

# JUDICIAL NOMINATIONS: A BROKEN PROCESS

Immediately upon assuming office, President Trump began nominating individuals for judicial vacancies who would, in the words of his advisor Leonard Leo, make the courts "unrecognizable." He started by filling the stolen Supreme Court seat which was held open by Senate Republicans after they refused to consider President Obama's nominee, Chief Judge Merrick Garland. He quickly nominated and the Senate confirmed Justice Neil Gorsuch. But the impact the President has had on the courts extends far beyond the Supreme Court. Indeed, Senate Republicans held open more than 100 lower court vacancies that the President is now filling.

Since 2017, the Senate Majority has confirmed 69 nominees to lifetime appointments, 26 of them to the U.S. Circuit Courts of Appeals. In order to reach such break-neck speed, the White House and Senate have broken the very process used to identify and confirm well-qualified nominees to serve in these important positions.

## White House Refusal to Consult with Senators

According to the Constitution, the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" judges. Because the Senate plays such a critical role in the process, Presidents consult with and seek agreement from Senators who represent the states where a potential nominee would serve. In fact, most Senators have a formal process by which they select potential nominees for consideration by the President.

Since President Trump took office, he has repeatedly failed to respect Senators' advice and consent

# Judicial Nominations

**United States. Congress. Senate.  
Committee on the Judiciary.  
Subcommittee on the Constitution,  
Civil Rights, and Property Rights**

## **Judicial Nominations:**

**Judicial Nominations** United States. Congress. Senate. Committee on Governmental Affairs, 1979      Judicial Nominations, Filibusters, and the Constitution United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Property Rights, 2003      **Judicial Nominations for District of Columbia Courts** United States. Congress. Senate. District of Columbia, 1970      Federal Abortion Politics: Judicial nominations Neal Devins, Wendy L. Watson, 1995 First Published in 1995 Routledge is an imprint of Taylor Francis an informa company

*Judicial Nominations* Neal Devins, 2019-05-20 On January 22 1973 the Supreme Court issued its decision in Roe v Wade Holding that a woman's substantive due process right to terminate her pregnancy in the early months outweighed state interests in maternal health and fetal protection the Court struck down a Texas law permitting abortions only to save the life of the mother This series is divided into three volumes with each part containing multiple case studies Volume One two books considers legislative initiatives Volume Two two books reviews executive initiatives and Volume Three one book examines judicial nominations Abortion funding clinic access legislation freedom of choice and human life legislative proposals and proposed constitutional amendments are considered in Part One Presidential positions federal family planning regulation domestic and international fetal tissue research and governmental briefs and arguments in abortion related Supreme Court litigation are the subject of Part Two First published in 1995 Routledge is an imprint of Taylor Francis an informa company

**Judicial Nominations for District of Columbia Court of Appeals** United States. Congress. Senate. District of Columbia, 1971      *Supreme Court Nominations* Denis Steven Rutkus, Elizabeth Rybicki, 2009 This volume explores the Supreme Court Justice appointment process from Presidential announcement Judiciary Committee investigation confirmation hearings vote and report to the Senate through Senate debate and vote on the nomination      *Judicial Nomination and Confirmation Process* United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Administrative Oversight and the Courts, 2002      **Speed of Presidential and Senate Actions on Supreme Court Nominations, 1900 - 2010** R. Sam Garrett, 2010-10 Contents 1 Recent Activity Activity During 2010 2009 and 2005 2006 Recent Nominations Roberts Miers Alito 2 Measuring the Pace of Supreme Court SC Appoint 3 How SC Vacancies Occur Death of a Sitting Justice SJ Retirement or Resignation of a SJ Nomination of a SJ to Another Position Controversial Withdrawn and Rejected Nominations 4 Date of Actual or Prospective Vacancy Announcement of Nominee Date Use of Medians to Summarize Intervals The Duration of the Nomination and Confirmation Process Changes Since 1981 Factors Influencing the Speed of the Process How the Vacancy Occurs The Senate's Schedule Committee Involvement and Institutional Customs Controversial Nominations      **Report of the Special Committee on Nominations for Judicial Offices in the City of New York**, 1881      **Confirmation Hearings on Federal Appointments** United States. Congress. Senate. Committee on the Judiciary, 2011      *Confirmation Hearing on the Nominations of William H. Pryor, Jr., to be Circuit Judge for the Eleventh Circuit and Diane*

*M. Stuart to be Director, Violence Against Women Office, Department of Justice* United States. Congress. Senate. Committee on the Judiciary, 2004      Confirmation Hearings on Federal Appointments, S. Hrg. 110-138, Pt. 3, January 22, February 12, February 21, April 3, May 1, 2008, 110-2 Hearings, \*. , 2009      **Confirmation Hearing on the Nomination of Brett M. Kavanaugh to be Circuit Judge for the District of Columbia Circuit** United States. Congress. Senate. Committee on the Judiciary, 2005 Technology Careers gives details of specific jobs such as electronics engineer game developer broadcast engineer web designer and systems analyst and more and describes longterm career paths and wider opportunities Additionally this title features a table of contents glossary index color photographs jobfinding tips recommended books and websites for further exploration      **Confirmation Hearing on Federal Appointments** United States. Congress. Senate. Committee on the Judiciary, 2004      The Appointment Process for U.S. Circuit and District Court Nominations Congressional Research Service, 2014-10-22 In recent decades the process for appointing judges to the U S circuit courts of appeals and the U S district courts has been of continuing Senate interest The responsibility for making these appointments is shared by the President and the Senate Pursuant to the Constitution s Appointments Clause the President nominates persons to fill federal judgeships with the appointment of each nominee also requiring Senate confirmation Although not mentioned in the Constitution an important role is also played midway in the appointment process by the Senate Judiciary Committee The need for a President to make a circuit or district court nomination typically arises when a judgeship becomes or soon will become vacant With almost no formal restrictions on whom the President may consider an informal requirement is that judicial candidates are expected to meet a high standard of professional qualification By custom candidates who the President considers for district judgeships are typically identified by home state Senators if the latter are of the President s party with such Senators however generally exerting less influence over the selection of circuit nominees Another customary expectation is that the Administration before the President selects a nominee will consult both home state Senators regardless of their party to determine the acceptability to them of the candidate under consideration In recent Administrations the pre nomination evaluation of judicial candidates has been performed jointly by staff in the White House Counsel s Office and the Department of Justice Candidate finalists also undergo a confidential background investigation by the FBI and an independent evaluation by a committee of the American Bar Association The selection process is completed when the President approving of a candidate signs a nomination message which is then sent to the Senate Once received by the Senate the judicial nomination is referred to the Judiciary Committee where professional staff initiate their own investigation into the nominee s background and qualifications Also during this pre hearing phase the committee through its blue slip procedure seeks the assessment of home state Senators regarding whether they approve having the committee consider and take action on the nominee Next in the process is the confirmation hearing where judicial nominees engage in a question and answer session with members of the Judiciary Committee Questions from Senators may focus among other

things on a nominee's qualifications, understanding of how to interpret the law, previous experiences and the role of judges.

**Supreme Court Nominations, 1789-2005** Denis Steven Rutkus, Maureen Bearden, R. Sam Garrett, 2007. The process of appointing Supreme Court Justices has undergone changes over two centuries but its most basic feature, the sharing of power between the President and Senate, has remained unchanged. To receive a lifetime appointment to the Court, a candidate must first be nominated by the President and then confirmed by the Senate. An important role also has come to be played midway in the process, after the President selects but before the Senate considers, by the Senate Judiciary Committee. The book provides information on the amount of time taken to act on all Supreme Court nominations occurring between 1900 and the present. It focuses on the actual amounts of time that Presidents and the Senate have taken to act, as opposed to the elapsed time between official points in the process. This book focuses on when the Senate became aware of the President's selection, e.g., via a public announcement by the President.

**Judicial Nomination Statistics** Denis Steven Rutkus, Mitchel A. Sollenberger, 2004. This book presents statistics regarding procedural actions taken on US district and circuit court nominations for the period January 4, 1977 through 2002. Among other things, the statistics for the 1977-2002 period show that over the course of five successive presidencies, the Senate confirmation percentage for circuit court nominations has declined. The great majority of each President's nominations have either been confirmed or returned. An average of seven nominations per President have been withdrawn. One nomination has been disapproved by a Senate vote. The confirmation percentage for district and circuit court nominations combined was greater than 60% for every congressional session from 1977 through 1990, whereas the district and circuit combined confirmation rate has been less than 60% for eight of the last 12 congressional sessions. The average number of days elapsing between nomination date and final action has been higher for most Congresses in the post-1990 period than for prior Congresses. Starting with the 100th Congress (1987-1988) and in five of the seven Congresses since, an average of more than 100 days has elapsed between nomination dates and committee votes on either district or circuit court nominations or on both. For almost every Congress in the post-1990 period, the percentages of district and circuit court nominations left pending at the end of the Congress were higher than corresponding percentages for the pre-1990 Congresses. The Senate returned substantially more nominations during the 102nd, 106th, and 107th Congresses than during any other Congresses in the 1977-2002 period. The average number of days between nomination date and final action increased in Congresses ending in presidential election years. The vast majority of judicial nominations submitted during the 1977-2002 period received committee hearings and votes as well as full Senate votes. However, during the 102nd, 106th, and 107th Congresses, there were reductions in the share of nominations receiving committee and Senate action.

*108-1 Hearings: Confirmation Hearings on Federal Appointments, S. Hrg. 108-135, Part 4, July 22, July 30, September 3, September 17, and October 1, 2003, \**, 2004. **Activities Report of The Committee on The Judiciary ..., December 22, 2006, 109-2 Senate Report 109-369**, 2007.

The Top Books of the Year Judicial Nominations The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the captivating narratives that have enthralled audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This heartfelt tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Judicial Nominations : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens' "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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**Table of Contents Judicial Nominations**

1. Understanding the eBook Judicial Nominations
  - The Rise of Digital Reading Judicial Nominations
  - Advantages of eBooks Over Traditional Books
2. Identifying Judicial Nominations
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Judicial Nominations
  - User-Friendly Interface
4. Exploring eBook Recommendations from Judicial Nominations
  - Personalized Recommendations
  - Judicial Nominations User Reviews and Ratings
  - Judicial Nominations and Bestseller Lists
5. Accessing Judicial Nominations Free and Paid eBooks
  - Judicial Nominations Public Domain eBooks
  - Judicial Nominations eBook Subscription Services
  - Judicial Nominations Budget-Friendly Options
6. Navigating Judicial Nominations eBook Formats
  - ePub, PDF, MOBI, and More
  - Judicial Nominations Compatibility with Devices
  - Judicial Nominations Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Judicial Nominations
  - Highlighting and Note-Taking Judicial Nominations
  - Interactive Elements Judicial Nominations
8. Staying Engaged with Judicial Nominations

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Judicial Nominations
- 9. Balancing eBooks and Physical Books Judicial Nominations
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Judicial Nominations
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Judicial Nominations
  - Setting Reading Goals Judicial Nominations
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Judicial Nominations
  - Fact-Checking eBook Content of Judicial Nominations
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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