



# U.S. Circuit and District Court Nominations Submitted During the First Six Months of a New Presidency

March 4, 2021

This Insight provides, from the Clinton presidency to the Trump presidency, comparative historical data related to U.S. circuit and district court nominations that were made during the first six months of a President's first year in office (i.e., from January 20 through July 20).

Because the first six months of President Biden's time in office have yet to conclude, they are not included in the figures below. Information related to the Biden presidency to date is, however, provided in the text.

## Nomination Opportunities

Each of the Presidents included in the analysis "inherited" U.S. circuit and district vacancies that existed prior to his assuming office on January 20. Such vacancies also continued to occur after his term in office began. Consequently, each President had opportunities to submit judicial nominations to the Senate during the first six months of his presidency.

Of the four presidencies included in the figures below, the number of **U.S. circuit court** vacancies that existed on March 1 during the first six months of each presidency ranged from a low of 15 for the Obama presidency to a high of 29 for the George W. Bush presidency. There were 19 and 18 such vacancies, respectively, on March 1 during the first six months of the Trump and Clinton presidencies.

For the Biden presidency, **there were four** vacant U.S. circuit court judgeships on March 1, 2021.

Of the four presidencies included in the figures below, the number of **U.S. district court** vacancies that existed on March 1 during the first six months of each presidency ranged from a low of 50 for the Obama presidency to a high of 95 for the Clinton presidency. There were 93 and 65 such vacancies, respectively, on March 1 during each of the first six months of the Trump and George W. Bush presidencies.

For the Biden presidency, **there were 59** vacant U.S. district court judgeships on March 1, 2021.

At least a couple of months typically have passed between the start of a new presidency and when a President submits his first judicial nominations to the Senate. A President often **works with home state**

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IN11625

Senators to identify potential nominees (particularly for U.S. district court vacancies) and, as discussed previously by CRS, potential nominees undergo a prenomination evaluation process. In recent presidential administrations, the task of evaluating the background and qualifications of potential judicial nominees has involved staff with the White House Counsel’s Office and the Department of Justice. The Federal Bureau of Investigation (FBI) also assists in providing background investigations of judicial candidates.

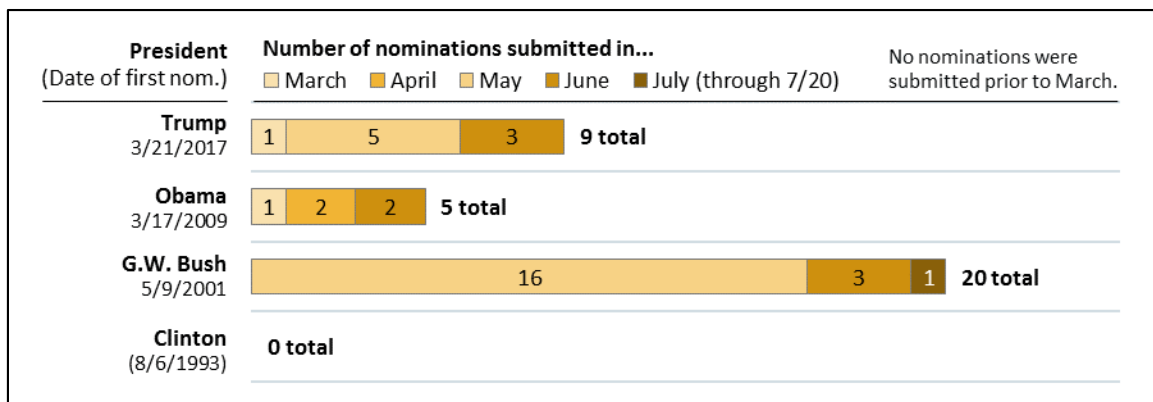
### U.S. Circuit Court Nominations

Of the four presidencies included in Figure 1, the earliest circuit court nomination was submitted during the Obama presidency (on March 17, 2009). President Trump also submitted his first nomination in March (on the 21<sup>st</sup>). Of the four presidencies, these were the only two instances of a President’s first U.S. circuit or district court nominations being submitted during his first 100 days in office.

President George W. Bush submitted his first 11 circuit court nominations on May 9, 2001, and an additional 5 nominations later in May during that same year. President Clinton did not submit a circuit court nomination during his first six months in office (he first submitted circuit court nominations in August).

As of March 1, 2021, President Biden has not submitted a circuit court nomination to the Senate.

**Figure 1. U.S. Circuit Court Nominations Submitted During the First Six Months of a New Presidency (January 20 through July 20)**



Source: Congressional Research Service.

Of the four Presidents included in Figure 1, President George W. Bush submitted the greatest number of circuit court nominations (20 total) during his first six months in office and President Clinton submitted the fewest (none). President Trump submitted nine such nominations and President Obama submitted five.

While not reflected in Figure 1, two of the four Presidents had at least one circuit court nomination confirmed by the Senate during the first six months of their presidencies—President George W. Bush had one confirmed (on July 20, 2001) and President Trump had two confirmed (on May 25, 2017, and July 20, 2017). During the Obama and Clinton presidencies, the first circuit court nomination was confirmed in September of each President’s first year in office.

### U.S. District Court Nominations

Of the four Presidents included in Figure 2, the earliest district court nomination was submitted during the Trump presidency (two were submitted on May 8, 2017). President George W. Bush also submitted

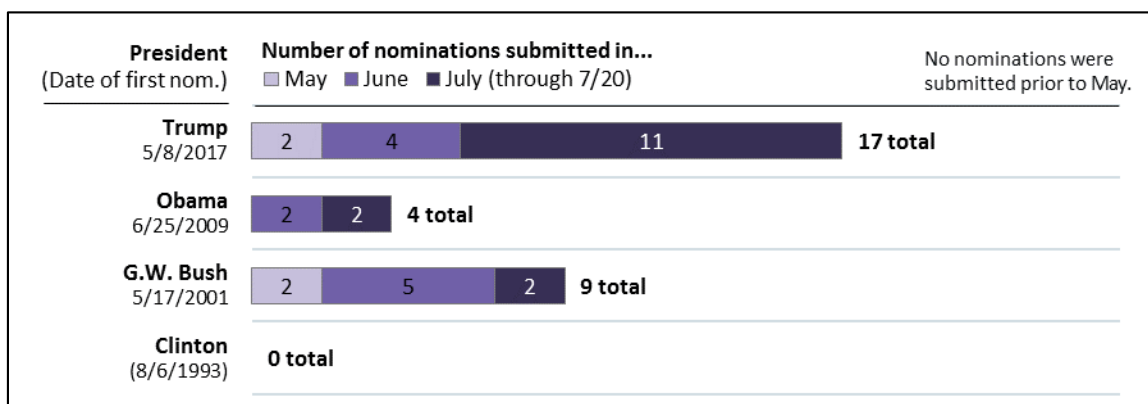
two district court nominations in May of his first year (on the 17<sup>th</sup>). President Obama submitted two nominations on June 25, 2009. President Clinton did not submit a district court nomination during his first six months in office (he first submitted district court nominations in August).

As of March 1, 2021, President Biden has not submitted a district court nomination to the Senate.

Of the four presidencies included in **Figure 2**, President Trump submitted the greatest number of district court nominations (17 total) during his first six months in office and President Clinton submitted the fewest (none). President George W. Bush submitted nine such nominations and President Obama submitted four.

While not reflected in **Figure 2**, two of the four Presidents had district court nominations confirmed by the Senate during the first six months of their presidencies—President George W. Bush had two confirmed (both on July 20, 2001) and President Trump had one confirmed (on July 12, 2017). During the Obama and Clinton presidencies, the first district court nomination was confirmed in September of each President’s first year in office.

**Figure 2. U.S. District Court Nominations Submitted During the First Six Months of a New Presidency (January 20 through July 20)**



Source: Congressional Research Service.

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