



Jon Kyl, Chairman

Lawrence Willcox, Staff Director
347 Russell Senate Office Building
Washington, DC 20510
202-224-2946
<http://rpc.senate.gov>

May 2, 2006

Much Work to be Do Before Adjournment

Summary of Judicial Nominations in the 109th Congress

The Senate has made important breakthroughs on judicial nominations during the 109th Congress. First, the Senate ensured successful up-or-down votes on several court of appeals nominees who had been filibustered by Senate Democrats in previous Congresses. And second, the Senate confirmed two new justices to the U.S. Supreme Court despite regrettable efforts by the minority to obstruct. But much work remains to guarantee that vacancies are filled. The Senate should devote more time to the consideration of the pending nominees, especially those court of appeals nominees who have languished for years without up-or-down votes. And the President, who has yet to select replacements for 30 vacant judgeships, should make those nominations promptly. Together, the President and the Senate can ensure that the nation's courts are fully staffed by quality men and women devoted to impartial justice.

Overview of Judicial Nominations as of May 2, 2006

- **53** — The number of current vacancies on Article III courts.
- **23** — The number of judicial nominations pending in the Senate, including 8 court of appeals nominees and 15 district court nominees.
- **30** — The number of vacancies for which the President has not submitted a nomination, including 10 vacancies on the courts of appeals and 20 vacancies on the district courts.
- **23** — The number of judicial emergencies in the federal court system, as defined by the non-partisan Judicial Conference.¹
- **32** — The number of judicial nominations confirmed during the 109th Congress, including 2 Supreme Court Justices, 8 court of appeals judges, 21 district court judges, and 1 judge on the Court of International Trade.
- **204** — The number of Article III judges who were confirmed in the 107th and 108th Congresses, including 35 court of appeals judges and 169 district court judges.

¹ The Judicial Conference labels a vacancy a “judicial emergency” when filings have become excessive and/or when the judicial vacancy has existed for at least eighteen months. For detailed information, see http://www.uscourts.gov/cfapps/webnovada/CF_FB_301/index.cfm?fuseaction=Reports.ViewEmergencies.

Court-by-Court Summary

Supreme Court Nominees

Nominee	Nomination	Status of Nomination
John G. Roberts, Jr.	9/6/2005	CONFIRMED
Samuel A. Alito, Jr.	11/10/2005	CONFIRMED

Court of Appeals Nominees — 8 nominees to fill 18 vacancies

Nominee	Court	Original Nomination	Status of Nomination
<i>On Floor</i>			
Terrence Boyle ²	4 th Cir. (judicial emergency)	5/9/01	On Executive Calendar (Reported 6/16/05)
William Myers	9 th Cir. (judicial emergency)	5/15/03	On Executive Calendar (Reported 3/17/05)
<i>In Committee — Hearing Completed</i>			
William Haynes ³	4 th Cir.	9/29/03	In Committee (Hearing in 108 th Congress)
Brett Kavanaugh	D.C. Cir.	7/25/03	In Committee (Hearing in 108 th Congress; on mark-up agenda 4/27)
N. Randy Smith	9 th Cir. (judicial emergency)	12/16/05	In Committee (Hearing 3/1/06; on mark-up agendas 3/23, 3/30, 4/27)
Milan Smith	9 th Cir. (judicial emergency)	2/14/06	In Committee (Hearing 4/25)
<i>In Committee — Awaiting Hearing</i>			
Michael Wallace	5 th Cir. (judicial emergency)	2/8/06	In Committee
Sandra Ikuta	9 th Cir. (judicial emergency)	2/8/06	In Committee
<i>Vacancies without Presidential Nominations</i>			
(awaiting nominee)	3 rd Cir. (judicial emergency)		Vacant since 1/31/06
(awaiting nominee)	3 rd Cir. (judicial emergency)		Vacant since 7/9/05
(awaiting nominee)	4 th Cir. (judicial emergency)		Vacant since 8/31/00
(awaiting nominee)	6 th Cir. (judicial emergency)		Vacant since 1/1/00
(awaiting nominee)	6 th Cir. (judicial emergency)		Vacant since 1/25/06
(awaiting nominee)	10 th Cir.		Vacant since 10/16/05
(awaiting nominee)	10 th Cir.		Vacant since 1/16/06
(awaiting nominee)	D.C. Cir.		Vacant since 11/3/05
(awaiting nominee)	D.C. Cir.		Vacant since 9/29/05
(awaiting nominee)	Federal Circuit		Vacant since 2/1/06

² Judge Boyle was originally nominated to the 4th Circuit on October 22, 1991, but Judiciary Chairman Joe Biden refused to schedule a confirmation hearing for him during the 14 months remaining in that Congress.

³ William Haynes is nominated to replace Judge Widener, who has announced that he will not take senior status until his successor has been confirmed, but this chart assumes that Judge Widener's seat is currently "vacant" because the President has already nominated Mr. Haynes. Note that two additional circuit court judges — in the 3rd and 8th Circuits — have announced retirements effective in October 2006, but, because the President has not nominated a replacement, they are not reflected in this chart as vacancies.

Nominee	Court	Original Nomination	Status of Nomination
<i>Confirmed Nominations</i>			
Michael A. Chagares	3 rd Cir.	1/25/06	CONFIRMED
Priscilla Owen	5 th Cir.	5/9/01	CONFIRMED
Richard Griffin	6 th Cir.	6/26/02	CONFIRMED
David McKeague	6 th Cir.	11/8/01	CONFIRMED
Susan Nielson	6 th Cir.	11/8/01	CONFIRMED
William Pryor	11 th Cir.	4/9/03	CONFIRMED
Thomas Griffith	D.C. Cir.	5/10/04	CONFIRMED
Janice Rogers Brown	D.C. Cir.	7/25/03	CONFIRMED

U.S. Court of International Trade

Nominee	Nomination	Status of Nomination
Leo Maury Gordon	11/10/2005	CONFIRMED

District Court Nominees — 15 nominees to fill 35 vacancies

Nominee	Court	Original Nomination	Status of Nomination
<i>On Floor</i>			
Brian M. Cogan	E.D. New York	1/25/06	On Executive Calendar (Reported 4/27)
Thomas M. Golden	E.D. Penn. (judicial emergency)	1/25/06	On Executive Calendar (Reported 4/27)
<i>In Committee — Hearing Completed</i>			
Renee M. Bumb	D. New Jersey	1/25/06	In Committee (Hearing 4/25/06)
Noel L. Hillman	D. New Jersey	1/25/06	In Committee (Hearing 4/25/06)
Susan D. Wigenton	D. New Jersey	1/25/06	In Committee (Hearing 4/25/06)
Peter Sheridan	D. New Jersey (judicial emergency)	11/5/03	In Committee (Hearing 4/25/06)
<i>In Committee — Awaiting Hearing</i>			
Andrew J. Guilford	C.D. California	1/25/06	In Committee
Philip Gutierrez	C.D. California	4/24/06	In Committee
Vanessa L Bryant	D. Connecticut	1/25/06	In Committee
Thomas Ludington	E.D. Michigan (judicial emergency)	9/12/02	In Committee
Sean Cox	E.D. Michigan (judicial emergency)	9/10/04	In Committee
Daniel Porter Jordan	S.D. Mississippi (judicial emergency)	4/24/06	In Committee
Frank Whitney	W.D. North Carolina	2/14/06	In Committee
Jerome Holmes	N.D. Oklahoma	2/14/06	In Committee
Gustavo Antonio Gelpi	D. Puerto Rico	4/24/06	In Committee
<i>Vacancies without Presidential Nominations</i>			
(awaiting nominee)	C.D. California		Vacant since 12/8/04
(awaiting nominee)	C.D. California		Vacant since 10/24/05

Nominee	Court	Original Nomination	Status of Nomination
(awaiting nominee)	S.D. California		Vacant since 9/14/04
(awaiting nominee)	E.D. Michigan (judicial emergency)		Vacant since 9/29/00
(awaiting nominee)	W.D. Michigan (judicial emergency)		Vacant since 9/1/05
(awaiting nominee)	W.D. Michigan (judicial emergency)		Vacant since 1/1/06
(awaiting nominee)	W.D. Michigan (judicial emergency)		Vacant since 6/13/05
(awaiting nominee)	S.D. Mississippi (judicial emergency)		Vacant since 2/4/06
(awaiting nominee)	S.D. Mississippi (judicial emergency)		Vacant since 3/20/06
(awaiting nominee)	E.D. New York		Vacant since 3/1/06
(awaiting nominee)	N.D. New York		Vacant since 3/13/06
(awaiting nominee)	E.D. North Carolina		Vacant since 12/31/05
(awaiting nominee)	W.D. North Carolina		Vacant since 12/1/05
(awaiting nominee)	M.D. North Carolina		Vacant since 12/31/05
(awaiting nominee)	M.D. North Carolina		Vacant since 4/3/06
(awaiting nominee)	N.D. Ohio		Vacant since 2/14/06
(awaiting nominee)	W.D. Pennsylvania		Vacant since 1/31/04
(awaiting nominee)	D. Puerto Rico		Vacant since 3/28/06
(awaiting nominee)	E.D. Virginia		Vacant since 12/31/05
(awaiting nominee)	W.D. Wash. (judicial emergency)		Vacant since 3/9/05
<i>Confirmed Nominations</i>			
Michael R. Barrett	S.D. Ohio	12/16/05	CONFIRMED
Timothy C. Batten	N.D. Georgia	9/28/05	CONFIRMED
Joseph F. Bianco	E.D. New York	7/28/05	CONFIRMED
Tim Burgess	D. Alaska	7/28/05	CONFIRMED
Robert Conrad	W.D. North Carolina	4/28/03	CONFIRMED
Paul Crotty	S.D. New York	9/7/04	CONFIRMED
Aida Delgado-Colon	D. Puerto Rico	10/25/05	CONFIRMED
Jim Dever	E.D. North Carolina	5/22/02	CONFIRMED
Krisi DuBose	S.D. Alabama	9/28/05	CONFIRMED
Thomas E. Johnston	SD West Virginia	9/28/05	CONFIRMED
Virginia Kendall	N.D. Illinois	9/28/05	CONFIRMED
Stephen G. Larson	C.D. California	12/15/05	CONFIRMED
Henry Mattice, Jr.	E.D. Tennessee	7/28/05	CONFIRMED
Gray H. Miller	S.D. Texas	1/25/06	CONFIRMED
Brian Sandoval	D. Nevada	3/1/05	CONFIRMED
Patrick J. Schiltz	D. Minnesota	12/14/05	CONFIRMED
J. Michael Seabright	D. Hawaii	9/15/04	CONFIRMED
John Smoak	N.D. Florida	6/8/05	CONFIRMED
Gregory Van Tatenhove	E.D. Kentucky	9/13/05	CONFIRMED
Eric Vitaliano	E.D. New York	10/6/05	CONFIRMED
Keith Watkins	M.D. Alabama	9/28/05	CONFIRMED
Jack Zouhary	N.D. Ohio	12/14/05	CONFIRMED

Compilation by the Senate Republican Policy Committee based on data from the Judicial Conference, the Senate Judiciary Committee, and the Department of Justice Office of Legal Policy.