

## JUDICIAL NOMINATIONS – A LOOK AHEAD

**A major achievement of the Biden-Harris administration** has been nominating, and the Senate confirming, diverse, qualified federal judges. Of the administration's 136 Article III confirmations:

- 67% have been women
- 67% have been people of color
- 44% have been women of color
- In stark contrast, of the previous administration's 234 Article III confirmations:
  - 84% were male
  - 76% were white

**So far, President Biden's pace of judicial nominations** has been impressive. As of June 28 of its third year, the Biden-Harris administration has had 136 Article III confirmations, compared to the previous administration, which was only at 123.

### President Biden = 136

- 1 Supreme Court justice
- 35 circuit court judges
- 100 district court judges

### Former President Trump = 123

- 2 Supreme Court justices
- 41 circuit court judges
- 80 district court judges

However, without a continued prioritization of judicial nominations, **the current administration is set to fall behind its predecessor and may never catch up.**

- By the end of its third year, the previous administration was at **187 Article III confirmations.**
- Even if the 31 announced Article III nominees are all confirmed, that will only bring the Biden-Harris administration up to **167 confirmations.**

At a minimum, **the White House must announce, and the Senate must confirm, at least 20 more Article III nominees** this year to even have a chance to tie the previous administration. Currently, the Senate is scheduled to have just **16 more work weeks** before the end of 2023. With that existing calendar, **the Senate would need to confirm on average over three nominees a week, every work week.**

**The Senate needs to expand its calendar:** The Senate majority cannot extend the 118<sup>th</sup> Congress, but it can effectively create more time. The Senate majority leader controls when the Senate is in session. Senator Chuck Schumer should expand the Senate calendar by:

- Scrapping this August's recess, as then-Majority Leader McConnell did in 2018 to focus on confirming judges.



- Having the Senate in session a minimum of five days per week.
- Plan now to use next year's lame duck session to maximize judicial confirmations, regardless of election results.

In addition to expanding the calendar, **the Senate majority should streamline the judicial confirmation process by reducing opportunities for obstruction:**

- Eliminate what remains of the blue slip tradition.
- Reduce post-cloture debate time for circuit court nominees from 30 to 2 hours, akin to district court nominees.
- Allow the Senate to consider multiple nominees simultaneously.

In a divided Congress, confirming diverse, qualified judges is one of the most impactful things this Senate can be doing, and with their life-tenure, **judges could be one of the most enduring legacies of the Biden-Harris administration.**

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**For media inquiries, including to interview ACS President Russ Feingold about judicial nominations, contact ACS Communications Director Nancy Rodriguez (NRodriguez@acslaw.org).**