

U.S. Circuit Court Nominees Confirmed During the First Year of the Biden Presidency: Overview and Comparative Analysis

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This Insight provides information related to the number of U.S. circuit court nominees confirmed during the first calendar year of the Biden presidency (2021), as well as information about the number of such nominees confirmed during the first years of presidencies from 1953 to 2017. Additionally, this Insight provides demographic information about President Biden’s confirmed nominees, as well as the nominees confirmed during the first years of the presidencies of his three immediate predecessors—Presidents Trump, Obama, and George W. Bush. Another Insight, [available here](#), provides similar information about U.S. district court nominees.

U.S. Circuit Courts of Appeals

The [U.S. courts of appeals](#), or circuit courts, hear challenges to [U.S. district court](#) decisions and also review the decisions of many administrative agencies. The United States is divided into [12 geographic circuits](#), each with a U.S. court of appeals. One additional appellate court, the [U.S. Court of Appeals for the Federal Circuit](#), has [specialized subject matter jurisdiction](#). The U.S. courts of appeals provide [final decisions each year in thousands of cases](#).

Number of Confirmed Nominees

President Biden had 11 U.S. circuit court nominees confirmed during his first calendar year in office. As shown by [Figure 1](#), this is the second-highest number of circuit court nominees confirmed during the first year of a presidency since 1953 (there were also 11 circuit court nominees confirmed during the first years of the Kennedy and Nixon presidencies). Of the 11 presidencies included in [Figure 1](#), the greatest number of circuit court nominees confirmed during the first year of a presidency is 12 (in 2017 during the first year of the Trump presidency).

The 11 circuit court nominees confirmed during the first year of the Biden presidency is above the median number of such nominees confirmed during the first year of the 11 presidencies included in the figure (with a median of 8 confirmed nominees). The relatively greater number of circuit court nominees

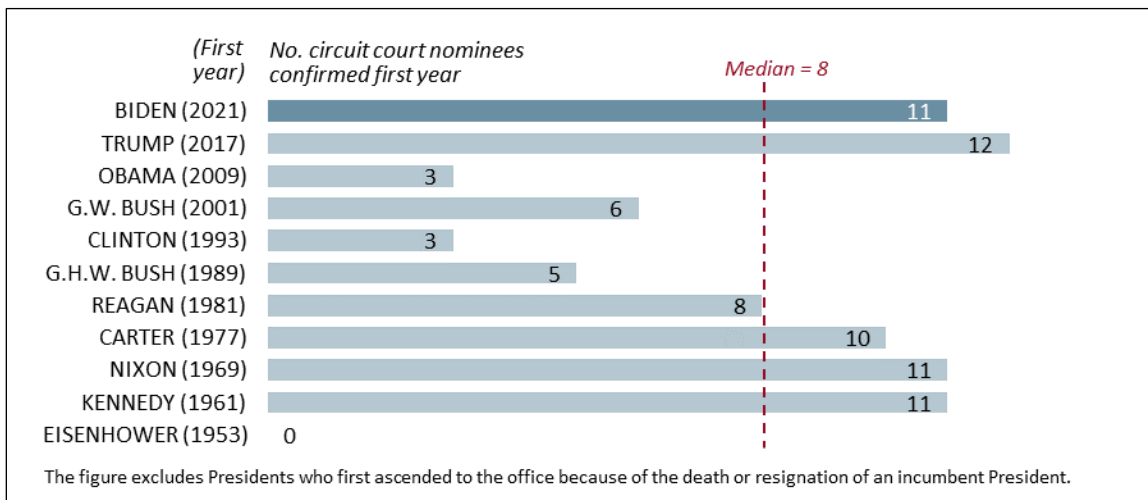
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confirmed in 2021, as well as during the first year of the Trump presidency, is likely attributable, at least in part, to the [reinterpretation of Senate Rule XXII](#) during the 113th Congress to allow cloture to be invoked on most nominations by a simple majority of Senators voting—a quorum being present. Additionally, [the change surrounding the Senate Judiciary Committee’s blue slip policy](#) for circuit court nominees may not have been a factor in 2017 or 2021 but may be a factor during other years of a presidency.

Figure I. Number of U.S. Circuit Court Nominees Confirmed During the First Year of a Presidency (1953-2021)



Source: Congressional Research Service.

When combined with the [number of U.S. district court nominees confirmed during the first year of the Biden presidency](#) (29 nominees), the number of circuit and district court nominees confirmed in 2021 is the greatest total number of such nominees confirmed during the first year of any presidency since 1981 (when a total of 40 nominees were also confirmed during the first year of the Reagan presidency).

Demographic Characteristics of Confirmed Nominees

Gender

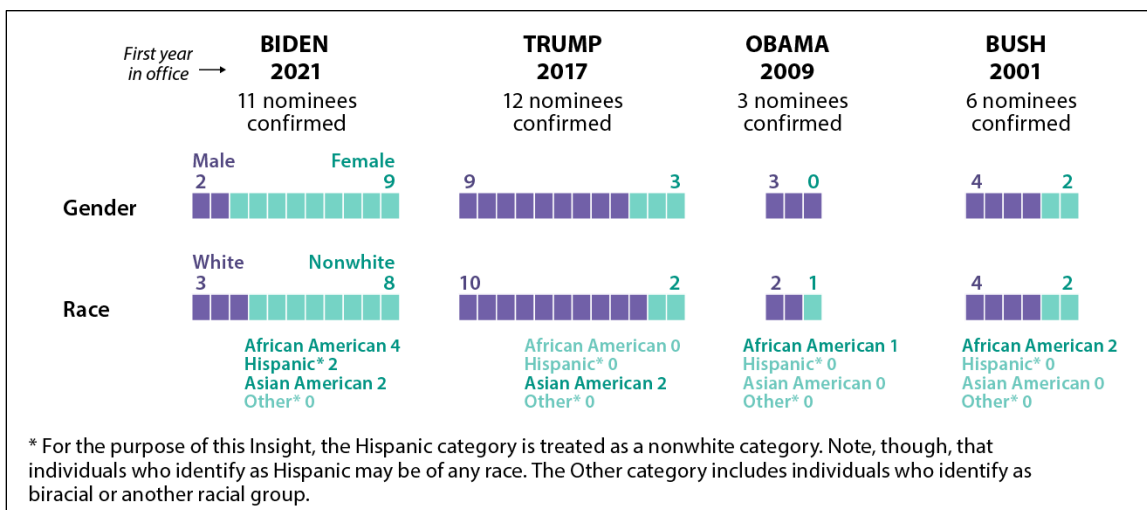
Of the 11 U.S. circuit court nominees confirmed during the first year of the Biden presidency, 9 (82%) were women. This represents the first instance during the first year of any presidency that a majority of confirmed circuit court nominees were women.

For comparative purposes, **Figure 2** provides data for each of the first years of the presidencies of President Biden’s three immediate predecessors—Presidents Trump (2017), Obama (2009), and George W. Bush (2001). Specifically, of the 12 circuit court nominees confirmed during the first year of the Trump presidency, 3 (25%) were women; of the 3 circuit court nominees confirmed during the first year of the Obama presidency, none were women; and of the 6 circuit court nominees confirmed during the first year of the Bush presidency, 2 (33%) were women.

The percentage of circuit court nominees confirmed during the first year of a presidency who were women is not always reflective of the overall percentage of such nominees who were confirmed during an entire presidency. For example, of the 55 circuit court nominees confirmed during the entire Obama presidency, 24 (44%) were women.

Overall, of the 176 active U.S. circuit court judges serving as of January 1, 2022, 65 (37%) were women and 111 (63%) were men.

Figure 2. Demographic Background of U.S. Circuit Court Nominees Confirmed During the First Year of a Presidency (2001-2021)



Source: Congressional Research Service.

Race

Of the 11 U.S. circuit court nominees confirmed during the first year of the Biden presidency, 8 (73%) were nonwhite (including 4 African-American nominees, 2 Hispanic nominees, and 2 Asian-American nominees). This represents the first instance during the first year of any presidency that a majority of confirmed circuit court nominees were nonwhite.

For comparative purposes, **Figure 2** provides data for each of the first years of the presidencies of President Biden’s three immediate predecessors—Presidents Trump (2017), Obama (2009), and George W. Bush (2001). Specifically, of the 12 circuit court nominees confirmed during the first year of the Trump presidency, 2 (17%) were nonwhite; of the 3 circuit court nominees confirmed during the first year of the Obama presidency, 1 (33%) was nonwhite; and of the 6 circuit court nominees confirmed during the first year of the Bush presidency, 2 (33%) were nonwhite.

The percentage of circuit court nominees confirmed during the first year of a presidency who were nonwhite is not always reflective of the overall percentage of such nominees who were confirmed during an entire presidency. For example, of the 62 circuit court nominees confirmed during the entire George W. Bush presidency, 9 (15%) were nonwhite.

Overall, of the 176 active U.S. circuit court judges serving as of January 1, 2022, 46 (26%) were nonwhite and 130 (74%) were white.

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