

U.S. District Court Vacancies at the Beginning and End of the Obama Presidency: Overview and Comparative Analysis

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Related Author

- [Barry J. McMillion](#)
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Barry J. McMillion, Analyst in American National Government (bmcmillion@crs.loc.gov, 7-6025)

This Insight provides comparative historical data related to [U.S. district court](#) vacancies that existed at the beginning and end of the Obama presidency (as well as at the beginning and end of the presidencies of his two most recent predecessors, Presidents George W. Bush and Clinton). This Insight also provides a geographic overview of the location of district court vacancies that existed on President Obama's final full day in office (i.e., on January 19, 2017), as well as the location of vacancies deemed "judicial emergencies" by the [Administrative Office of U.S. Courts](#).

At present, Congress has authorized 673 district court judgeships. Vacant judgeships typically arise when a judge voluntarily retires or assumes senior status, but can also occur by other means (such as when a judge is elevated to a circuit court judgeship or when new judgeships are authorized by Congress).

Historical Vacancy Data

As shown by [Figure 1](#), the number of district court vacancies during the Obama presidency increased from January 20, 2009 (his first day in office), to January 19, 2017 (his final full day in office). Specifically, there were 44 district court vacancies at the beginning of his term and 88 such vacancies at the end of his term—a 100% increase. In contrast, as shown by the figure, the number of district court vacancies decreased from the beginning to the end of the George W. Bush presidency (decreasing from 55 to 44, a 20% decrease) and the Clinton presidency (from 93 to 55, a 41% decrease).

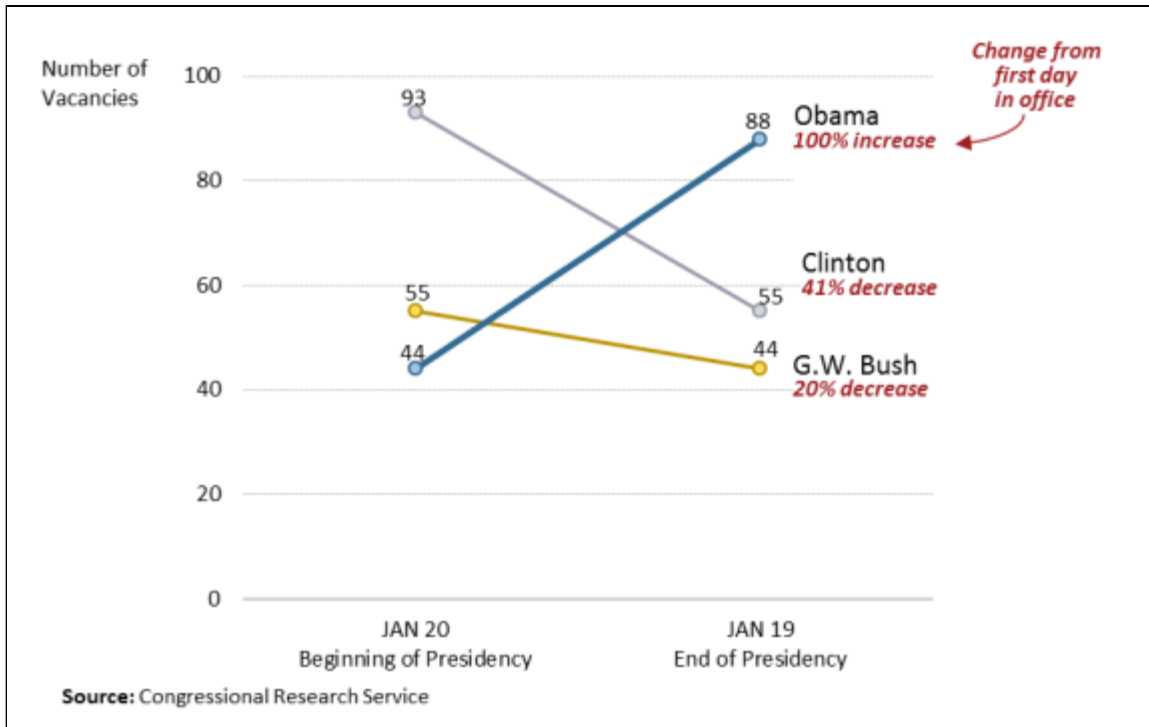
The size of the increase in the number of district court vacancies from the beginning to the end of the Obama presidency reflects, in part, the comparatively small number of district court nominations confirmed by the Senate during the final two years of the Obama presidency. Specifically, 18 district 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*).

In contrast, during the final two years of the George W. Bush presidency, the Senate approved 58 district court

nominations. Similarly, during the final two years of the Clinton presidency, the Senate approved 57 district court nominations.

Other factors that contribute to the number of U.S. district court vacancies at the end of any given presidency include the relative frequency by which active judges retired or assumed senior status during a President's time in office, and the number of nominations submitted by the President.

Figure 1. U.S. District Court Vacancies at the Beginning and End of the Obama, George W. Bush, and Clinton Presidencies

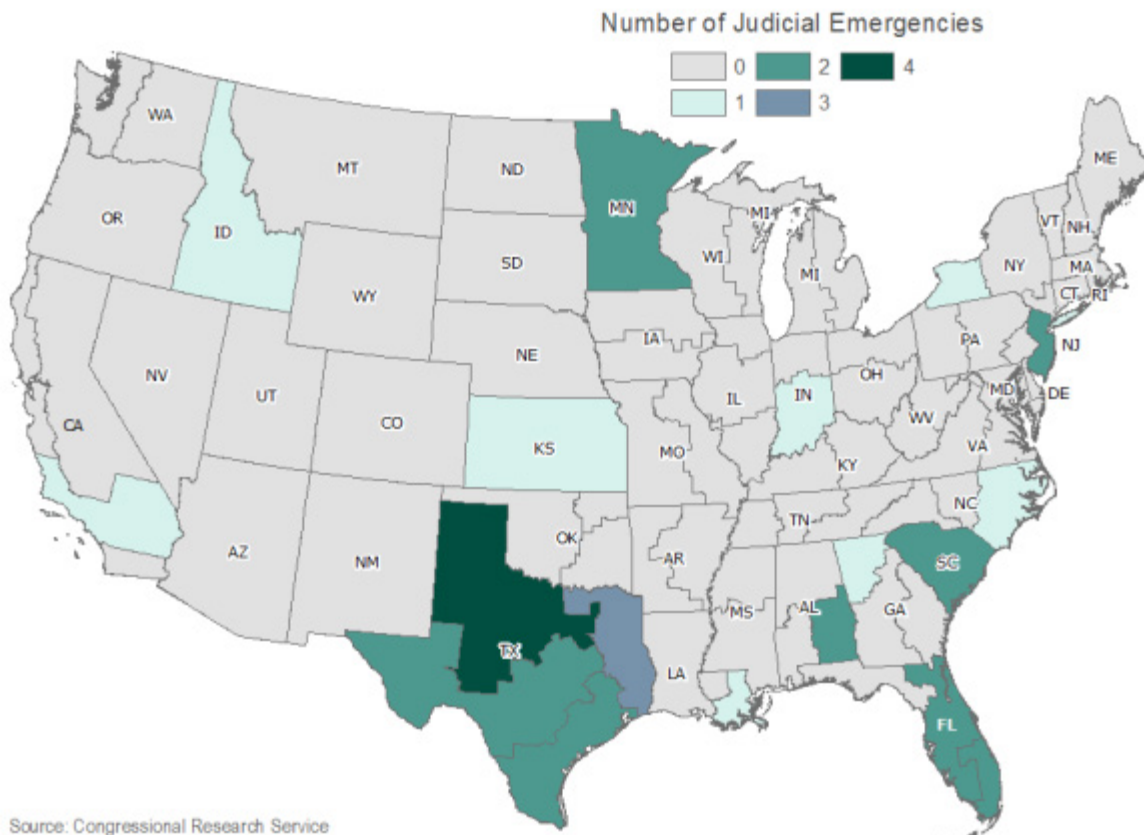


While district court vacancies decreased from the beginning to the end of the George W. Bush and Clinton presidencies, the number of such vacancies has increased from the beginning to the end of other presidencies (as it did during the Obama presidency). For example, district court vacancies increased from 27 to 89 from the beginning to the end of George H. W. Bush's presidency. The vacant judgeships at the end of the Bush presidency (on January 19, 1993) included 25 vacancies for judgeships that were created by Congress on December 1, 1990 (note that the Senate had also confirmed 49 of President Bush's nominees for the new judgeships authorized in 1990). In contrast, none of the vacancies existing at the end of the three most recent presidencies were the result of congressional authorization of new judgeships.

Geographic Location of Vacancies at the End of the Obama Presidency

At least one U.S. district court vacancy existed in over half of the nation's 91 judicial districts on President Obama's final day in office (i.e., on January 19, 2017). Specifically, there were 88 vacant district court judgeships across 53, or 58%, of 91 districts (not including 3 territorial courts). [Figure 2](#) shows the location of these vacancies, including the 22 districts with more than one vacancy.

Of the 88 district court vacancies that existed on President Obama's final day in office, 44 (50%) had a nomination pending before the Senate at the end of the 114th Congress (i.e., on January 3, 2017)—24 before the Senate Judiciary Committee and 20 on the Senate *Executive Calendar*. Forty-four of the 88 vacancies (or 50%) had not yet had a nomination submitted to the Senate by the President.



Overall, of the 88 district court vacancies, 32 (or 36%) are classified by the Administrative Office of U.S. Courts as judicial emergencies.

Of the 32 vacancies that were considered judicial emergencies on President Obama's final day in office, 20 (62.5%) had a nominee pending before the Senate at the end of the 114th Congress (i.e., on January 3, 2017)—12 before the Senate Judiciary Committee and 8 on the Senate *Executive Calendar*. Twelve of the 32 vacancies (or 37.5%) had not yet had a nomination submitted to the Senate by the President.