

# Summary of Judicial Nominations in the 109<sup>th</sup> Congress

Prepared by the Senate Republican Policy Committee  
(Updated as of 5/23/2006)

## Overview of Judicial Nominations

- **50** — The number of current vacancies on Article III courts — 17 in the courts of appeals, and 33 in the district courts.
- **25** — The number of judicial nominations pending in the Senate, including 11 court of appeals nominees and 14 district court nominees. (One of these nominations is to fill a “future vacancy.”)
- **27** — The number of vacancies for which the President has not submitted a nomination, including 8 vacancies on the courts of appeals and 19 vacancies on the district courts.
- **22** — The number of judicial emergencies in the federal court system.<sup>1</sup>
- **36** — The number of judicial nominations confirmed during the 109<sup>th</sup> Congress, including 2 Supreme Court Justices, 9 court of appeals judges, 24 district court judges, and 1 Court of International Trade judge.
- **204** — The number of Article III judges who were confirmed in the 107<sup>th</sup> and 108<sup>th</sup> Congresses, including 35 court of appeals judges and 169 district court judges.
- **5.9%** — Overall vacancy rate in the federal courts. (The vacancy rate for the courts of appeals is 9.5 percent (17/179), and for the district courts, it is 4.9 percent (33/674).)

## Court-by-Court Summary

### *Supreme Court Nominees*

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

### *Court of Appeals Nominees — 11 nominees to fill 19 judgeships*

Nominee	Court	Original Nomination	Status of Nomination
<i>On Floor</i>			
Terrence Boyle <sup>2</sup>	4 <sup>th</sup> Cir. (judicial emergency)	5/9/01	On Executive Calendar (Reported 6/16/05)

<sup>1</sup> 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.

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

<b>Nominee</b>	<b>Court</b>	<b>Original Nomination</b>	<b>Status of Nomination</b>
William Myers	9 <sup>th</sup> Cir. (judicial emergency)	5/15/03	On Executive Calendar (Reported 3/17/05)
N. Randy Smith	9 <sup>th</sup> Cir. (judicial emergency)	12/16/05	On Executive Calendar (Reported 5/4/06)
Brett Kavanaugh	D.C. Cir.	7/25/03	On Executive Calendar (Reported 5/11)
<i>In Committee — Hearing Completed</i>			
William Haynes <sup>3</sup>	4 <sup>th</sup> Cir.	9/29/03	In Committee (Hearing in 108 <sup>th</sup> Congress)
Sandra Ikuta	9 <sup>th</sup> Cir. (judicial emergency)	2/8/06	In Committee (Hearing 5/2; on mark-up agenda 5/18)
<i>In Committee — Awaiting Hearing</i>			
Michael Wallace	5 <sup>th</sup> Cir. (judicial emergency)	2/8/06	In Committee
Bobby E. Shepherd <sup>4</sup>	8 <sup>th</sup> Circuit	5/18/06	In Committee
Jerome Holmes	10 <sup>th</sup> Cir.	5/4/06	In Committee
Neil Gorsuch	10 <sup>th</sup> Cir.	5/10/06	In Committee
Kimberly Ann Moore	Federal Circuit	5/18/06	In Committee
<i>Vacancies without Presidential Nominations</i>			
(awaiting nominee)	3 <sup>rd</sup> Cir. (judicial emergency)		Vacant since 1/31/06
(awaiting nominee)	3 <sup>rd</sup> Cir. (judicial emergency)		Vacant since 7/9/05
(awaiting nominee)	4 <sup>th</sup> Cir. (judicial emergency)		Vacant since 8/31/00
(awaiting nominee)	4 <sup>th</sup> Cir. (judicial emergency)		Vacant since 5/11/06
(awaiting nominee)	6 <sup>th</sup> Cir. (judicial emergency)		Vacant since 1/1/00
(awaiting nominee)	6 <sup>th</sup> Cir. (judicial emergency)		Vacant since 1/25/06
(awaiting nominee)	D.C. Cir.		Vacant since 11/3/05
(awaiting nominee)	D.C. Cir.		Vacant since 9/29/05
<i>Confirmed Nominations</i>			
Michael A. Chagares	3 <sup>rd</sup> Cir.	1/25/06	<b>CONFIRMED</b>
Priscilla Owen	5 <sup>th</sup> Cir.	5/9/01	<b>CONFIRMED</b>
Richard Griffin	6 <sup>th</sup> Cir.	6/26/02	<b>CONFIRMED</b>
David McKeague	6 <sup>th</sup> Cir.	11/8/01	<b>CONFIRMED</b>
Susan Nielson	6 <sup>th</sup> Cir.	11/8/01	<b>CONFIRMED</b>
Milan Smith	9 <sup>th</sup> Cir.	2/14/06	<b>CONFIRMED</b>
William Pryor	11 <sup>th</sup> Cir.	4/9/03	<b>CONFIRMED</b>
Thomas Griffith	D.C. Cir.	5/10/04	<b>CONFIRMED</b>
Janice Rogers Brown	D.C. Cir.	7/25/03	<b>CONFIRMED</b>

<sup>3</sup> Mr. Haynes has been nominated to replace Judge Widener, who continues to serve until the confirmation of his successor. Thus, this nomination is to fill a “future vacancy.” The Judicial Conference lists additional judgeships it predicts will become vacant — whether due to announced retirements or decisions to take senior status, or due to judges being elevated, at [http://www.uscourts.gov/cfapps/webnovada/CF\\_FB\\_301/index.cfm?fuseaction=Reports.ViewFuture](http://www.uscourts.gov/cfapps/webnovada/CF_FB_301/index.cfm?fuseaction=Reports.ViewFuture).

<sup>4</sup> Mr. Shepherd has been nominated to replace Judge Arnold, who has announced that he will take senior status on October 9, 2006. Thus, this nomination is to fill a “future vacancy.”

***U.S. Court of International Trade***

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

***District Court Nominees — 14 nominees to fill 33 judgeships***

<b>Nominee</b>	<b>Court</b>	<b>Original Nomination</b>	<b>Status of Nomination</b>
<i>On Floor</i>			
Renee M. Bumb	D. New Jersey	1/25/06	On Executive Calendar (Reported 5/4)
Noel L. Hillman	D. New Jersey	1/25/06	On Executive Calendar (Reported 5/4)
Susan D. Wigenton	D. New Jersey	1/25/06	On Executive Calendar (Reported 5/4)
Peter Sheridan	D. New Jersey (judicial emergency)	11/5/03	On Executive Calendar (Reported 5/4)
Thomas Ludington	E.D. Michigan (judicial emergency)	9/12/02	On Executive Calendar (Reported 5/11)
Sean Cox	E.D. Michigan (judicial emergency)	9/10/04	On Executive Calendar (Reported 5/11)
<i>In Committee — Hearing Completed</i>			
None			
<i>In Committee — Awaiting Hearing</i>			
Andrew J. Guilford	C.D. California	1/25/06	In Committee (Hearing scheduled 5/24)
Frank Whitney	W.D. North Carolina	2/14/06	In Committee (Hearing scheduled 5/24)
Philip Gutierrez	C.D. California	4/24/06	In Committee
Valerie Baker	C.D. California	5/4/06	In Committee
Vanessa L Bryant	D. Connecticut	1/25/06	In Committee
Daniel Porter Jordan	S.D. Mississippi (judicial emergency)	4/24/06	In Committee
Gustavo Antonio Gelpi	D. Puerto Rico	4/24/06	In Committee
Francisco A. Besosa	D. Puerto Rico	5/16/06	In Committee
<i>Vacancies without Presidential Nominations</i>			
(awaiting nominee)	C.D. California		Vacant since 12/8/04
(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

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

*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.*

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