

THE FEDERAL JUDICIAL NOMINATIONS PROCESS

Every day, federal courts decide cases critical to our rights — from the environment to voting to immigration. Those who are appointed to serve on the bench must be qualified, fair, and impartial. Most people know that Supreme Court Justices serve for life, and so do federal District and Circuit Court judges all over the country.

According to the Constitution, the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint” judges. But how does “Advice and Consent” happen?

Step 1: A Judicial Vacancy is Announced

A judicial vacancy occurs when a judge takes senior status, retires, resigns, or passes away, or Congress creates a new judgeship.

Step 2: Home-State Senator Judicial Selection

For U.S. Circuit Court of Appeals and U.S. District Court nominees, Senators establish processes to select potential nominees for vacancies in their states. Many use merit-based judicial selection commissions to seek community input and recommend potential nominees to the White House who represent the values and needs of their constituents.

Step 3: President Nominates Nominees

The President nominates individuals to fill vacancies after consulting with the home-state Senators and conducting their own reviews of candidates.

Step 3: ABA Standing Committee on the Federal Judiciary Rates Nominees

The American Bar Association’s Standing Committee on the Federal Judiciary provides an independent review of nominees’ professional qualifications in terms of integrity, competence, and temperament. This evaluation is based on anonymous interviews with the nominees’ peers.

Most Administrations allow this review to be simultaneous with the White House’s review.

Step 4: Home-State Senators Submit Blue Slips

Senators submit “blue slips,” literal blue paper, to the Senate Judiciary Committee signaling support for or opposition to nominees from their state.

According to longstanding tradition, the Chair of the Senate Judiciary Committee only schedules hearings for nominees who have support from both of their home-state Senators.

Step 5: Senate Judiciary Committee Evaluates Nominees

A Senate Judiciary Committee hearing provides Committee members a public forum to question nominees. Committee members can also ask additional questions in writing, which the nominees must answer.

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Step 6: Senate Judiciary Committee Reports Nominees

The Senate Judiciary Committee holds an Executive Business Meeting to report nominees favorably, unfavorably, or without recommendation to the full Senate for a floor vote. On rare occasions, the Senate Judiciary Committee can vote to reject nominees.

Step 7: Full Senate Votes on Nominees

The full Senate then considers nominees. The Senate can take up nominees for consideration by unanimous consent and arrange for them to receive up-or-down confirmation votes or be confirmed by unanimous consent.

Often there is extended debate on a nominee. When that happens, usually a cloture vote is taken, which limits the amount of time Senators can debate the nomination. Once debate has concluded, the Senate holds a final up-or-down vote on the nomination. If the nominee receives a majority of yes votes, she or he has been confirmed by the Senate.

Step 8: Nominees Become Lifetime Judges

Once a nominee is confirmed by the Senate, she or he receives a Commission, which is the official document empowering the nominee to assume judicial office. The Oath of Office must then be administered, typically the Chief Judge of the Court, another judge on the Court, or a home-state Senator. The final step is investiture, a ceremonial event where the new judge is sworn in in the courtroom.

To learn more, visit [judicialnominations.org](https://www.judicialnominations.org).



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