Congressional Research Service
Informing the legislative debate since 1914

Select Demographic and Other Characteristics of Recent U.S. Circuit and District Court Nominees

Barry J. McMillion
Analyst in American National Government

August 17, 2017

This Insight provides information related to select demographic and other characteristics of U.S. circuit and district court nominees whose nominations were submitted to the Senate by President Trump prior to August 1, 2017. President Trump submitted a total of 26 nominations prior to this date. The select demographic and other characteristics of these 26 individuals are compared to the same demographic and other characteristics of the first 26 individuals nominated to U.S. circuit and district court judgeships during the Obama, George W. Bush, and Clinton presidencies. The information is summarized in **Figure 1**.

While August 1, 2017, is used as the cut-off date for the purposes of this Insight, President Trump submitted his 26th nomination to the Senate on July 19, 2017. In comparison, President George W. Bush submitted his 26th nomination to the Senate on June 20 of his first year in office (while Presidents Obama and Clinton submitted their 26th nominations on October 29 and October 27, respectively, during their first years in office). It likely took Presidents Obama and Clinton longer to submit 26 lower federal court nominations, in part, because both had a vacancy to fill on the Supreme Court that occurred in June of each President's first year in office (in contrast to President Trump, who assumed office with a vacancy on the Court that had already existed for 342 days).

The numerical breakdown in the demographic or other characteristics of a President's initial set of nominees is not necessarily indicative of the final numerical breakdown in the characteristics of those individuals nominated during a President's entire term in office. For example, of President Obama's first 26 nominees, 1 (3.8%) was Hispanic. In contrast, of all those nominated to U.S. circuit and district court judgeships by the end of his presidency, 37 (9.6%) were Hispanic.

CRS has recently published a report, U.S. Circuit and District Court Judges: Profile of Select Characteristics, which provides information and analysis related to select demographic and other characteristics of active U.S. circuit and district court judges.

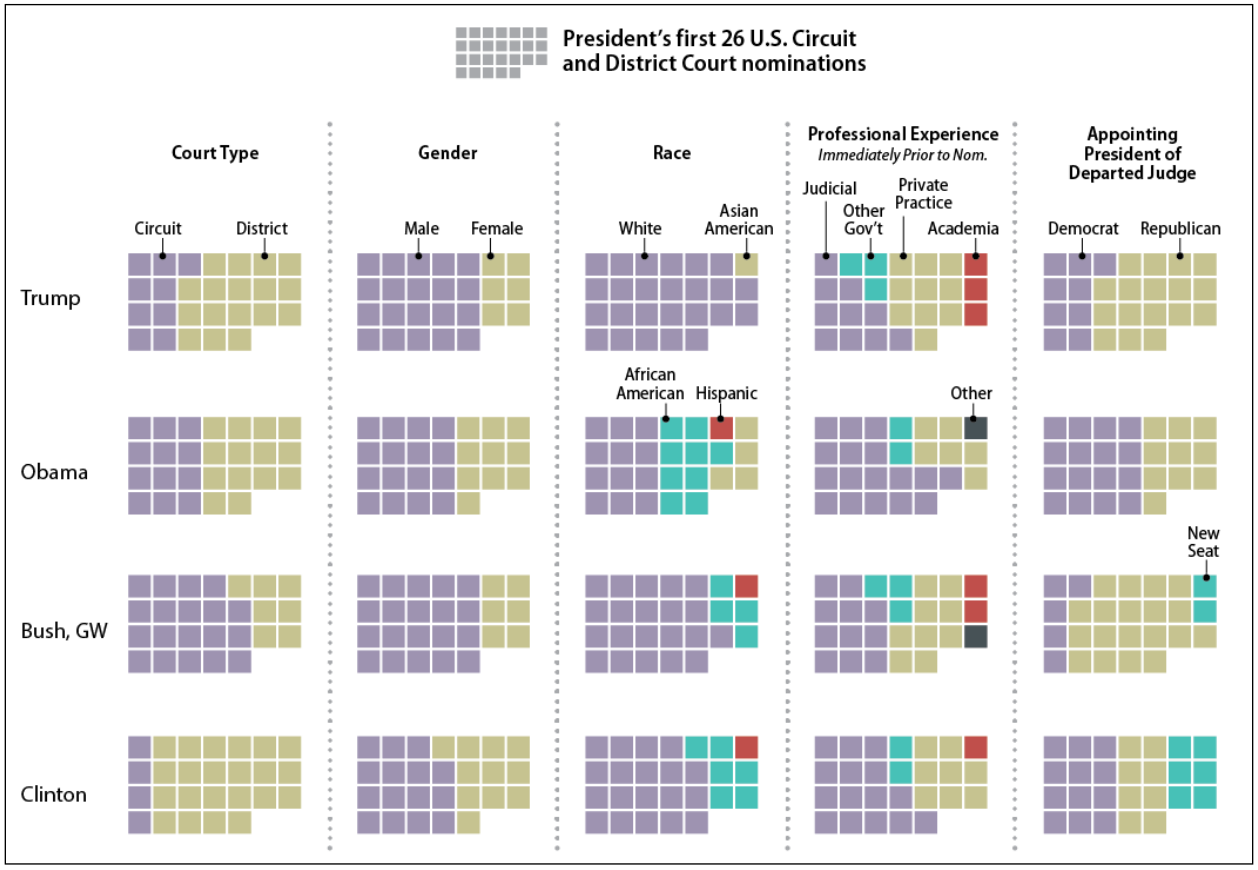
Court Type

As shown by **Figure 1**, of President Trump's first 26 nominations, 9 (25%) were for vacant circuit court judgeships and 17 (65%) were for district court judgeships. Of the four presidencies included in the figure, the George W. Bush presidency is the only one during which a majority of the first 26 nominations were made for circuit court judgeships (19, or 73%, of all nominations were for circuit court vacancies—compared to 7 nominations for district court vacancies).

Gender

Of President Trump's first 26 nominees, 20 (77%) were men and 6 (23%) were women. This was also the same numerical breakdown for President George W. Bush's first 26 nominations. In comparison, President Clinton nominated the greatest number of women (with 11, or 42%, of his 26 nominees being women), followed by President Obama (with 10, or 38%, of 26 nominees being women).

Figure 1. Comparison of Select Demographic and Other Characteristics of U.S. Circuit and District Court Nominees



Source: Congressional Research Service

Race

As shown by the figure, of President Trump's first 26 nominees, 25 (96%) were white and 1 (3.8%) was non-white (Asian American). Of the four presidencies, President Obama's first 26 nominees included the

greatest number of non-white nominees (9 African Americans, 1 Hispanic, and 4 Asian Americans—representing 14, or 54%, of his first 26 lower federal court nominations).

Professional Experience Immediately Prior to Nomination

Of President Trump's first 26 nominees, 10 (38%) were serving as federal or state judges prior to being nominated, and 10 (38%) were working as attorneys in private practice. The number of President Trump's nominees working as federal or state judges immediately prior to nomination is the lowest of the four Presidents (with President Obama having nominated the greatest number of federal or state judges among his first 26 nominees—17, or 65%). Additionally, the number of President Trump's nominees working as attorneys in private practice immediately prior to nomination is the greatest of the four Presidents (with President Obama having nominated the fewest number of attorneys in private practice among his first 26 nominees—6, or 23%).

Appointing President of Departed Judge

Of President Trump's first 26 nominees, 17 (65%) were nominated to replace a departed judge who had been appointed by a former Republican President (while 9, or 35%, were nominated to replace a judge appointed by a Democratic President). For each of the four Presidents included in the analysis, a majority (or in the case of President Clinton, a plurality) of his first 26 nominations were submitted to replace departed judges who had been appointed by a former President belonging to the same political party as the appointing President.

Nominations Submitted After August 1, 2017

The 8 nominations submitted (as of this writing) by President Trump after August 1, 2017, are similar to the 26 nominations included in **Figure 1** that were submitted prior to August 1. Of the 8 nominations:

- 2 (25%) are for circuit court judgeships and 6 (75%) are for district court judgeships;
- 7 (87%) of the nominees are men and 1 is a woman;
- each of the 8 nominees is white;
- 5 (62.5%) are working as attorneys in private practice, while 2 are serving as judges and 1 holds another type of government position; and
- 5 (62.5%) are nominated to replace a judge appointed by a former Republican President, while 3 (37.5%) are nominated to replace a judge appointed by a Democratic President.

EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.