recently, during the Biden presidency, the average number of days from nomination to committee hearing for district court nominees was 56 days.

⁵³ During the Biden presidency, the number of days from nomination to committee hearing for district court nominees ranged from a low of 2 days to 152 days.

⁵⁴ Under Senate rules, a judicial nomination pending in the Judiciary Committee could also reach the Senate floor without being reported out of committee—if the Senate agreed to discharge the committee from consideration of the nomination. Prior to the 117th Congress, the Senate did not, in practice, “employ a discharge procedure in relation to nominations, except in agreeing to unanimous consent to discharge a committee from consideration of a noncontroversial nomination.” CRS Report R43331, *Majority Cloture for Nominations: Implications and the “Nuclear” Proceedings of November 21, 2013*, by Valerie Heitshusen (footnote to text under heading “Other Potential Effects on Presidential Nominations”). In the 117th Congress, however, Senate membership was evenly divided (continued...)

nomination is not put to the committee for a vote, or if the committee votes against reporting it (i.e., rejects the nomination),⁵⁵ the nomination will not move forward, ultimately failing to receive Senate confirmation.

The committee, in reporting a nomination to the Senate as a whole, has three options—to report a nomination favorably, unfavorably, or without recommendation. Almost always, when the committee votes on a nomination, it votes to report favorably. The committee, however, may vote (as it has done in the past on rare occasions) to report the nomination unfavorably or without recommendation.⁵⁶ Such a vote advances the nomination for Senate consideration despite the lack of majority support by the committee. After a nomination is reported by the Judiciary Committee, it is listed on the *Executive Calendar* and is eligible for floor consideration.⁵⁷

The nominees included in this part of the analysis all had their nominations reported by the Judiciary Committee (i.e., their nominations advanced to the full Senate for consideration) and all were confirmed by the Senate.⁵⁸

U.S. Circuit Court Nominees

There was variation across presidencies in how long circuit court nominees waited to be confirmed once their nominations were reported by the Judiciary Committee—with nominees during more recent presidencies waiting longer to be confirmed once their nominations were reported by the committee.⁵⁹

Specifically, of the eight presidencies included in the analysis, the median number of days from committee report to confirmation for U.S. circuit court nominees ranged from a low of a single day (during the George H. W. Bush presidency) to a high of 98 days (during the Obama

between the two political parties, with 50 Republicans, 48 Democrats, and 2 Independents who caucused with the Democrats. Consequently, the Senate created a temporary process to allow a Senate majority to discharge a committee from consideration of certain nominations. For additional details about the discharge process in place during the 117th Congress, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki (specifically the section titled “Discharging a Committee from Consideration of a Nomination”). During the 117th Congress, six judicial nominations were placed on the *Executive Calendar* as a result of a majority of the Senate agreeing to a motion to discharge the nominations from the Judiciary Committee. For the purpose of calculating the statistics presented in this section for the Biden presidency, these six nominations from the 117th Congress are not included in the analysis.

⁵⁵ Usually, a judicial nominee rejected by the Judiciary Committee is not nominated again by the President. However, in some instances, a President has waited until a subsequent Congress to renominate, in the hope of a more favorable outcome in committee for the previously rejected nominee.

⁵⁶ The most recent example of the Judiciary Committee voting to report a judicial nomination other than favorably occurred on May 1, 2003. The committee that day approved, by a 10-9 roll call vote, a motion to report without recommendation the nomination of J. Leon Holmes to the U.S. District Court for the Eastern District of Arkansas. Subsequently, on July 6, 2004, the Senate confirmed the nomination by a 51-46 vote. For discussion of this and earlier instances of lower court nominations reported by the Judiciary Committee other than favorably, see CRS Report R40470, *U.S. Circuit and District Court Nominations: Senate Rejections and Committee Votes Other Than to Report Favorably, 1939-2013*, by Barry J. McMillion.

⁵⁷ For an in-depth discussion of the floor procedure related to judicial nominations, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki; and CRS Report R43762, *The Appointment Process for U.S. Circuit and District Court Nominations: An Overview*, by Barry J. McMillion.

⁵⁸ Note, though, that not all nominees who are reported by the Senate Judiciary Committee are ultimately confirmed by the Senate.

⁵⁹ The median length of time has also varied by Congress. These data are not reported for this particular section of the report but are available to congressional staff upon request from the author.

presidency).⁶⁰ Most recently, during the Biden presidency, the median number of days from committee report to confirmation for U.S. circuit court nominees was 74 days (the second-highest median among the presidencies included in **Table 10**).

Table 10. U.S. Circuit and District Court Nominees: Median Number of Days from Committee Report to Confirmation
(1977-2024)

President	Circuit Court Nominees	District Court Nominees
	Median Number of Days from Committee Report to Confirmation	Median Number of Days from Committee Report to Confirmation
Carter	2	2
Reagan	4	4
G.H.W. Bush	1	1
Clinton	13	8
G.W. Bush	14	19
Obama	98	84
Trump	25	110
Biden	74	41

Source: Congressional Research Service.

Note: This table shows, by presidency, the median number of days from committee report to confirmation for U.S. circuit and district court nominees from 1977 through 2024.

U.S. District Court Nominees

As was the case with circuit court nominees, there was variation across presidencies in how long district court nominees waited to be confirmed once their nominations were reported by the Judiciary Committee.⁶¹ Specifically, of the eight presidencies included in **Table 10**, the median number of days from committee report to confirmation for U.S. district court nominees ranged from a low of a single day (during the George H. W. Bush presidency) to a high of 110 days (during the first Trump presidency).⁶²

⁶⁰ The data provided in **Table 10** include all nominees whose nominations were reported by the Judiciary Committee and confirmed by the Senate. For the eight presidencies included in the table, the *average* number of days from committee report to confirmation for U.S. circuit court nominees ranged from a low of approximately 5 days during the Carter presidency to a high of 104 days during the Obama presidency. The second-shortest average wait time from committee report to confirmation for circuit court nominees was during the G.H.W. Bush presidency (8 days), while the second-longest was during the Biden presidency (76 days).

⁶¹ The median length of time has also varied by Congress. These data are not reported for this particular section of the report but are available to congressional staff upon request from the author.

⁶² The data provided in **Table 10** include all nominees whose nominations were reported by the Judiciary Committee and confirmed by the Senate. For the eight presidencies included in the table, the *average* number of days from committee report to confirmation for U.S. district court nominees ranged from a low of 4 days during the Carter presidency to a high of 112 days during the first Trump presidency. The second-shortest average wait time from committee report to confirmation for district court nominees was during the G.H.W. Bush presidency (5 days), while the second longest was during the Obama presidency (90 days).

Most recently, the average number of days from committee report to confirmation for district court nominees confirmed during the Biden presidency was 64 days.

Most recently, during the Biden presidency, the median number of days from committee report to confirmation for U.S. district court nominees was 41 days.

Ratings by the American Bar Association

Since 1953, every presidential Administration, except those of George W. Bush, Donald Trump, and Joe Biden, has sought prenomination evaluations of its candidates for district and circuit court judgeships by the American Bar Association (ABA).⁶³

The committee that performs this evaluation, the ABA's Standing Committee on the Federal Judiciary, is made up of 15 lawyers with various professional experiences. The stated objective of the committee is to assist the White House in assessing whether prospective judicial nominees should be nominated.⁶⁴ It seeks to do so by providing what it describes as an "impartial peer-review evaluation" of each candidate's professional qualifications. This evaluation, according to the committee, focuses strictly on a candidate's "integrity, professional competence and judicial temperament" and does not take into account the candidate's "philosophy, political affiliation or ideology."⁶⁵

In evaluating professional competence, the committee assesses the prospective nominee's "intellectual capacity, judgment, writing and analytical abilities, knowledge of the law, and breadth of professional experience."⁶⁶

Following the multistep evaluation process by the committee,⁶⁷ a nominee is given an official rating of "Well Qualified," "Qualified," or "Not Qualified."⁶⁸

⁶³ In 2009, the Obama Administration reinstituted the White House practice, discontinued by the previous Administration of George W. Bush, of informing the ABA committee of judicial candidates under consideration and seeking the committee's evaluation of these candidates before making nomination decisions. Bringing the ABA committee investigation back into the prenomination stage, one scholar noted, injected into that stage an "additional 30 to 45 days typically consumed" by an ABA committee investigation of a nominee. Russell Wheeler, "Judicial Nominations in the First 14 Months of the Obama and Bush Administrations," *Governance Studies at Brookings*, April 7, 2010, at https://www.brookings.edu/wp-content/uploads/2016/06/0407_judicial_nominations_wheeler.pdf. Following the end of the Obama presidency, the Trump Administration adopted the policy of the G.W. Bush Administration of not including the ABA committee investigation in the prenomination stage for judicial nominees. It was announced at the beginning of the Biden presidency that his Administration would also not include the ABA investigation in the prenomination stage. See Debra Cassens Weiss, "Like Trump, Biden asks ABA to start judicial ratings process after nominations are made," *ABA Journal*, February 3, 2021, at <https://www.abajournal.com/news/article/like-trump-biden-asks-aba-to-start-judicial-ratings-process-after-nominations-are-made>. During the period covered by the report, there have also been, at times, varying perspectives among Senators about the role of ABA ratings in evaluating a President's nominees to the federal bench.

⁶⁴ The ABA committee's explanation of its role and the standards and procedures it uses in rating candidates for lower federal court judgeships is presented in the booklet *American Bar Association Standing Committee on the Federal Judiciary; What It Is and How It Works*, at <http://www.americanbar.org/content/dam/aba/uncategorized/GAO/Backgrounder.authcheckdam.pdf> (hereinafter cited as *ABA Standing Committee; What It Is*).

⁶⁵ *ABA Standing Committee; What It Is*, p. 1.

⁶⁶ *ABA Standing Committee; What It Is*, p. 1.

⁶⁷ For an in-depth discussion of this process, see CRS Report R43762, *The Appointment Process for U.S. Circuit and District Court Nominations: An Overview*, by Barry J. McMillion.

⁶⁸ When the committee vote is not unanimous, it is noted which rating received a majority of the committee's votes and which rating received a minority, as well as whether the majority and minority votes were or were not "substantial." *ABA Standing Committee; What It Is*, p. 7. The majority vote is considered by the ABA to be the official rating of the nomination. The official rating is the rating that is used to calculate the data reported in **Table 11**. The data reported in the table do not indicate whether or not that rating was unanimous.

A rating is provided strictly on an advisory basis; it is solely in the President's discretion as to how much weight to place on a judicial candidate's ABA rating in deciding whether to nominate him or her.⁶⁹

U.S. Circuit Court Nominees

As shown by **Table 11**, for each of the eight presidencies included in the analysis, a majority of a President's confirmed circuit court nominees received a Well Qualified rating from the ABA. There is, however, some variation across presidencies in the percentage of confirmed U.S. circuit court nominees who received this particular rating by the ABA. For example, the percentage who received a Well Qualified rating ranged from a low of 57% during the Reagan presidency to a high of 82% during the Biden presidency.

Seven of eight presidencies listed in the table did not have any confirmed U.S. circuit court nominees rated as Not Qualified by the ABA. The first Trump presidency (2017-2020) had three confirmed circuit court nominees rated as Not Qualified.⁷⁰

Table 11. U.S. Circuit and District Court Nominees: Official Ratings by the American Bar Association for Nominees Confirmed by the Senate
(1977-2024)

President	Circuit Court Nominees			District Court Nominees		
	Well Qualified	Qualified	Not Qualified	Well Qualified	Qualified	Not Qualified
Carter ^a	75%	25%	0%	51%	48%	2%
Reagan	57%	43%	0%	54%	46%	0%
G.H.W. Bush	62%	38%	0%	57%	43%	0%
Clinton	75%	25%	0%	59%	40%	1%
G.W. Bush	69%	31%	0%	69%	29%	2%
Obama	80%	20%	0%	59%	41%	0%
Trump	78%	17%	6%	68%	29%	3%
Biden	82%	18%	0%	85%	16%	0%

Source: Congressional Research Service.

Notes: This table shows, for presidencies since 1977, the percentage of confirmed U.S. circuit and district court nominees who received an official rating of "Well Qualified," "Qualified," and "Not Qualified" by the American

⁶⁹ If a President waits to submit a nomination until after he receives notice from the ABA about a potential nominee being rated as Not Qualified, he might decide not to nominate that individual. Because ABA ratings at this stage of the process are confidential, there is no public information as to how often this might occur during an administration that waits for the ABA to finish its evaluation of a potential nominee prior to submitting a nomination to the Senate.

⁷⁰ These nominees were Leonard S. Gras (confirmed to the Eighth Circuit); Jonathan A. Kobes (also confirmed to the Eighth Circuit); and Lawrence VanDyke (confirmed to the Ninth Circuit). For additional information on these particular nominees, see Don Walton, "American Bar Association defends its negative rating of Nebraska judge nominee," *Lincoln Journal Star*, November 15, 2017, at https://journalstar.com/news/state-and-regional/federal-politics/american-bar-association-defends-its-negative-rating-of-nebraska-judge/article_cc58f4b1-24be-501f-a671-a93683184ae0.html; Patrick L. Gregory, "ABA Rates Another Trump 8th Circuit Nominee 'Not Qualified,'" *Bloomberg BNA*, September 17, 2018, at <https://www.bna.com/aba-rates-trump-n73014482574>; and Madison Alder and Ellen M. Gilmer, "'Not Qualified' Nominee for Ninth Circuit Likely To Be Confirmed," *Bloomberg Law*, December 11, 2019, at <https://news.bloomberglaw.com/us-law-week/not-qualified-nominee-for-ninth-circuit-likely-to-be-confirmed>.

Bar Association (ABA). For some nominees, the rating received by the ABA is not unanimous. For these nominees, the rating that receives a majority vote by the ABA committee is the nominee's official rating by the ABA, and it is this official rating that is used for the statistics reported in **Table 11**. Percentages may not equal 100 due to rounding.

- a. During the Carter and Reagan presidencies, the American Bar Association utilized a rating system that also allowed for a rating of "Extremely Well Qualified." For the purposes of this report, any nominee who received such a rating during this period is included in the percentage of nominees who received a Well Qualified rating.

U.S. District Court Nominees

As shown by **Table 11**, a majority of U.S. district court nominees confirmed during each of the eight presidencies included in the analysis were rated as Well Qualified by the ABA. The percentage who received a Well Qualified rating ranged from a low of 51% during the Carter presidency to a high of 85% during the Biden presidency.

Four of the eight presidencies had at least one confirmed district court nominee rated as Not Qualified by the ABA. Specifically, during the Carter and George W. Bush presidencies, 2% of district court nominees were rated as Not Qualified; 1% of such nominees were rated as Not Qualified during the Clinton presidency; and 3% were rated as Not Qualified during the first Trump presidency.⁷¹

No district court nominees confirmed during the Reagan, George H. W. Bush, Obama, and Biden presidencies were rated as Not Qualified.

Frequency of Roll Call Votes Used to Confirm Nominees

The Senate may confirm nominations by unanimous consent, voice vote, or by recorded roll call vote. When the question of whether to confirm a nomination is put to the Senate, a roll call vote will be taken on the nomination if the Senate has ordered "the yeas and nays." The support of 11 Senators is necessary to order the roll call.⁷²

Historically, the Senate confirmed most U.S. circuit and district court nominations by unanimous consent or by voice vote. As shown by **Figures 5 and 6** however, using roll call votes to confirm lower federal court nominees has become much more common during recent presidencies.

U.S. Circuit Court Nominees

A relatively small percentage of circuit court nominees were confirmed by roll call vote during the Carter, Reagan, and George H. W. Bush presidencies. Specifically, 7%, 6%, and 2% of circuit court nominees were confirmed by roll call during each of these three presidencies, respectively.⁷³

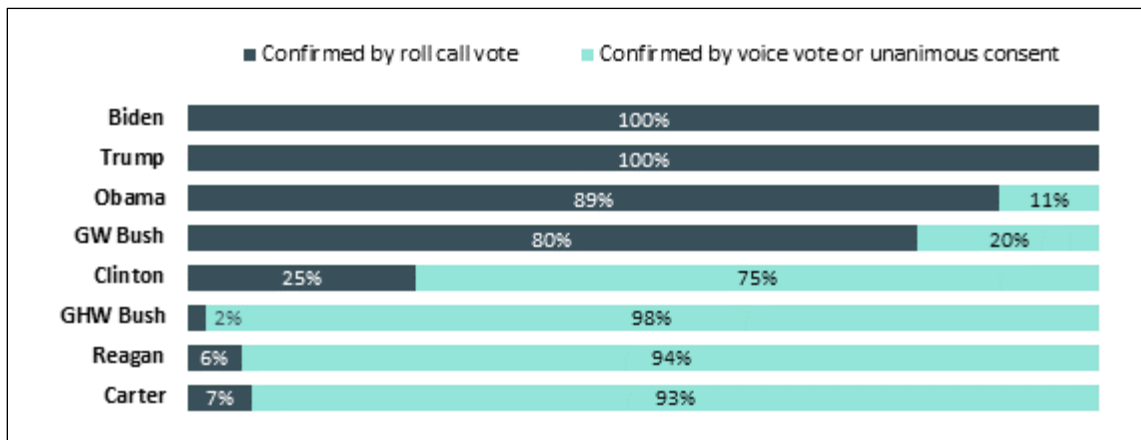
⁷¹ Of the 202 district court nominees confirmed during the Carter presidency, 3 received a rating of Not Qualified; of the 261 district court nominees confirmed during the George W. Bush presidency, 4 received a rating of Not Qualified; of the 305 district court nominees confirmed during the Clinton presidency, 4 received a rating of Not Qualified; and of the 174 district court nominees confirmed during the first Trump presidency, 5 received a rating of Not Qualified.

⁷² One Senator would need to request the roll call, and 10 would need to second the request. See CRS Report RS20199, *Ordering a Roll Call Vote in the Senate*, coordinated by Elizabeth Rybicki.

⁷³ During the Carter presidency, 4 of 56 U.S. circuit court nominees were confirmed by roll call vote; during the Reagan presidency, 5 of 83 were confirmed by roll call vote; and during the G.H.W. Bush presidency, 1 of 42 circuit court nominees were confirmed by roll call vote.

Confirmation by roll call vote became more common during the Clinton presidency, with one-quarter (25%) of circuit court nominees receiving roll call votes at the time of Senate confirmation.⁷⁴

Figure 4. U.S. Circuit Court Nominees: Percentage Confirmed by Roll Call Vote (1977-2024)



Source: Congressional Research Service.

Note: This figure shows the percentage of U.S. circuit court nominees confirmed by roll call vote, voice vote, or unanimous consent from the Carter presidency through the Biden presidency.

It was not, however, until the George W. Bush presidency that a majority of circuit court nominees were approved using roll call votes, with 80% of circuit court nominees confirmed in this manner.⁷⁵ The percentage of circuit court nominees confirmed by roll call vote increased further during the Obama presidency, with 89% of circuit court nominees confirmed by roll call vote.⁷⁶

During the first Trump presidency, all circuit court nominees were confirmed by roll call vote, as were all circuit court nominees during the Biden presidency.⁷⁷

U.S. District Court Nominees

The manner by which district court nominees have been confirmed during presidencies since 1977 follows a similar trend as described above for circuit court nominees. One district court nominee was confirmed by roll call vote during each of the Carter and Reagan presidencies. And as shown by **Figure 6**, no district court nominees were confirmed by roll call vote during the George H. W. Bush presidency (a period characterized entirely by divided party control).

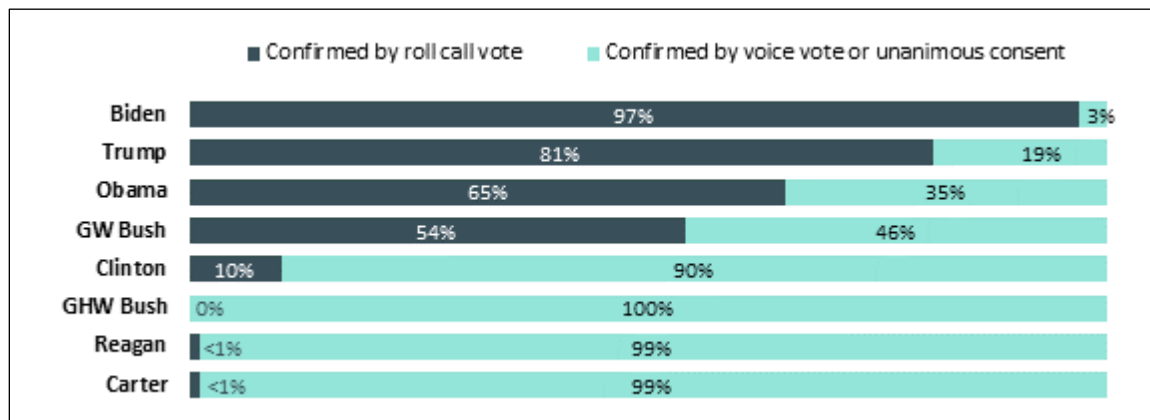
⁷⁴ During the Clinton presidency, 16 of 65 U.S. circuit court nominees were confirmed by roll call vote.

⁷⁵ During the G.W. Bush presidency, 49 of 61 circuit court nominees were confirmed by roll call vote.

⁷⁶ During the Obama presidency, 49 of 55 circuit court nominees were confirmed by roll call vote.

⁷⁷ Each of the 54 circuit court nominees confirmed by the Senate during the first Trump presidency were confirmed by roll call vote, as were each of the 45 circuit court nominees confirmed during the Biden presidency.

Figure 5. U.S. District Court Nominees: Percentage Confirmed by Roll Call Vote (1977-2024)



Source: Congressional Research Service.

Note: This figure shows the percentage of U.S. district court nominees confirmed by roll call vote, voice vote, or unanimous consent from the Carter presidency through the Biden presidency.

Confirmation by roll call vote for district court nominees became more common during the Clinton presidency, with 10% of district court nominees receiving roll call votes at the time of Senate confirmation.⁷⁸

As was the case with circuit court nominees, the George W. Bush presidency was also the first of the eight presidencies included in **Figure 6** for which a majority of district court nominees were confirmed by roll call vote—specifically, 54% of district court nominees were confirmed in this way.⁷⁹ The percentage increased further during the Obama presidency, with 65% of district court nominees confirmed by roll call vote, and during the first Trump presidency, with 81% of district court nominees confirmed by roll call vote.⁸⁰ Most recently, during the Biden presidency, 97% of district court nominees were confirmed by roll call vote.⁸¹

The increase in the number and percentage of U.S. circuit and district court nominees confirmed by roll call vote is attributable, in large part, to the decline in unanimous consent agreements during some of this period that arranged for circuit and district court nominees to be confirmed by voice vote or unanimous consent.⁸²

Number of Nay Votes Received at Time of Confirmation

The increased frequency with which roll call votes have been used to confirm U.S. circuit and district court nominations has not always been correlated with Senators using roll call votes to

⁷⁸ During the Clinton presidency, 32 of 305 district court nominees were confirmed by roll call vote.

⁷⁹ During the G.W. Bush presidency, 141 of 261 district court nominees were confirmed by roll call vote.

⁸⁰ During the Obama presidency, 173 of 268 district court nominees were confirmed by roll call vote. And during the first Trump presidency, 141 of 174 district court nominees were confirmed by roll call vote.

⁸¹ Specifically, 6 of 181 district court nominees were confirmed by roll call vote.

⁸² For additional information on the procedural tracks followed by the Senate in confirming lower federal court nomination, see CRS Report R43762, *The Appointment Process for U.S. Circuit and District Court Nominations: An Overview*, by Barry J. McMillion.

express opposition to such nominations. As shown by **Figure 6**, there is notable variation in the number of nay votes received by circuit and district court nominations when they have been confirmed by roll call vote.

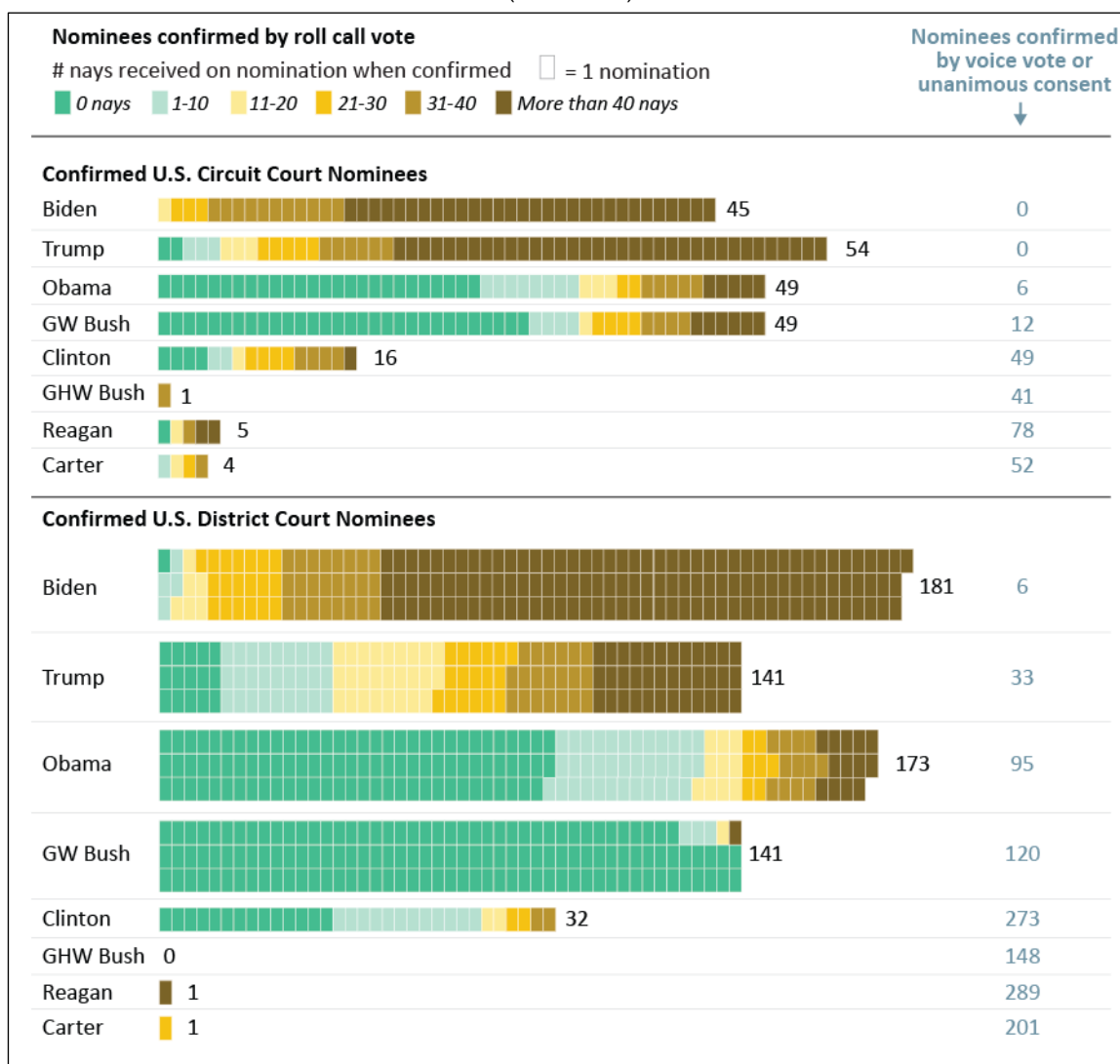
The figure shows the number of nominations that received zero nay votes at the time of confirmation. For nominations that received at least one nay vote, the roll call data are presented using five ranges to reflect the number of nay votes received by a President's nominees: (1) 1 to 10 nay votes; (2) 11 to 20 nay votes; (3) 21 to 30 nay votes; (4) 31 to 40 nay votes; and (5) more than 40 nay votes.

U.S. Circuit Court Nominees

As shown by **Figure 7**, of the 10 circuit court nominees confirmed by roll call vote, in total, during the Carter, Reagan, and George H. W. Bush presidencies, 2 received fewer than 10 nay votes (with 1 receiving zero nay votes). The other 8 circuit court nominees received at least 11 nay votes at the time of confirmation (with 5 of the 8 receiving at least 31 nay votes). This likely reflects the practice, at least during this era, of roll call votes generally being reserved for confirming nominations for which there was more than nominal opposition by more than a handful of Senators.⁸³ Along these lines, the figure also shows that most circuit court nominees were confirmed by voice vote or unanimous consent (specifically, 93%, 94%, and 98% of nominees during the Carter, Reagan, and G.H.W. Bush presidencies, respectively).

⁸³ Or at least the desire by more than a handful of Senators to be formally on the record in opposition to a nomination.

Figure 6. U.S. Circuit and District Court Nominees: Number of Nay Votes Received at the Time of Confirmation (1977-2024)



Source: Congressional Research Service.

Notes: This figure shows the number of U.S. circuit and district court nominations that received zero nay votes at the time of confirmation from the Carter presidency through the Biden presidency. Additionally, for nominations that received at least one nay vote, the roll call data are presented using five ranges to reflect the number of nay votes received by a President's nominees: (1) 1 to 10 nay votes; (2) 11 to 20 nay votes; (3) 21 to 30 nay votes; (4) 31 to 40 nay votes; and (5) more than 40 nay votes. This figure does not include any nominations during this period that were rejected by roll call vote in the Senate.

During the Clinton presidency, the percentage of circuit court nominees confirmed by voice vote or unanimous consent declined to 75%. Of the nominees confirmed by roll call vote, 12 (75%) of 16 nominees received at least 1 nay vote (with 9 of 16, or 56%, receiving more than 20 nay votes). As with circuit court nominees during the three earlier presidencies included in the analysis, this may reflect the practice of generally using roll call votes to confirm nominees for whom there was more than minimal opposition in the Senate.

In contrast, while the percentage of circuit court nominees confirmed by roll call vote increased during both the George W. Bush and Obama presidencies, a majority of circuit court nominees approved by roll call during both presidencies were nonetheless confirmed without receiving any nay votes. Specifically, during the Bush presidency, 30 (61%) of 49 circuit court nominees confirmed by roll call vote received zero nay votes. And during the Obama presidency, 26 (53%) of 49 circuit court nominees confirmed by roll call vote received zero nay votes.

In contrast, during the first Trump presidency, many circuit court nominees were confirmed with historically high levels of opposition by the Senate minority party.⁸⁴ Specifically, only 2 (4%) of 54 circuit court nominees confirmed by roll call vote received zero nay votes. Instead, a majority of circuit court nominees (35 of 54, or 65%) approved during the first Trump presidency were confirmed after having received more than 40 nay votes. An additional 6 nominees (or 11% of nominees) received 31 to 40 nay votes at the time of confirmation.

This relatively high level of opposition to a President's circuit court nominees by a Senate minority party continued during the Biden presidency. No nominee was confirmed with fewer than 12 nay votes. Additionally, of the 45 nominees confirmed, 30 (67%) were confirmed after having received more than 40 nay votes. Another 11 nominees, or 24%, received 31 to 40 nay votes at the time of confirmation.

By presidency, the circuit court nominee who received the greatest number of nay votes—and the court to which he or she was nominated—when confirmed by the Senate was Abner J. Mikva, D.C. Circuit, 31 nay votes (Carter); Daniel A. Manion, Seventh Circuit, 46 nays (Reagan); Edward E. Carnes, Eleventh Circuit, 36 nays (George H. W. Bush); William A. Fletcher, Ninth Circuit, 41 nays (Clinton); William H. Pryor Jr., Eleventh Circuit, 45 nays (George W. Bush); David J. Barron, First Circuit, 45 nays (Obama); Jonathan A. Kobes, Eighth Circuit, 50 nays (Trump), and Jennifer Sung, Ninth Circuit, 49 nays (Biden).⁸⁵

U.S. District Court Nominees

Of the two U.S. district court nominees confirmed by roll call vote, in total, during the Carter and Reagan presidencies, one received 21 to 30 nay votes and the other received 31 to 40 nay votes. As with the confirmation of circuit court nominees during this era, the use of roll call votes was, in general, limited to confirming nominations for which there was more than nominal opposition by a handful of Senators.

There was a notable shift from the George H. W. Bush presidency, during which no district court nominees were confirmed by roll call vote, to the Clinton presidency, during which 32 district court nominees were confirmed by roll call vote. Despite the increase in the number of district court nominees who were confirmed by roll call vote, 26 (81%) of the 32 nominees who were

⁸⁴ At least some of this opposition might have been attributable to the change in the blue slip process used for U.S. circuit court nominees during the 115th and 116th Congresses (i.e., some Senators may have cast nay votes in opposition to the change in the blue slip process rather than in opposition to particular nominees). This change enabled circuit court nominations to be considered by the Senate Judiciary Committee (and, if voted favorably out of committee, considered by the full Senate) without the support of both of a circuit court nominee's home-state Senators. See Sen. Chuck Grassley, *Congressional Record*, daily edition, vol. 163 (November 16, 2017), pp. S7285-S7287; Jordain Carney, "Grassley says he's nixing blue slips for pair of nominees," *The Hill*, November 16, 2017, at <https://thehill.com/homenews/senate/360791-grassley-says-hes-nixing-blue-slips-for-pair-of-nominees>; and Trish Turner, "Trump, ignoring Democratic senators, set to name 2 judges in California," *ABC News*, March 13, 2019, at <https://abcnews.go.com/Politics/trump-make-appointments-9th-circuit-court-democratic-objections/story?id=61637165>.

⁸⁵ On December 11, 2018, former Vice President Mike Pence cast a tie-breaking vote and the Senate approved the Kobes nomination by a vote of 51-50.

confirmed by roll call vote received 10 or fewer nay votes. Additionally, 14, or 44%, of 32 nominees received zero nay votes.

The number of district court nominees confirmed by roll call vote continued to increase during both the George W. Bush and Obama presidencies. But, as was the case with circuit court nominees during these two presidencies, a majority of nominees confirmed by roll call vote received zero nay votes. Specifically, during the Bush presidency, 136 of 141, or 97%, of district court nominees confirmed by roll call received zero nay votes (this was also the first instance during a presidency when a majority of district court nominees were confirmed by roll call vote rather than by voice vote or unanimous consent). And during the Obama presidency, 95 (55%) of 173 district court nominees confirmed by roll call vote received zero nay votes (while another 36, or 21%, received 1 to 10 nay votes).

During the first Trump presidency, in contrast to the George W. Bush and Obama presidencies, 15 (11%) of 141 district court nominees confirmed by roll call vote received zero nay votes at the time of confirmation. Instead, a plurality of nominees (36, or 26%, of 141) received more than 40 nay votes when confirmed by the Senate, while another 20 nominees, or 14%, received 31 to 40 nay votes at the time of confirmation.

Most recently, during the Biden presidency, 1 of 181 district court nominees who were confirmed by roll call vote received zero nay votes at the time of confirmation (while 4 nominees received between 1 and 10 nay votes). A majority of the 181 nominees confirmed by roll call vote received more than 40 nay votes when confirmed—specifically, 127 nominees (or 70%). This is also the first instance in which a majority of district court nominees during a presidency were confirmed after having received more than 40 nay votes (i.e., 68% of all nominees, including those confirmed by voice vote or unanimous consent).

By presidency, the district court nominee who received the greatest number of nay votes—and the court to which he or she was nominated—when confirmed by the Senate was Lyonel T. Senter, Jr., Northern District of Mississippi, 25 nay votes (Carter); Sidney A. Fitzwater, Northern District of Texas, 43 nay votes (Reagan); there were no recorded roll call votes on district court nominees during the George H. W. Bush presidency; Gerald E. Lynch, Southern District of New York, 36 nay votes (Clinton); J. Leon Holmes, Eastern District of Arkansas, 46 nays (George W. Bush); Victor A. Bolden, District of Connecticut, 46 nays (Obama); and Loren L. AliKhan, District of the District of Columbia, 50 nays (Biden).⁸⁶

During the first Trump presidency, five nominees each received 47 nay votes (the most nay votes received by any of President Trump's district court nominees): J. Campbell Barker (Eastern District of Texas); Andrew L. Brasher (Middle District of Alabama); Katherine A. Crytzer (Eastern District of Tennessee); Howard C. Nielson, Jr. (District of Utah); and Patrick R. Wyrick (District of Western Oklahoma).

Demographic Characteristics of Confirmed Nominees

This section provides data related to the gender and race of U.S. circuit and district court nominees confirmed by the Senate during each of the eight presidencies included in the analysis.

⁸⁶ On December 5, 2023, former Vice President Kamala Harris cast a tie-breaking vote and the Senate approved the AliKhan nomination by a vote of 51-50.

These particular demographic characteristics of judicial nominees are of ongoing interest to Congress. Such interest is demonstrated especially at the time circuit and district court nominations are considered by the Senate.⁸⁷ For example, floor statements by Senators in support of circuit or district court nominees frequently mention or emphasize the particular demographic characteristics of nominees who would enhance the diversity of the federal judiciary.⁸⁸

Gender

U.S. Circuit Court Nominees

Figure 7 shows that, among the eight presidencies included in the analysis,⁸⁹ the percentage of confirmed U.S. circuit court nominees who were women ranged from a low of 7% during the Reagan presidency to a high of 69% during the Biden presidency.

Additionally, among the eight presidencies, the median number of women confirmed to U.S. circuit court judgeships was approximately 15 (with the fewest number, 6, confirmed during the Reagan presidency and the greatest number, 31, confirmed during the Biden presidency).

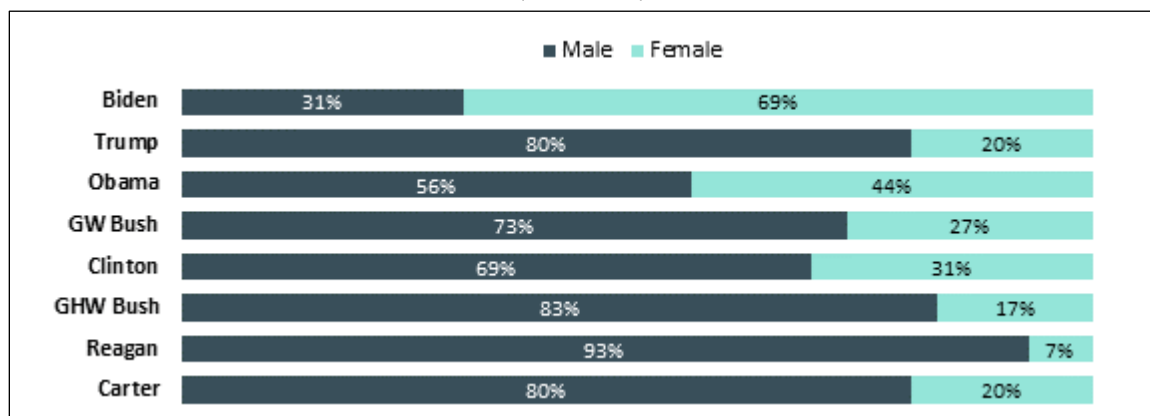
As of August 5, 2025, 105 (59%) of 177 active circuit court judges were men and 72 (41%) were women (this includes all active circuit court judges appointed by any President).

⁸⁷ Although Members of the U.S. House of Representatives do not have a formal constitutional role in the confirmation of federal judges, the demographic characteristics of judicial nominees are also of interest to Members of the House. See, for example, Rep. Mike Honda, “Asian Pacific American Heritage Month,” Remarks in the House, *Congressional Record*, daily edition, May 19, 2010, p. H3652 (stating that the President has “demonstrated commitment to judicial diversity through the nomination of high caliber Asian American and other minority jurists at all levels of the Federal bench”). See also Rep. Charlie Gonzalez, “Nomination of Miguel Estrada,” Remarks in the House, *Congressional Record*, daily edition, February 13, 2003, p. H685 (stating that the Congressional Hispanic Caucus “will actively work to identify and recommend qualified Hispanic candidates to fill Federal court vacancies”). Additionally, in 2014, the Congressional Black Caucus released a letter to urge President Obama to appoint a greater number of African American judges, particularly to certain judicial districts (e.g., the three judicial districts located in Alabama). For the text of the letter, see <https://www.documentcloud.org/documents/1009668-cbc-judges-letter-to-the-president.html>.

⁸⁸ For recent examples, see Sen. Bob Casey, “Nomination of Arianna J. Freeman (Executive Calendar),” Remarks in the Senate, *Congressional Record*, daily edition, September 13, 2022, pp. S4550-S4551; Sen. Dick Durbin, “Judicial Nominations (Executive Session),” Remarks in the Senate, *Congressional Record*, daily edition, May 18, 2022, p. S2559; Sen. Mitch McConnell, “Judicial Nominations,” Remarks in the Senate, *Congressional Record*, daily edition, November 17, 2020, p. S7020; Sen. John Cornyn, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, December 14, 2017, p. S8025. See also Sen. Lisa Murkowski, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, November 15, 2011, p. S7426; Sen. Ben Cardin, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, April 4, 2011, p. S2079; Sen. Roger Wicker, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, November 4, 2013, p. S7791; Sen. Pat Toomey, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, January 11, 2016; Sen. Amy Klobuchar, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, January 19, 2016, p. S84; and Sen. Cory Booker, “Executive Session,” Remarks in the Senate, *Congressional Record*, daily edition, January 27, 2016, p. S242.

⁸⁹ Note that the Carter presidency is the first presidency during which women comprised a notable number and percentage of confirmed circuit and district court nominees. During the Carter presidency, 12 of 59 confirmed circuit court nominees and 29 of 203 confirmed district court nominees were women. Prior to the Carter presidency, there had been two women appointed as circuit court judges and six appointed as district court judges. The first female U.S. circuit court judge, Florence E. Allen, was appointed to the Sixth Circuit by President Franklin D. Roosevelt in 1934. The first female U.S. district court judge, Burnita S. Matthews, was appointed to the U.S. District Court for the District of Columbia by President Truman in 1949.

Figure 7. U.S. Circuit Court Nominees: Percentage of Nominees Confirmed by Gender
(1977-2024)



Source: Congressional Research Service.

Note: This figure shows the percentage of confirmed U.S. circuit court nominees by gender from the Carter presidency to the Biden presidency.

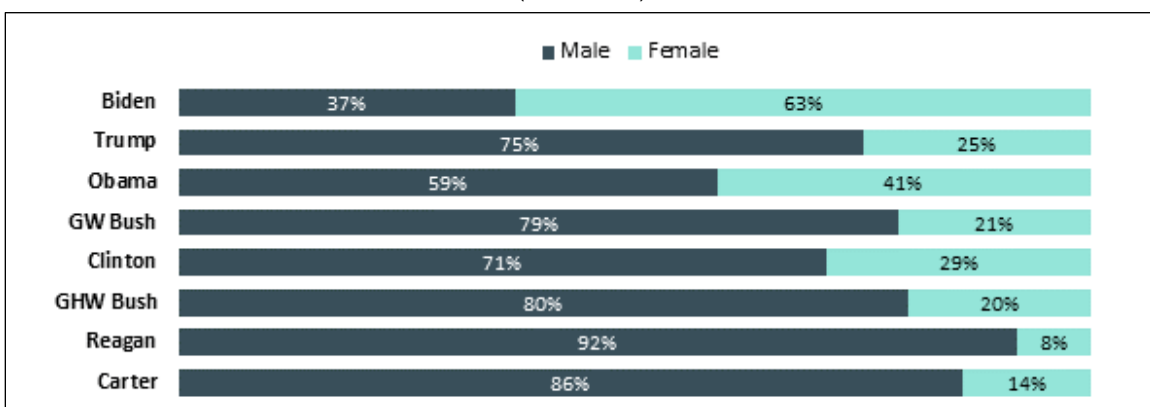
U.S. District Court Nominees

Figure 8 shows that, among the eight presidencies included in the analysis, the percentage of confirmed U.S. district court nominees who were women ranged from a low of 8% during the Reagan presidency to a high of 63% during the Biden presidency.

Additionally, among the eight presidencies, the median number of women confirmed to U.S. district court judgeships was 49 (with the fewest number, 24, confirmed during the Reagan presidency and the greatest number, 117, confirmed during the Biden presidency).

As of August 5, 2025, 371 (59%) of 630 active district court judges were men and 259 (41%) were women (this includes all active circuit court judges appointed by any President).

Figure 8. U.S. District Court Nominee: Percentage of Nominees Confirmed by Gender
(1977-2024)



Source: Congressional Research Service.

Note: This figure shows the percentage of confirmed U.S. district court nominees by gender from the Carter presidency to the Biden presidency.

Race

Table 12 and **Table 13** show, for the eight presidencies included in the analysis, the percentage of each President's confirmed U.S. circuit and district court nominees who were White, African American, Hispanic, Asian American, or "other" (e.g., biracial or another race such as American Indian/Native American).⁹⁰

U.S. Circuit Court Nominees

As shown by **Table 12**, the percentage of confirmed circuit court nominees who were White ranged from a low of 36% during the Biden presidency to a high of 98% during the Reagan presidency (similarly, the percentage of confirmed nominees who were nonwhite ranged from a low of 2% during the Reagan presidency to a high of 64% during the Biden presidency). The Biden presidency was the first presidency for which a majority of confirmed circuit court nominees were nonwhite.

As of August 5, 2025, 120 (68%) of 177 active circuit court judges were White and 57 (32%) were nonwhite (this includes all active circuit court judges appointed by any President).

The percentage of confirmed circuit court nominees who were African American ranged from a low of 0% during the first Trump presidency to a high of 33% during the Biden presidency. The percentage of confirmed nominees who were Hispanic ranged from a low of 1% during the Reagan presidency to a high of 18% during the Biden presidency. The percentage of Asian American confirmed nominees ranged from a low of 0% during the Reagan, George H. W. Bush, and George W. Bush presidencies to a high of 13% during the first Trump presidency and the Biden presidency.

Table 12. U.S. Circuit Court Nominees: Percentage Confirmed by Race
(1977-2024)

President	White	Nonwhite		
		African American	Hispanic	Asian American
Biden	36%	33%	18%	13%
Trump	85%	0%	2%	13%
Obama	66%	16%	11%	7%
G.W. Bush	86%	10%	5%	0%
Clinton	74%	14%	11%	2%
G.H.W. Bush	91%	5%	5%	0%
Reagan	98%	1%	1%	0%
Carter	80%	15%	3%	2%

Source: Congressional Research Service.

⁹⁰ The racial categories used in this report "generally reflect a social definition of race recognized in this country and [are] not an attempt" by CRS "to define race biologically, anthropologically, or genetically." See <https://www.census.gov/topics/population/race.html>. For the purposes of this report, the Hispanic category is treated as a nonwhite category. Note, though, that individuals who identify as Hispanic or Latino may be of any race. Ibid.

Notes: This table shows, from the Carter presidency to the Biden presidency, the percentage of confirmed U.S. circuit court nominees by race. Percentages may not equal 100 due to rounding. The racial data for confirmed judicial nominees are compiled from publicly available sources.

U.S. District Court Nominees

As shown by **Table 13**, the percentage of confirmed district court nominees who were White ranged from a low of 42% during the Biden presidency to a high of 93% during the Reagan presidency (similarly, the percentage of confirmed nominees who were nonwhite ranged from a low of 7% during the Reagan presidency to a high of 58% during the Biden presidency). The Biden presidency was the first presidency for which a majority of confirmed district court nominees were nonwhite.

As of August 5, 2025, 408 (65%) of 630 active district court judges were White and 222 (35%) were nonwhite (this includes all active district court judges appointed by any President).

The percentage of confirmed district court nominees who were African American ranged from a low of 2% during the Reagan presidency to a high of 22% during the Biden presidency. The percentage of confirmed nominees who were Hispanic ranged from a low of 4% during the George H. W. Bush presidency to a high of 14% during the Biden presidency. The percentage of Asian American confirmed nominees ranged from a low of 0% during the George H. W. Bush presidency to a high of 14% during the Biden presidency. The Biden presidency also had the greatest percentage of confirmed district court nominees not included in the other four groups (e.g., biracial nominees).

Table 13. U.S. District Court Nominees: Percentage Confirmed by Race
(1977-2024)

President	White	Nonwhite			
		African American	Hispanic	Asian American	Other
Biden	42%	22%	14%	14%	8%
Trump	83%	5%	5%	3%	3%
Obama	63%	19%	9%	5%	3%
G.W. Bush	81%	7%	10%	2%	0%
Clinton	75%	17%	6%	1%	<1%
G.H.W. Bush	89%	7%	4%	0%	0%
Reagan	93%	2%	5%	1%	0%
Carter	78%	14%	7%	1%	1%

Source: Congressional Research Service.

Notes: This table shows, from the Carter presidency to the Biden presidency, the percentage of confirmed U.S. district court nominees by race. Percentages may not equal 100 due to rounding. The racial data for confirmed judicial nominees are compiled from publicly available sources. The “Other” category includes American Indian nominees, biracial or multiracial nominees, or nominees for whom a race is unspecified.

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