

Senate Action on U.S. Circuit and District Court Nominations During the Eighth Year of a Presidency

June 30, 2016 (IN10519)

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The process by which lower federal court judges are nominated by the President and approved by the Senate during the final year of a presidency has, in recent decades, [been of continuing interest to Congress](#). The eighth year of a presidency is significant, in part, because it is the final opportunity for a President to appoint individuals as U.S. circuit and district court judges. Such judges have what effectively has come to mean life tenure, holding office "[during good Behaviour](#)."

In light of continued Senate interest in the judicial confirmation process, this CRS Insight provides data and analysis related to Senate action on U.S. circuit and district court nominations during the eighth year of select presidencies. Specifically, this Insight provides—for circuit and district court nominations during the eighth year of each of the Reagan, Clinton and George W. Bush presidencies—(1) the number of nominations that received a hearing by the [Senate Judiciary Committee](#); (2) the number of nominations reported by the committee; and (3) the number of nominations approved by the full Senate. Comparative statistics are also provided through June 30, 2016, for the eighth calendar year of the Obama presidency.

The figures below report the number of nominations during each three-month period of a President's eighth calendar year in office for which a particular action occurred (e.g., a nomination received a hearing), as well as the total number of nominations for which an action occurred during each President's entire eighth year in office. Each figure also lists the date on which a particular action last occurred during a President's eighth year in office (i.e., the final occurrence date). For example, the date on which a circuit court nomination last received a hearing during the Reagan presidency was on October 4, 1988.

Note that variation across presidencies in the numbers reported below might be influenced, in part, by the number of nominations submitted by a President during his final year in office (or the number of nominations still pending before the Senate during a President's eighth year that were submitted by a President prior to his eighth year). For a discussion of other factors that influence Senate processing of judicial nominations, see CRS Report R43762, [The Appointment Process for U.S. Circuit and District Court Nominations: An Overview](#).

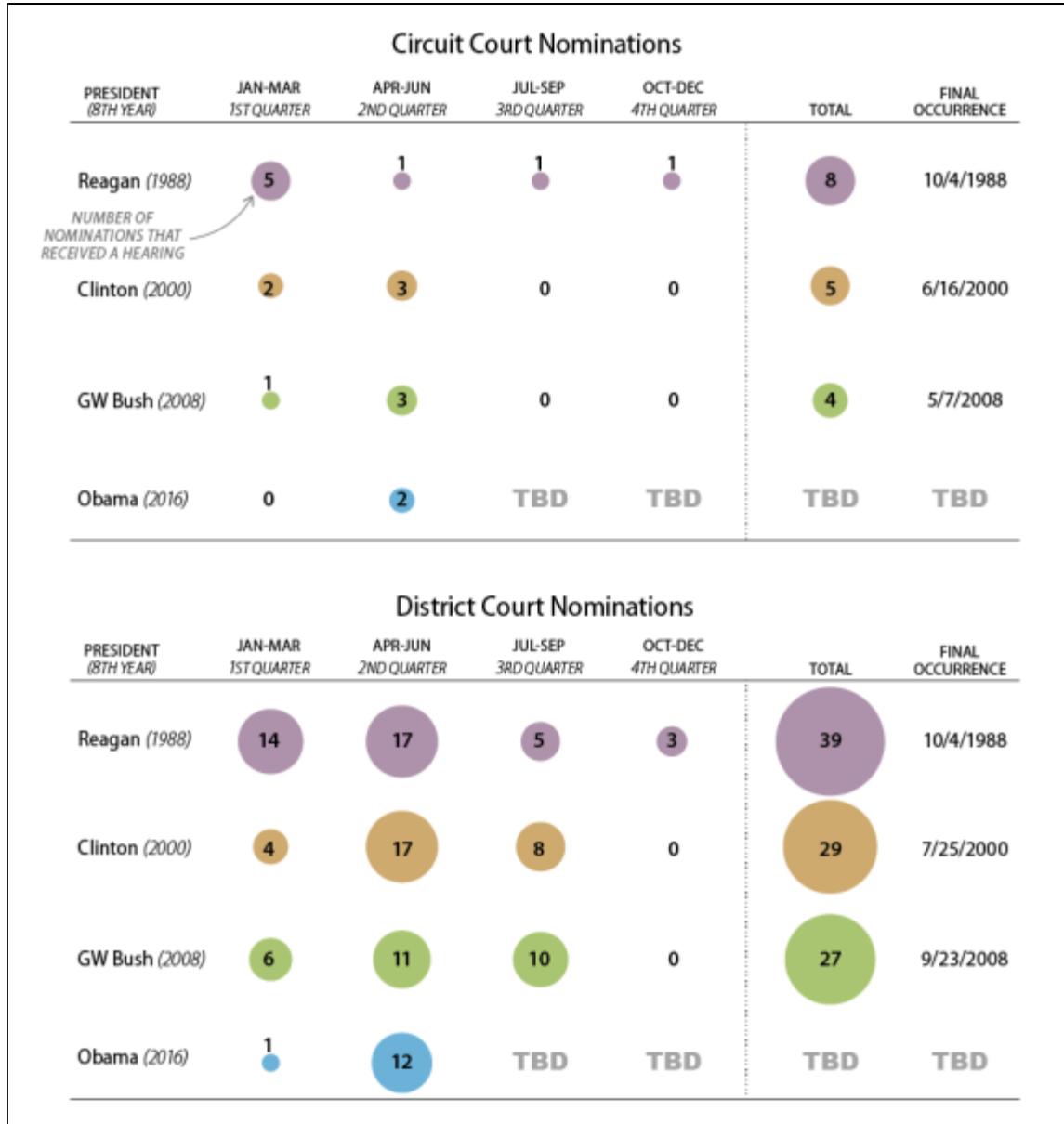
Number of Nominations That Received a Committee Hearing

U.S. Circuit Court Nominations

As shown by [Figure 1](#), for President Obama's three most recent two-term predecessors, the number of circuit court nominations that received a hearing during a President's eighth year in office ranged from a low of four (during the George W. Bush presidency) to a high of eight (during the Reagan presidency).

As of June 30, 2016, two circuit court nominations have received a hearing during the eighth year of the Obama presidency.

Figure 1. Number of U.S. Circuit and District Court Nominations That Received a Committee Hearing During the Eighth Year of a Presidency



Source: Congressional Research Service.

U.S. District Court Nominations

The number of district court nominations that received a hearing during a President's eighth year in office ranged from a

low of 27 (during the George W. Bush presidency) to a high of 39 (during the Reagan presidency).

As of June 30, 2016, 13 district court nominations have received a hearing during President Obama's eighth year in office.

Number of Nominations Reported by the Senate Judiciary Committee

U.S. Circuit Court Nominations

As shown by [Figure 2](#), for President Obama's three most recent two-term predecessors, the number of circuit court nominations reported by the Senate Judiciary Committee during a President's eighth year in office ranged from a low of three (during the Clinton presidency) to a high of nine (during the Reagan presidency).

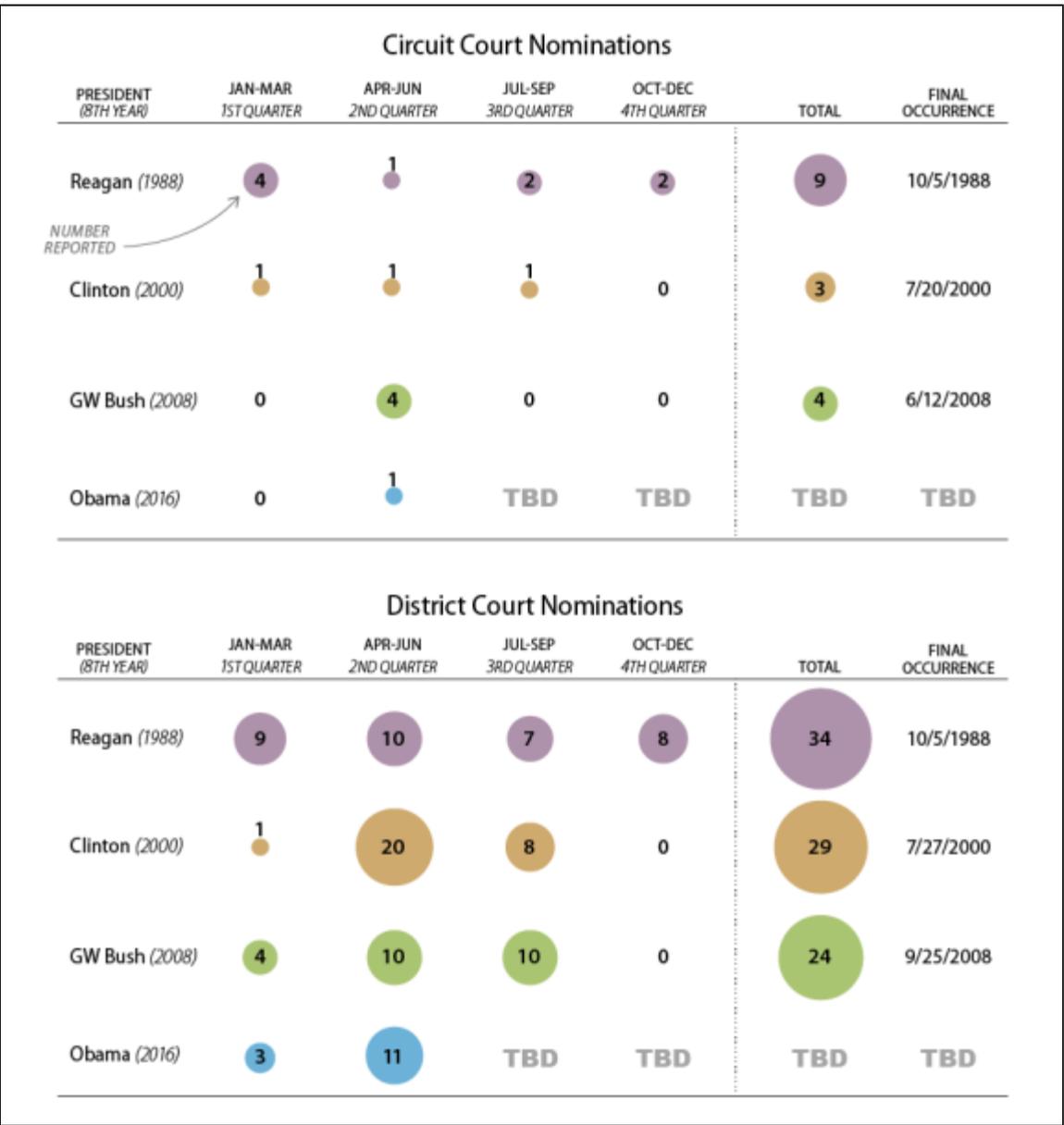
As of June 30, 2016, one circuit court nomination has been reported by the Judiciary Committee during the eighth year of the Obama presidency.

U.S. District Court Nominations

The number of district court nominations reported during a President's eighth year in office ranged from a low of 24 (during the George W. Bush presidency) to a high of 34 (during the Reagan presidency).

As of June 30, 2016, 14 district court nominations have been reported by the Judiciary Committee during President Obama's eighth year in office.

Figure 2. Number of U.S. Circuit and District Court Nominations Reported During the Eighth Year of a Presidency



Source: Congressional Research Service.

Number of Nominations Approved by the Senate

U.S. Circuit Court Nominations

As shown by [Figure 3](#), for President Obama's three most recent two-term predecessors, the number of circuit court nominations confirmed by the Senate during a President's eighth year in office ranged from a low of four (during the George W. Bush presidency) to a high of eight (during the Clinton presidency).

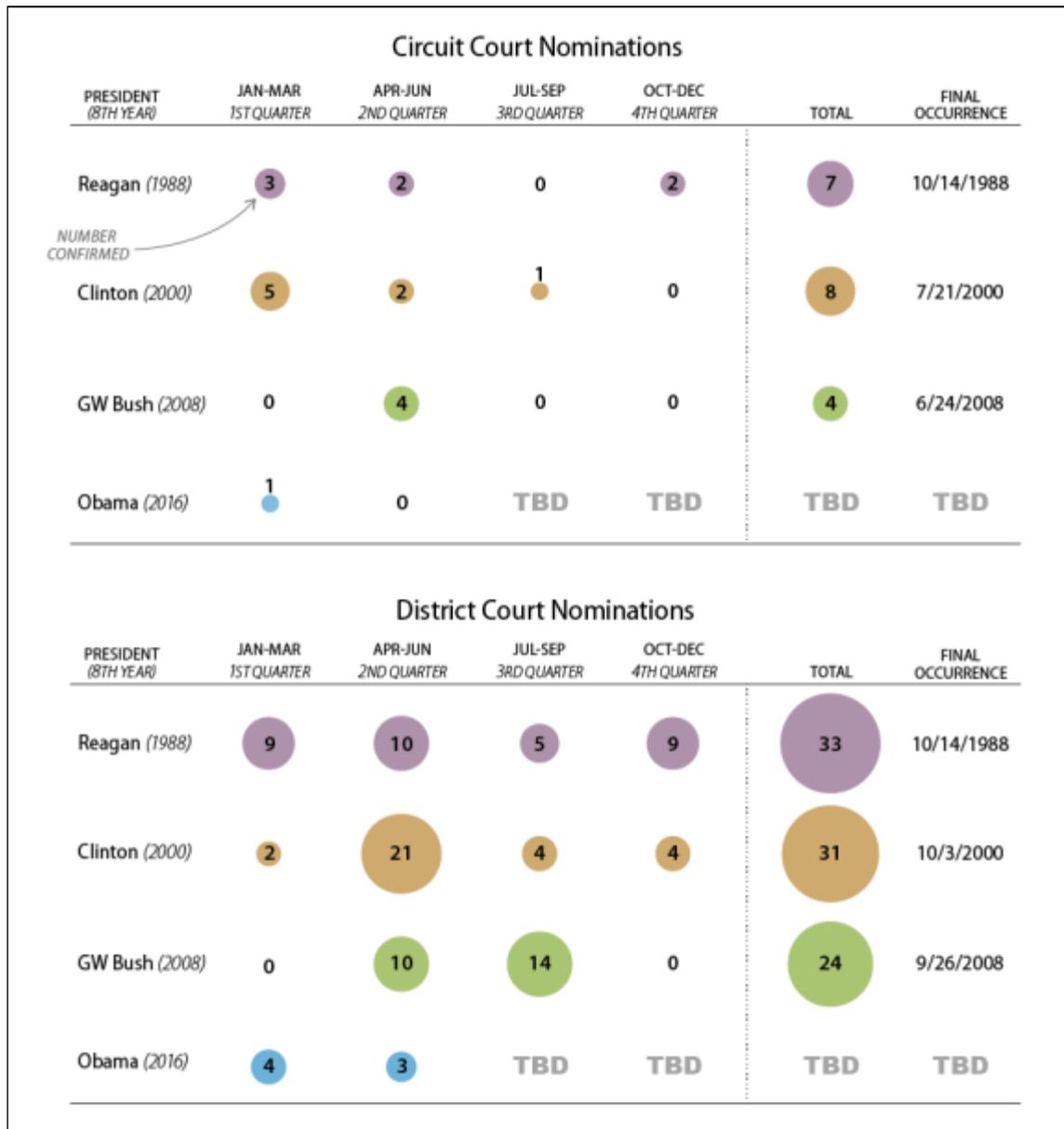
As of June 30, 2016, one circuit court nomination has been approved by the Senate during the eighth year of the Obama presidency.

U.S. District Court Nominations

The number of district court nominations confirmed by the Senate ranged from a low of 24 (during the George W. Bush presidency) to a high of 33 (during the Reagan presidency).

As of June 30, 2016, seven district court nominations have been confirmed during President Obama's eighth year in office.

Figure 3. Number of U.S. Circuit and District Court Nominations Confirmed by the Senate During the Eighth Year of a Presidency



Source: Congressional Research Service.