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## **U.S. Circuit and District Court Nominations by President George W. Bush During the 107<sup>th</sup> and 108<sup>th</sup> Congresses**

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# U.S. Circuit and District Court Nominations by President George W. Bush During the 107<sup>th</sup> and 108<sup>th</sup> Congresses

## Summary

This report lists and provides statistics on President George W. Bush's nominations to U.S. district courts and courts of appeal (circuit courts) during the 107<sup>th</sup> and 108<sup>th</sup> Congresses and actions taken on the nominations by the Senate Judiciary Committee and the full Senate. The statistics can be compared with those for previous Congresses and presidencies in CRS Report RL31635, *Judicial Nomination Statistics: U.S. District and Circuit Courts, 1977-2003*, by Denis Steven Rutkus and Mitchel A. Sollenberger.

During the 107<sup>th</sup> and 108<sup>th</sup> Congresses, the Senate confirmed 35 of President Bush's 52 nominees to U.S. circuit courts. During the 107<sup>th</sup> Congress, the Senate confirmed 17 of his 32 circuit nominees. Of 15 nominees not confirmed, nine did not receive a Judiciary Committee hearing, no committee vote was taken on four others, and the committee voted not to report two others. All 15 nominees not confirmed were returned to the President at the end of the 107<sup>th</sup> Congress, and the President renominated 14 of them at the start of the 108<sup>th</sup> Congress. During the 108<sup>th</sup> Congress, the President nominated 34 persons to circuit court judgeships (14 renominations plus 20 new nominations), of whom 18 were confirmed. Of the 16 circuit nominees not confirmed, one did not have a hearing, no committee vote was taken on three others, and 12, although reported out of committee, did not receive final Senate votes. For 10 of the 12 nominees not voted on, one or more motions to close debate on their nominations failed. President Bush gave two of these 10 nominees temporary recess appointments during the 108<sup>th</sup> Congress. Of the 16 circuit nominees not confirmed during the 108<sup>th</sup> Congress, one was withdrawn by the President, and the other 15 were returned to the President at the end of the Congress. Early in the 109<sup>th</sup> Congress, the President renominated 12 of these 15 returnees, including seven on whose nominations motions to close debate had failed.

The Senate confirmed 170 of President Bush's 179 nominees to U.S. district courts during the 107<sup>th</sup> and 108<sup>th</sup> Congresses. During the 107<sup>th</sup> Congress, the Senate confirmed 83 of the President's 98 district court nominees. Of 15 nominees not confirmed, none had a committee hearing. All 15 nominees not confirmed were returned to the President at the end of the 107<sup>th</sup> Congress, and the President renominated them all at the start of the 108<sup>th</sup> Congress. During the 108<sup>th</sup> Congress, the President made 96 district court nominations (15 renominations plus 81 new nominations), of which 87 were confirmed. Of the nine nominees not confirmed, seven did not have a hearing, and no committee vote was taken on two others. Of the nine district nominees not confirmed, one was withdrawn by the President, and the other eight were returned to the President at the end of the 108<sup>th</sup> Congress. Early in the 109<sup>th</sup> Congress, the President renominated all of these eight returnees.

The length of time needed to confirm circuit and district court nominees varied widely. For example, during the 107<sup>th</sup> Congress, for the 17 nominees confirmed for the circuit courts, the number of days elapsed between nomination date and date of the Senate vote ranged from 17 days to 441 days, with an average of 210 days.

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# U.S. Circuit and District Court Nominations by President George W. Bush During the 107<sup>th</sup> and 108<sup>th</sup> Congresses

## Introduction

In recent years, the process by which lower federal court judges are nominated by the President and confirmed by the Senate has been of increasing interest to Congress. In order to provide Congress with a continuing overview of this process, the following report lists and provides statistics on all of President George W. Bush's nominations to U.S. courts of appeals and U.S. district courts during the 107<sup>th</sup> and 108<sup>th</sup> Congresses, and any actions taken on these nominations by the Senate Judiciary Committee and the full Senate.<sup>1</sup> The statistics can be compared with corresponding statistics for previous Congresses in CRS Report RL31635, *Judicial Nomination Statistics: U.S. District and Circuit Courts, 1977-2003*, by Denis Steven Rutkus and Mitchel A. Sollenberger.

U.S. courts of appeals review appeals from federal trial court opinions and are empowered to review and enforce the orders of many administrative agencies. Cases presented to these courts are generally considered by judges sitting in three-member panels. Altogether, 179 permanent appellate court judgeships are authorized by law. Courts within the courts of appeals system are often called "circuit courts," because they are divided into 12 geographic circuits and an additional nationwide circuit having specialized subject matter jurisdiction. In this report, nominations to U.S. courts of appeals judgeships are referred to as "circuit court nominations."

U.S. district courts are the trial courts of general federal jurisdiction. Each state has at least one district court, while some states have as many as four. There are 678 district court judgeships authorized by law, including those for the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam and the U.S. Virgin Islands.<sup>2</sup>

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<sup>1</sup> This report is in keeping with earlier CRS reports which tracked actions taken on judicial nominations by other recent Presidents. See CRS Report 98-510, *Judicial Nominations by President Clinton During the 103<sup>rd</sup>-106<sup>th</sup> Congresses*, by Denis Steven Rutkus; archived CRS Report 93-395, *President [George H.W.] Bush's Judicial Nominations During the 101<sup>st</sup>-102<sup>nd</sup> Congresses*, by Denis Steven Rutkus (available from author). See also CRS Report RL32134, *U.S. Circuit and District Court Nominations: Resubmissions, 1977-2004*, by Mitchel A. Sollenberger.

<sup>2</sup> The 678 total consists of 667 permanently authorized judgeships and 11 "temporary" judgeships (which pursuant to statute temporarily increase the number of judgeships for specified judicial districts, with these districts reverting back to the permanently authorized (continued...))

President Bush’s nominations to these two court systems are listed below in four tables—**Table 1** and **Table 2** for circuit court nominations in the 107<sup>th</sup> and 108<sup>th</sup> Congresses, respectively, and **Table 3** and **Table 4** for district court nominations in the respective Congresses. The tables show how far in the appointment process each nomination progressed and how many days elapsed in the process.

The tables, it should be emphasized, account for every instance in which a district or circuit court nomination was made, including renominations of individuals to the same judgeship. As is discussed below, some of President Bush’s nominees were nominated to a district or circuit judgeship more than once within a Congress, or nominated to the judgeship in more than one Congress. Accordingly, the text of this report frequently distinguishes between the number of *nominations* made by President Bush and the actual number of *persons nominated*—with counts of the number of persons nominated excluding renominations.

Preceding the tables is introductory text, which provides (1) a brief overview of the principal steps in the judicial appointment process; (2) a brief description of the structure and contents of the four tables and the methodology used in gathering the tabular data; and (3) selected appointment statistics for circuit and district court nominations in the 107<sup>th</sup> and 108<sup>th</sup> Congresses, which are derived from the tables.<sup>3</sup>

This report focuses on judicial nominations made by the President and Senate actions taken on the nominations by the Senate Judiciary Committee and the Senate. On rare occasions, appointments to federal courts also have been made without submitting a nomination to the Senate, when a President exercises his constitutional power to make “recess appointments.” Specifically, Article III, Section 2, clause 3 of the Constitution of the United States empowers the President to “fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the end of their next Session.” President Bush thus far during his presidency has made two recess appointments to circuit courts and none to district courts.<sup>4</sup>

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<sup>2</sup> (...continued)

number of judgeships at a future time fixed by the statute—typically, when, after a specified number of years, a judgeship in the district is vacated). All but four of the 678 judgeships entail lifetime appointments. The four exceptions are the one judgeship each in Guam and the Northern Marianas, and the two in the Virgin Islands, to which judges are appointed for 10-year terms.

<sup>3</sup> The statistics include total number of nominations submitted to the Senate; number receiving committee hearings, committee votes, and Senate or other final action; and average time taken to conduct hearings, committee votes, and Senate votes on the nominations. As noted above, distinctions are made in the text between number of nominations (including renominations) and number of persons actually nominated.

<sup>4</sup> On Jan. 26, 2004, President Bush recess-appointed Charles W. Pickering, Sr., of Mississippi to the U.S. Court of Appeals for the Fifth Circuit. Judge Pickering’s appointment expired on Dec. 8, 2004, at the end of the second session of the 108<sup>th</sup> Congress, and he retired. On Feb. 20, 2004, President Bush named William H. Pryor of Alabama to the Eleventh Circuit Court of Appeals. Judge Pryor’s recess appointment expires at the end  
(continued...)

## The Judicial Appointment Process

Under the Constitution of the United States, the President and the Senate share the responsibility for filling vacancies within the federal judiciary.<sup>5</sup> While it is the President who nominates persons to fill federal judgeships, the appointment of each nominee also requires Senate confirmation. Although not mentioned in the Constitution, the Senate Committee on the Judiciary also plays an important role midway in the process—after the President selects, but before the Senate as a whole considers, the nominee.

The process for making lifetime appointments to U.S. district court and circuit court of appeals judgeships entails the same formal steps as those involved in the appointment of justices to the Supreme Court.<sup>6</sup> The process officially begins when the President selects someone to fill a judicial vacancy, submitting a nomination in writing to the Senate. Usually on the same day it is received by the Senate, the nomination is referred to the Committee on the Judiciary (the Senate committee having jurisdiction over district and circuit, as well as most other federal, court nominations). In the next step in the appointment process, the Judiciary Committee holds a hearing on the nomination. Then, the committee votes on whether to report the nomination to the full Senate. A committee vote to report (even a vote to report with an unfavorable recommendation) sends the nomination forward to be considered by the Senate as a whole, while a vote against reporting (historically, a very rare occurrence) prevents the nomination from going forward, and in effect defeats the nomination in committee. The final step in the appointment process occurs when the Senate votes to confirm or disapprove the nomination. A vote to confirm requires a simple majority of Senators present and voting. (But see discussion in next paragraph of super-majority required under Senate rules to close debate on a judicial nomination.) If the Senate votes in the negative on whether to confirm, the nomination is defeated, and a resolution of disapproval is forwarded to the President.

As with nominations in general, judicial nominations sometimes fail to advance through each procedural step in the appointment process. After referral to committee, a nomination might not receive a hearing or, after receiving a hearing, might not receive a committee vote on whether it should be reported. Even if favorably reported by committee, the nomination might not receive a vote by the Senate on whether to confirm. A nomination, for instance, will not, under Senate rules, receive a vote on whether to confirm if some Senators oppose taking such a vote and a super-majority of three-fifths of the full membership of the Senate fails

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<sup>4</sup> (...continued)  
of the first session of the 109<sup>th</sup> Congress.

<sup>5</sup> Article II, Section 2, clause 2 of the Constitution provides that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the Supreme Court and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law....”

<sup>6</sup> See CRS Report RL31989, *Supreme Court Appointment Process: Roles of the President, Judiciary Committee, and Senate*, by Denis Steven Rutkus; and CRS Report RL31980, *Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

to vote in favor of a motion to close debate on the nomination.<sup>7</sup> If it fails to receive a Senate vote, the nomination ultimately will be either withdrawn by the President or returned to the President by the Secretary of the Senate upon a Senate adjournment or recess of more than 30 days.<sup>8</sup>

## Structure and Contents of the Nominations Tables

**Tables 1-4**, below, were generated from a CRS database of nomination dates and actions created by Mitchel A. Sollenberger, former CRS Analyst in American National Government, with guidance from Denis Steven Rutkus, CRS Specialist in American National Government. The data for the CRS database were collected primarily from the Presidential Nominations database in the Legislative Information System of the U.S. Congress (LIS)<sup>9</sup> and from daily editions of volumes 147-150 of the *Congressional Record* (for the years 2001-2004).

**Table 1** and **Table 2** list all President Bush's nominations to U.S. circuit court judgeships during the 107<sup>th</sup> and 108<sup>th</sup> Congresses, respectively. (**Table 1** excludes from its listing nine circuit court nominations submitted at the start of the 107<sup>th</sup> Congress by outgoing President William J. Clinton.<sup>10</sup>) In turn, **Table 3** and **Table 4** list all President Bush's district court nominations during the same two congressional time periods. **Table 2** and **Table 4** also show which nominations returned to President Bush at the end of the 108<sup>th</sup> Congress were "resubmitted" by the President as new nominations early in the 109<sup>th</sup>.

Nominations in all four tables are listed in chronological order according to the date on which each nomination was received by the Senate. The tables show how far along each nomination progressed in the appointment process and how many days elapsed in the process. The procedural progress of each nomination is shown by separate columns which indicate, respectively, the date on which any of the following occurred:

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<sup>7</sup> See CRS Report RS20801, *Cloture Attempts on Nominations*, by Richard S. Beth.

<sup>8</sup> Rule XXXI, paragraph 6, *Standing Rules of the Senate*, provides, in part, that "if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President and shall not again be considered unless they shall again be made to the Senate by the President."

<sup>9</sup> Available at [<http://www.congress.gov/nomis/search.html>]. The Presidential Nominations database, covering the 97<sup>th</sup> through the 109<sup>th</sup> Congresses, provides for each nomination the name of the nominee, nominee's state of residence, appointive position, date of nomination, hearing date, date of committee vote, date of Senate action, and type of Senate vote (including roll call vote numbers).

<sup>10</sup> These nominations were submitted at the very beginning of the 107<sup>th</sup> Congress but in the final weeks of President Clinton's second term. All nine of these nominations were withdrawn by President Bush on March 19, 2001, although one of the nine nominees, Roger L. Gregory of Virginia, was renominated by President Bush on May 9, 2001, and confirmed by the Senate on July 20, 2001.

- the Judiciary Committee held a hearing on the nomination;
- the Judiciary Committee voted to report or take other action on the nomination;
- the Senate voted for confirmation, or some other action occurred.

In the “Senate vote” column, a date by itself indicates that the Senate, on the date given, confirmed the nominee by voice vote or by unanimous consent. A confirmation date, with a vote tally underneath, indicates that Senate confirmation was by a roll call vote. This column also shows the final disposition of nominations failing to receive Senate confirmation. An entry of “Returned, 11/20/02,” for example, indicates that the nomination was returned to the President on November 20, 2002 (upon the final adjournment of the 107<sup>th</sup> Congress).<sup>11</sup> An entry of “Withdrawn 03/19/01,” as another example, indicates that, on that date, the nomination was withdrawn by the President.<sup>12</sup> The dates and roll call votes of other procedural actions affecting nominations, such as motions to close debate, also have been entered in the “Senate vote” column.

The tables also show, for each nomination, the length of time that passed before a committee hearing, committee vote, or Senate vote took place. For each nomination, separate columns present the number of days which elapsed between the Senate’s receipt of the nomination and the dates on which it received a hearing, committee vote, or Senate vote. Also, at the bottom of each of these three columns, the tables show the average number of days which elapsed between the President’s submission of judicial nominations to the Senate and the dates on which the nominations received hearings, committee votes, or Senate votes. Each elapsed time average, for the nominations in question, is shown in two forms—as the mean number, and as the median number, of elapsed days.<sup>13</sup>

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<sup>11</sup> Each such return occurs pursuant to Senate Rule XXXI, paragraph 6, which, as explained earlier, provides for nominations to be returned to the President if the Senate adjourns or takes a recess for more than 30 days.

<sup>12</sup> A President may withdraw a nomination for any number of reasons. The March 19, 2001 withdrawal by President Bush of nine nominations submitted earlier by President William J. Clinton, listed in **Table 1**, was in keeping with the usual practice of incoming Presidents to withdraw pending nominations submitted by their predecessors. Presidents also sometimes withdraw their own nominations. A President might do so, for example, if the Senate committee to which the nomination has been referred either has voted against reporting the nomination to the Senate, or has made clear its intention not to act on the nomination; if the nomination, even if reported, is likely to face substantial opposition on the Senate floor; or if the nominee has requested that the nomination be withdrawn. Thus far in his presidency, George W. Bush has withdrawn only one of his circuit nominations and one of his district court nominations. See, in **Table 2**, the Jan. 7, 2003, circuit court nomination of Miguel A. Estrada, which, at the nominee’s request, was withdrawn by the President on Sept. 4, 2003, following seven unsuccessful votes in the Senate by Estrada supporters to close debate on the nomination. In **Table 4**, see the Jan. 7, 2003 nomination of Frederick W. Rohlffing III, which was withdrawn by the President on May 6, 2004.

<sup>13</sup> The mean number is the sum of the number of elapsed days for all of the nominations in question divided by the number of those nominations. The median number is either (1) the elapsed number of days for the nomination in the middle of the distribution of all the  
(continued...)



The time averages presented in the tables are calculated from time-elapsed data for specific nominations, as opposed to overall time an individual might have been in nominee status. Thus, in the case of an individual nominated twice to the same judgeship, time-elapsed data are counted separately for each nomination—rather than, for instance, measuring the time between a nominee’s first nomination and any action (hearing, committee vote, or Senate vote) on the nominee’s second nomination. A nomination not receiving a committee hearing, committee vote, or Senate vote is excluded from the calculation of average time between the nomination date and this particular procedural step. Also, three nominations in which nominees received hearings were, nevertheless, excluded from the calculations of average time between nomination and hearing, because the hearings in all three instances preceded the nomination dates.<sup>14</sup>

As noted above, some individuals were nominated more than once to a judgeship within the same Congress. **Table 1** includes 20 circuit court nominations, submitted by President Bush during the 107<sup>th</sup> Congress, between May 9 and August 2, 2001, which the Senate returned to the President on August 3, 2001, at the start of the Senate’s August 2001 recess, pursuant to Senate Rule XXXI. **Table 3** includes 20 district court nominations submitted by President Bush during the 107<sup>th</sup> Congress, between June 18 and August 2, 2001, which the Senate returned at the start of its August 2001 recess. When the Senate reconvened on September 4, 2001, President Bush renominated all 40 of the individuals involved. Footnotes to each of these “resubmitted” nominations are provided, indicating that the nominees had been nominated earlier to the same judgeships. Similarly, footnotes to the initial 20 circuit and 20 district court nominations that were returned to the President indicate that the nominees in question were later renominated. Also, within the 108<sup>th</sup> Congress, three individuals, as **Table 2** shows, were nominated to circuit judgeships twice, once in the first session and again in the second session.<sup>15</sup>

Apart from nominations resubmitted within the same Congress, various of President Bush’s judicial nominees have been nominated in more than one Congress. **Table 2**, for example, shows that the first 14 circuit court nominations in the 108<sup>th</sup> Congress were of individuals previously nominated in the 107<sup>th</sup> Congress. Likewise,

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<sup>13</sup> (...continued)

nominations in question, with an equal number of the nominations having longer elapsed times than that nomination and an equal number of nominations having shorter elapsed times or (2) the mean of the elapsed number of days for the two nominations in the middle of the distribution if there is no one middle nomination.

<sup>14</sup> In **Table 1**, see circuit court nomination of Sharon Prost on Sept. 4, 2001; in anticipation of this nomination, the Judiciary Committee held a hearing for Ms. Prost on Aug. 27, 2001. In **Table 3**, see district court nominations of Reggie B. Walton and Terry L. Wooten on Sept. 4, 2001; in anticipation of these nominations, the Judiciary Committee held a hearing for Mr. Walton on Aug. 22, 2001 and a hearing for Mr. Wooten on Aug. 27, 2001.

<sup>15</sup> See the Jan. 7, 2003 and Jan. 6, 2004 nominations of Charles W. Pickering, Sr., of Mississippi to the Fifth Circuit; the Apr. 9, 2003 and Mar. 12, 2004 nominations of William H. Pryor, Jr., of Alabama to the Eleventh Circuit; and the Apr. 28, 2003 and Jan. 20, 2004 nominations of Claude A. Allen of Virginia to the Fourth Circuit.

**Table 4** shows that the first 15 district court nominations in the 108<sup>th</sup> Congress were of individuals previously nominated in the 107<sup>th</sup> Congress.<sup>16</sup>

More recently, in the 109<sup>th</sup> Congress, President Bush's first 20 judicial nominations were all resubmissions from the 108<sup>th</sup> Congress. Submitted on February 14, 2005, early in the 109<sup>th</sup> Congress, the 20 resubmissions involved 12 circuit nominees and eight district court nominees who had earlier nominations returned to the President at the final adjournment of the 108<sup>th</sup> Congress.<sup>17</sup> Moreover, six of the 12 circuit nominees had been nominated in two prior Congresses—in the 107<sup>th</sup> as well as in the 108<sup>th</sup>—as had two of the eight district court nominees.<sup>18</sup>

## Statistical Findings from the Tables<sup>19</sup>

**Circuit Court Nominations (Tables 1 and 2).** Altogether, during the 107<sup>th</sup> and 108<sup>th</sup> Congresses, 35 of President Bush's 52 nominees to the U.S. circuit courts received Senate confirmation. Of the 17 nominees not confirmed, the nomination of one was returned at the end of the 107<sup>th</sup> Congress and not resubmitted in the 108<sup>th</sup> Congress,<sup>20</sup> the nomination of another was withdrawn by the President during the 108<sup>th</sup> Congress,<sup>21</sup> and the nominations of 15 circuit nominees were returned to the President at the end of the 108<sup>th</sup> Congress. Early in the 109<sup>th</sup> Congress, 12 of the 15 persons whose nominations were returned at the end of the 108<sup>th</sup> Congress were renominated by President Bush.

None of President Bush's circuit nominations was rejected by a Senate vote, although in the 107<sup>th</sup> Congress two nominees were defeated in committee votes

<sup>16</sup> All of these resubmitted nominations are footnoted in Tables 2 and 4 to indicate that the persons involved also had been nominated in the 107<sup>th</sup> Congress.

<sup>17</sup> All of the nominations returned at the end of the 108<sup>th</sup> Congress which were resubmitted in the 109<sup>th</sup> Congress have footnotes in **Tables 2** and **4** to indicate that fact.

<sup>18</sup> See in **Tables 1** and **2** the circuit court nominations in the 107<sup>th</sup> and 108<sup>th</sup> Congresses of Terrence W. Boyle, Priscilla Richman Owen, Richard A. Griffin, David W. McKeague, Susan Bieke Neilson, and Henry W. Saad. See in **Tables 3** and **4** the district court nominations in the 107<sup>th</sup> and 108<sup>th</sup> Congresses of Thomas L. Ludington and James C. Dever, III.

<sup>19</sup> Judicial nominations statistics for the 107<sup>th</sup> Congress and the first session of the 108<sup>th</sup> Congress can be compared with corresponding statistics for previous Congresses in CRS Report RL31635, *Judicial Nominations Statistics: U.S. District and Circuit Courts, 1977-2003*, by Denis Steven Rutkus and Mitchel A. Sollenberger. This report provides a comparative look—from presidency to presidency, from Congress to Congress, and from one congressional session to another—at the number of district and circuit court nominations submitted to the Senate, the number and percentage receiving committee and Senate action, and the average time taken to hold hearings, conduct committee votes and conduct Senate votes on the nominations.

<sup>20</sup> See in **Table 1** the Oct. 9, 2001 nomination of William H. Steele of Alabama to the Eleventh Circuit.

<sup>21</sup> See in **Table 2** the Jan. 7, 2003 nomination of Miguel A. Estrada of Virginia to the D.C. Circuit.

(when the committee voted not to report their nominations to the Senate).<sup>22</sup> In the 108<sup>th</sup> Congress, the two nominees defeated in committee in the previous Congress were renominated by President Bush and this time were reported out favorably by the Senate Judiciary Committee. They and eight other circuit nominees, however, failed to receive final Senate votes after one or more motions to close debate on their nominations proved unsuccessful. Two of the 10 circuit nominees on whom the Senate could not agree to close debate (including one of the two defeated in committee in the 107<sup>th</sup> Congress) were given temporary recess appointments by President Bush during recesses in the 108<sup>th</sup> Congress.<sup>23</sup>

During the 107<sup>th</sup> Congress, President Bush nominated 32 individuals to circuit court judgeships.<sup>24</sup> Of the 32 circuit nominees, 17 were confirmed by the Senate (14 by roll call votes),<sup>25</sup> and 15 saw their nominations returned to the President at the final adjournment of the 107<sup>th</sup> Congress. Of the 15 nominees not confirmed, nine did not receive a Judiciary committee hearing, no committee vote was taken on four others, and the committee voted not to report two others. All 15 nominees not

<sup>22</sup> On separate occasions, two circuit court nominations were defeated in the Judiciary Committee. In the case of both nominations, the committee defeated successive motions to report favorably, to report without recommendation, and to report unfavorably. See the Sept. 4, 2001 nominations of Priscilla Richman Owen of Texas and Charles W. Pickering, Sr., of Mississippi, both to the Fifth Circuit. (President Bush had nominated both of these individuals earlier—Owen on May 9, 2001, and Pickering on May 25, 2001; neither of the earlier nominations, however, received committee or Senate action before being returned to the President at the start of the Senate’s August 2001 recess.)

<sup>23</sup> On Jan. 16, 2004, between the first and second sessions of the 108<sup>th</sup> Congress, Charles W. Pickering, Sr., of Mississippi (whose nomination in the 107<sup>th</sup> Congress had been rejected by the Senate Judiciary Committee) was recess appointed to the Fifth Circuit by President Bush. The appointment expired on Dec. 8, 2004, at the end of the second session of the 108<sup>th</sup> Congress. Judge Pickering retired at that time and was not renominated by President Bush in the 109<sup>th</sup> Congress. In **Table 2**, see Jan. 7, 2003 and Feb. 6, 2004 nominations of Judge Pickering, both of which were returned to the President on Dec. 8, 2004.

On Feb. 20, 2004, during a recess within the second session of the 108<sup>th</sup> Congress, William H. Pryor, Jr., of Alabama was recess appointed to the Eleventh Circuit by President Bush. The appointment will expire at the end of the first session of the 109<sup>th</sup> Congress. In **Table 2** see the Apr. 9, 2003 and Mar. 12, 2004 nominations of Mr. Pryor, both of which were returned to the President on Dec. 8, 2004.

<sup>24</sup> President Bush actually submitted a total of 52 circuit court nominations to the Senate during the 107<sup>th</sup> Congress. Twenty of the 52 nominations, however, were resubmissions, i.e., renominations of persons nominated earlier in the Congress. The resubmissions occurred when 20 circuit nominations, which had been returned by the Senate to President Bush at the beginning of the Senate’s August 2001 recess, were resubmitted as new nominations upon the Senate’s reconvening in Sept. 2001. Hence, the number of *individuals* nominated by President Bush to circuit judgeships, after subtracting 20 from 52 (to prevent double counting the 20 individuals who were nominated twice) was 32.

<sup>25</sup> The closest roll call was the 55-44 vote, on Nov. 19, 2002, confirming Dennis Shedd of South Carolina to the Fourth Circuit; the second-closest was the 64-35 vote, on July 31, 2002, confirming D. Brooks Smith of Pennsylvania to the Third Circuit. In all the other roll call votes on whether to confirm circuit court nominations, the Senate voted unanimously in favor of confirmation, except for one roll call, in which one “nay” vote was recorded.

confirmed were returned to the President at the end of the 107<sup>th</sup> Congress, and the President renominated 14 of them at the start of the 108<sup>th</sup> Congress.

During the 108<sup>th</sup> Congress, President Bush nominated 34 individuals to circuit court judgeships, including the 14 who had first been nominated in the 107<sup>th</sup> Congress and then resubmitted in the 108<sup>th</sup> Congress. Of the 34 nominees, 18 (including five of the resubmissions) were confirmed by the Senate (14 by roll call votes,<sup>26</sup> four by voice votes), the nomination of one was withdrawn by the President during the first session of the 108<sup>th</sup> Congress, and the nominations of 15 were returned at the Congress's final adjournment. All but one of the 34 nominees received a hearing (31 during the 108<sup>th</sup> Congress, two during the prior Congress),<sup>27</sup> and 30 were reported out of committee, all favorably. Of the 16 circuit nominees not confirmed, one did not receive a committee hearing, no committee vote was taken on three others, and 12 did not receive final Senate votes. In the case of 10 of the 12 nominees, cloture motions filed to close debate on their nominations failed to receive the required 60 votes.<sup>28</sup> Two of the 10 nominations on which motions to close debate failed were of the two persons who had been defeated in the Senate Judiciary Committee in the 107<sup>th</sup> Congress.<sup>29</sup> The nomination of one of the other 10

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<sup>26</sup> The closest roll call vote on whether to confirm was the 52-41 vote, on Apr. 29, 2003, confirming Jeffrey S. Sutton of Ohio to the Sixth Circuit; the second-closest was the 58-41 vote, on Apr. 1, 2003, confirming Timothy M. Tymkovich of Colorado to the Tenth Circuit. Substantial, though lesser, number of votes against confirmation were cast in the 66-25 vote on May 5, 2003 to confirm Deborah L. Cook of Ohio to the Sixth Circuit, the 70-27 vote on June 24, 2004, to confirm Diane S. Sykes of Wisconsin to the Seventh Circuit, and the 74-19 vote on Mar. 13, 2003 vote to confirm Jay S. Bybee of Nevada to the Ninth Circuit. In the 10 other roll call confirmation votes for circuit nominees, the Senate voted in favor of confirmation unanimously or with one “nay” vote recorded.

<sup>27</sup> Two of the three circuit court nominees during the 108<sup>th</sup> Congress who did not receive hearings during that Congress—Miguel Estrada of Virginia and Charles W. Pickering, Sr., of Mississippi—had received hearings during the 107<sup>th</sup> Congress. The third circuit nominee not to receive a hearing during the 108<sup>th</sup> Congress, Terrence W. Boyle of North Carolina, had been nominated twice earlier, during the 107<sup>th</sup> Congress, and had not received a hearing on either of these nominations as well. Between his first nomination on May 9, 2001 in the 107<sup>th</sup> Congress and the return of his third nomination to the President at the final adjournment of the 108<sup>th</sup> Congress on Dec. 8, 2004, Boyle was a circuit court nominee for more than three sessions of Congress without receiving a hearing. Subsequently, however, in the 109<sup>th</sup> Congress, Boyle was nominated to the circuit court a fourth time by President Bush, on Feb. 14, 2005, and received a hearing on this nomination on Mar. 3, 2005.

<sup>28</sup> The Senate can close debate by passing a cloture motion, which requires a super-majority of three-fifths of the Senate, or 60 Members, voting in favor. The ten nominations on which the Senate voted, on one or more occasions, not to close debate were those of Miguel Estrada of Virginia, Richard A. Griffin of Michigan, Carolyn A. Kuhl of California, David W. McKeague of Michigan, Priscilla Richman Owen of Texas, Charles W. Pickering, Sr., of Mississippi, Henry W. Saad of Michigan, William H. Pryor, Jr., of Alabama, William Gerry Myers III of Idaho, and Janice R. Brown of California. On each of these occasions, as **Table 2** shows, the number of votes needed to close debate fell short of 60.

<sup>29</sup> See earlier footnote regarding the votes by the Senate Judiciary Committee in 2001 against reporting the nominations of Priscilla Richman Owen and Charles W. Pickering.

nominees was withdrawn by the President, after seven unsuccessful motions were made in the Senate to close debate on the nomination.<sup>30</sup>

Early in the 109<sup>th</sup> Congress, the President renominated 12 of the persons whose circuit court nominations had been returned at the end of the previous Congress, including seven of the 10 on which motions to close debate had failed.

During the 107<sup>th</sup> and 108<sup>th</sup> Congresses, President Bush's circuit court nominations varied considerably in how quickly they advanced through the judicial appointment process:<sup>31</sup>

- For 22 of the 23 circuit nominations receiving committee hearings during the 107<sup>th</sup> Congress,<sup>32</sup> an average of 154 days elapsed between the date a nomination was received in the Senate and the holding of a hearing; the briefest time elapsing from Senate receipt to committee hearing was nine days, the longest time 387 days. For the 31 circuit nominations receiving hearings during the 108<sup>th</sup> Congress, an average of 145 days elapsed between the date the nomination was received in the Senate and the holding of a hearing; the briefest time elapsing from Senate receipt to committee hearing was (for three nominations) 22 days, the longest time was 610 days.
- For the 19 circuit nominations receiving committee votes during the 107<sup>th</sup> Congress, an average of 193 days elapsed between Senate receipt and committee vote; the briefest time elapsing from Senate receipt to committee vote was two days,<sup>33</sup> the longest time (for two nominations) was 436 days. For the 30 circuit nominations receiving committee votes during the 108<sup>th</sup> Congress, an average of 173 days elapsed between Senate receipt and committee vote; the

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<sup>30</sup> See Jan. 7, 2003 nomination of Miguel A. Estrada, which was withdrawn by the President on Sept. 4, 2003, following seven Senate votes on motions to close debate on the nomination.

<sup>31</sup> As discussed, the time averages presented in all four tables are calculated from time-elapsed data for specific nominations. Hence, in the case of an individual nominated to the same judgeship twice within the same Congress, time-elapsed data are counted separately for each nomination (rather than measuring time between the first nomination and any action taken on the second nomination).

<sup>32</sup> A 23<sup>rd</sup> circuit court nomination also received a committee hearing, but it was excluded from the calculation of average elapsed time between date of nomination and committee hearing because its hearing date *preceded* its nomination date. See the Sept. 24, 2001 nomination of Sharon Prost, in anticipation of which the Senate Judiciary Committee held a hearing, on Aug. 27, 2001.

<sup>33</sup> The nomination which received a committee vote just two days after its receipt by the Senate was a resubmission of an earlier nomination to the same judgeship. See the Sept. 4, 2001 nomination of Sharon Prost of the District of Columbia to the District of Columbia Circuit. A hearing was held on Aug. 27, 2001, in anticipation of Ms. Prost's renomination, paving the way for a committee vote after Senate receipt of the nomination without the need for a hearing first.

briefest time elapsing from Senate receipt to committee vote was 23 days, the longest time 636 days.

- For the 17 circuit nominations receiving final Senate votes (all in favor of confirmation) during the 107<sup>th</sup> Congress, an average of 210 days elapsed between Senate receipt and final Senate vote; the briefest time elapsing from Senate receipt to Senate confirmation vote was 17 days, the longest time 441 days. For the 18 circuit nominations which, during the 108<sup>th</sup> Congress, received Senate votes on whether to confirm, an average of 140 days elapsed between Senate receipt and final Senate vote; the briefest time elapsing from Senate receipt to Senate confirmation vote was 65 days, the longest time was 234 days.<sup>34</sup>

At first glance, two of the above-mentioned time averages in the 108<sup>th</sup> Congress involving circuit court nominations might appear to be contradictory. Specifically, it will be noted, the average number of days that elapsed between Senate receipt and committee vote for circuit nominations, 173, was greater than the average number of days elapsing between Senate receipt and final Senate vote, 140. Due to the fact that committee votes on nominations precede final votes in the Senate on whether to confirm, the average time between Senate receipt and committee vote might ordinarily be expected to be less, not more, than the average time between Senate receipt and final Senate vote. In the 108<sup>th</sup> Congress, however, the average number of days elapsed between Senate receipt and committee vote was affected by 11 circuit court nominations which did not receive final Senate votes.<sup>35</sup> For six of these 11 circuit court nominations, the number of days that elapsed between dates of Senate receipt and committee votes ranged between 268 and 636 days<sup>36</sup>—all, in other words, much greater than the average of 140 days that elapsed between Senate receipt of circuit nominations and Senate votes on whether they should be confirmed.

**District Court Nominations (Tables 3 and 4).** Altogether, during the 107<sup>th</sup> and 108<sup>th</sup> Congresses, 170 of President Bush's 179 nominees to the U.S. district courts received Senate confirmation, the nomination of one was withdrawn during the 108<sup>th</sup> Congress, and the nominations of eight were returned to the President at the end of the 108<sup>th</sup> Congress. Early in the 109<sup>th</sup> Congress, all eight of the persons whose

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<sup>34</sup> Excluded from the measurement and averaging of times from Senate receipt to final Senate vote were the 10 circuit nominations during the 108<sup>th</sup> Congress on which there were votes on motions to close Senate debate but no final votes on whether to confirm.

<sup>35</sup> In the case of 10 of the 11 circuit nominations, the Senate did vote on the procedural question of whether close to close debate, but not on the final question of whether to confirm.

<sup>36</sup> **Table 2** shows that the number of days that elapsed from Senate receipt to committee action were as follows for these six circuit court nominations which did not receive Senate votes on whether to confirm: Jan. 7, 2003 nominations of Richard A. Griffin of Michigan and David W. McKeague of Michigan—both 560 days; Jan. 7, 2003 nomination of Susan Bieke Neilson of Michigan—636 days; Charles W. Pickering, Sr., of Mississippi—268 days; Jan. 7, 2003 nomination of Henry W. Saad of Michigan—527 days; and May 15, 2003 nomination of William Gerry Meyers, III, of Idaho—322 days.

nominations were returned at the end of the 108<sup>th</sup> Congress were renominated by President Bush. None of President Bush's district court nominations was rejected by a Senate vote or defeated in a committee vote.

During the 107<sup>th</sup> Congress, President Bush nominated 98 individuals to district court judgeships.<sup>37</sup> Of the 98 district court nominees, 83 were confirmed by the Senate (45 by roll call votes),<sup>38</sup> after receiving committee hearings and being reported out of committee favorably. The 15 district court nominees who failed to be confirmed saw their nominations returned to the President at the final adjournment of the 107th Congress, with none having received committee hearings or committee votes. All 15, however, were renominated by President Bush in the 108<sup>th</sup> Congress, with 12 of the 15 receiving Senate confirmation in that Congress.

During the 108<sup>th</sup> Congress, President Bush nominated 96 individuals to district court judgeships. Of these, 87 were confirmed (58 by roll call votes), eight saw their nominations returned at the end of the Congress, and the nomination of one was withdrawn.<sup>39</sup> In all but three of the 58 roll calls, the Senate voted unanimously in favor of confirmation.<sup>40</sup> All of the 87 nominees who were confirmed received committee hearings and were reported out of committee favorably, except for one, whose nomination was reported out of committee without recommendation.<sup>41</sup> Of the nine nominees not confirmed, seven did not receive a hearing, and no committee vote was taken on two others.<sup>42</sup> One of the nine district nominees not confirmed, as

<sup>37</sup> President Bush actually submitted a total of 118 district court nominations to the Senate during the 107<sup>th</sup> Congress. Twenty of the 118 nominations, however, were resubmissions. The resubmissions occurred when 20 district nominations, which had been returned by the Senate to President Bush at the beginning of the Senate's August 2001 recess, were resubmitted as new nominations upon the Senate's reconvening in September 2001. Hence, the number of individuals nominated by President Bush to district judgeships, after subtracting 20 from 118 (to prevent double counting the 20 individuals who were nominated twice) was 98.

<sup>38</sup> In all except one of the roll calls, the Senate voted unanimously in favor of confirmation. The sole roll call in which "nay" votes were cast against a district court nomination was the 67-20 vote, on May 13, 2002, to confirm Paul G. Cassell to the U.S. District Court for the District of Utah.

<sup>39</sup> See in **Table 4** the Jan. 7, 2003 nomination of Frederick W. Rohlfig III to the U.S. District Court for the District of Hawaii, which was withdrawn by the President on May 6, 2004.

<sup>40</sup> In two of the three other roll call votes, only one "nay" vote was cast against confirmation. However, in the third roll call that was not unanimously in favor of confirmation, a substantial number of "nay" votes were cast. See in **Table 4** the Jan. 29, 2003 nomination of J. Leon Holmes to the U.S. District Court for the Eastern District of Arkansas, which was confirmed by the Senate on July 6, 2004 by a 51-46 vote.

<sup>41</sup> See in **Table 4** the Jan. 29, 2003 nomination of J. Leon Holmes to the U.S. District Court for the Eastern District of Arkansas, which the Senate Judiciary Committee, on May 1, 2003, voted 10-9 to report without recommendation.

<sup>42</sup> Two of the nominees not confirmed were nominated relatively late in the Congress, in September 2004, received committee hearings in November 2004, but were not reported out  
(continued...)

already noted, was withdrawn by the President, and the other eight were returned to the President at the end of the 108<sup>th</sup> Congress. Early in the 109<sup>th</sup> Congress, the President renominated all of these eight returnees.

District court nominations, like the circuit court nominations discussed above, also varied considerably in how quickly they advanced through the judicial appointment process:

- For 81 district nominations receiving committee hearings during the 107<sup>th</sup> Congress, an average of 89 days elapsed between the date a nomination was received in the Senate and the holding of a hearing;<sup>43</sup> the briefest time elapsing for a district nomination from Senate receipt to committee hearing was nine days, the longest time (for three nominations) was 257 days. For the 89 district court nominations receiving hearings during the 108<sup>th</sup> Congress, an average of 85 days elapsed from Senate receipt of nomination to committee hearing; the briefest time elapsing from Senate receipt to committee hearing was (for three nominations) 22 days, the longest time 300 days.
- For the 83 district nominations receiving committee votes during the 107<sup>th</sup> Congress, an average of 102 days elapsed between Senate receipt and committee vote; the briefest time elapsing from Senate receipt to committee vote was two days,<sup>44</sup> the longest time (for two nominations) 258 days. For the 87 district nominations receiving committee votes during the 108<sup>th</sup> Congress, an average of 111 days elapsed from Senate receipt to committee vote; the briefest such time

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<sup>42</sup> (...continued)

of committee in the remaining three weeks of the Congress. See in **Table 4** the Sept. 7, 2004 nomination of Paul A. Crotty to the Southern District of New York and the Sept. 15, 2004 nomination of J. Michael Seabright to the District of Hawaii.

<sup>43</sup> Two other district nominations also received hearings; however, they were not included in calculating average time between nomination date and hearing because the individuals' hearings preceded their nomination dates. See district court nominations of Reggie B. Walton and Terry L. Wooten on Sept. 4, 2001, which were preceded by hearings on Aug. 22 and Aug. 27, 2001, respectively. If the Walton and Wooten nominations *were* included in calculating the time average, the mean average time between nomination date and hearing for 83 nominations would be 86 days. For 83 nominations, the calculation of the time average would use minus 13 (-13) days as the applicable time for the Walton nomination, and minus eight (-8) days as the applicable time for the Wooten nominations, since hearings preceded the nomination dates for the two nominations by 13 and 8 days respectively.

<sup>44</sup> The nomination which received a committee vote just two days after its receipt by the Senate was a resubmission of an earlier nomination to the same judgeship. See the Sept. 4, 2001 nomination of Reggie B. Walton to the District Court for the District of Columbia. A hearing was held on Aug. 22, 2001, in anticipation of Mr. Walton's renomination, paving the way for a committee vote after Senate receipt of the nomination without the need for a hearing first.



interval (for two district nominations) was 30 days, the longest time (for two nominations) was 336 days.

- For the 83 district nominations receiving final Senate votes (all for confirmation) during the 107<sup>th</sup> Congress, an average of 127 days elapsed between Senate receipt and Senate vote; the briefest time elapsing for a district nomination from Senate receipt to Senate confirmation was 17 days, the longest time (for three nominations) was 295 days. For the 87 district nominations receiving final Senate votes (again, all for confirmation) during the 108<sup>th</sup> Congress, an average of 156 days elapsed between Senate receipt and final Senate vote; the briefest such time interval (for three district nominations) was 34 days, the longest time was 524 days.

**Table 1. President George W. Bush's Nominations to the U.S. Circuit Court of Appeals  
During the 107<sup>th</sup> Congress, January 20, 2001-November 20, 2002**

No.	Name of nominee	State of Residence	Circuit	Date				Days from nomination date to:		
				Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
1	Barrington D. Parker Jr. <sup>d</sup>	Connecticut	Second	05/09/01	—	—	Returned 08/03/01	—	—	—
2	Terrence W. Boyle <sup>d</sup>	North Carolina	Fourth	05/09/01	—	—	Returned 08/03/01	—	—	—
3	Dennis W. Shedd <sup>d</sup>	South Carolina	Fourth	05/09/01	—	—	Returned 08/03/01	—	—	—
4	Edith Brown Clement <sup>d</sup>	Louisiana	Fifth	05/09/01	—	—	Returned 08/03/01	—	—	—
5	Priscilla Richman Owen <sup>d</sup>	Texas	Fifth	05/09/01	—	—	Returned 08/03/01	—	—	—
6	Deborah L. Cook <sup>d</sup>	Ohio	Sixth	05/09/01	05/23/01	—	Returned 08/03/01	14	—	—
7	Jeffrey S. Sutton <sup>d</sup>	Ohio	Sixth	05/09/01	05/23/01	—	Returned 08/03/01	14	—	—
8	Michael W. McConnell <sup>d</sup>	Utah	Tenth	05/09/01	—	—	Returned 08/03/01	—	—	—
9	Miguel A. Estrada <sup>d</sup>	Virginia	DC	05/09/01	—	—	Returned 08/03/01	—	—	—

## CRS-16

No.	Name of nominee	State of Residence	Circuit	Date				Days from nomination date to:		
				Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
10	Roger L. Gregory <sup>c</sup>	Virginia	Fourth	05/09/01	07/11/01	07/19/01	07/20/01 93-1 vote	63	71	72
11	John G. Roberts Jr. <sup>d</sup>	Maryland	DC	05/09/01	05/23/01	—	Returned 08/03/01	14	—	—
12	Sharon Prost <sup>d</sup>	District of Columbia	Federal	05/21/01	—	—	Returned 08/03/01	—	—	—
13	Lavenski R. Smith <sup>d</sup>	Arkansas	Eighth	05/22/01	—	—	Returned 08/03/01	—	—	—
14	William J. Riley	Nebraska	Eighth	05/23/01	07/24/01	08/02/01	08/02/01 97-0 vote	62	71	71
15	Charles W. Pickering Sr. <sup>d</sup>	Mississippi	Fifth	05/25/01	—	—	Returned 08/03/01	—	—	—
16	Timothy M. Tymkovich <sup>d</sup>	Colorado	Tenth	05/25/01	—	—	Returned 08/03/01	—	—	—
17	Harris L. Hartz <sup>d</sup>	New Mexico	Tenth	06/21/01	—	—	Returned 08/03/01	—	—	—
18	Richard R. Clifton <sup>d</sup>	Hawaii	Ninth	06/22/01	—	—	Returned 08/03/01	—	—	—
19	Carolyn B. Kuhl <sup>d</sup>	California	Ninth	06/22/01	—	—	Returned 08/03/01	—	—	—
20	Michael J. Melloy <sup>d</sup>	Iowa	Eighth	07/10/01	—	—	Returned 08/03/01	—	—	—

## CRS-17

No.	Name of nominee	State of Residence	Circuit	Date				Days from nomination date to:		
				Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
21	Terrence L. O'Brien <sup>d</sup>	Wyoming	Tenth	08/02/01	—	—	Returned 08/03/01	—	—	—
22	Jeffrey R. Howard <sup>d</sup>	New Hampshire	First	08/02/01	—	—	Returned 08/03/01	—	—	—
23	Michael W. McConnell <sup>e</sup>	Utah	Tenth	09/04/01	09/18/02	11/14/02	11/15/02	379	436	437
24	Michael J. Melloy <sup>e</sup>	Iowa	Eighth	09/04/01	01/24/02	02/07/02	02/11/02 91-0 vote	142	156	160
25	Terrence L. O'Brien <sup>e</sup>	Wyoming	Tenth	09/04/01	03/19/02	04/11/02	04/15/02 98-0 vote	196	219	223
26	Priscilla Richman Owen <sup>e</sup>	Texas	Fifth	09/04/01	07/23/02	Defeated 09/05/02 <sup>f</sup>	Returned 11/20/02	322	366	—
27	Barrington D. Parker <sup>e</sup>	Connecticut	Second	09/04/01	09/13/01	10/04/01	10/11/01 100-0 vote	9	30	37
28	Charles W. Pickering Sr. <sup>e</sup>	Mississippi	Fifth	09/04/01	10/18/01, 02/07/02	Defeated 03/14/02 <sup>g</sup>	Returned 11/20/02	44	191	—
29	Sharon Prost <sup>e</sup>	District of Columbia	Federal	09/04/01	08/27/01 <sup>h</sup>	09/06/01	09/21/01 97-0 vote	i	2	17
30	John G. Roberts Jr. <sup>e</sup>	Maryland	DC	09/04/01	—	—	Returned 11/20/02	—	—	—

## CRS-18

No.	Name of nominee	State of Residence	Circuit	Date				Days from nomination date to:		
				Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
31	Dennis W. Shedd <sup>e</sup>	South Carolina	Fourth	09/04/01	06/27/02	11/14/02	Cloture vitiated 11/18/02	296	436	—
							11/19/02 55-44 vote			441
32	Lavenski R. Smith <sup>e</sup>	Arkansas	Eighth	09/04/01	05/24/02	06/27/02	Cloture 94-3 vote 07/15/02	262	296	—
							07/15/02			314
33	Jeffrey S. Sutton <sup>e</sup>	Ohio	Sixth	09/04/01	—	—	Returned 11/20/02	—	—	—
34	Timothy M. Tymkovich <sup>e</sup>	Colorado	Tenth	09/04/01	—	—	Returned 11/20/02	—	—	—
35	Terrence W. Boyle <sup>e</sup>	North Carolina	Fourth	09/04/01	—	—	Returned 11/20/02	—	—	—
36	Edith Brown Clement <sup>e</sup>	Louisiana	Fifth	09/04/01	10/04/01	11/01/01	11/13/01 99-0 vote	30	58	70
37	Richard R. Clifton <sup>e</sup>	Hawaii	Ninth	09/04/01	05/09/02	05/16/02	Cloture 97-1 vote 07/18/02	247	254	—
							07/18/02 98-0 vote			317

## CRS-19

No.	Name of nominee	State of Residence	Circuit	Date				Days from nomination date to:		
				Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
38	Deborah L. Cook <sup>e</sup>	Ohio	Sixth	09/04/01	—	—	Returned 11/20/02	—	—	—
39	Miguel A. Estrada <sup>e</sup>	Virginia	DC	09/04/01	09/26/02	—	Returned 11/20/02	387	—	—
40	Harris L. Hartz <sup>e</sup>	New Mexico	Tenth	09/04/01	10/25/01	11/29/01	12/06/01 99-0 vote	51	86	93
41	Jeffrey R. Howard <sup>e</sup>	New Hampshire	First	09/04/01	04/11/02	04/18/02	04/23/02 99-0 vote	219	226	231
42	Carolyn B. Kuhl <sup>e</sup>	California	Ninth	09/04/01	—	—	Returned 11/20/02	—	—	—
43	D. Brooks Smith	Pennsylvania	Third	09/10/01	02/26/02	04/23/02	07/31/02 64-35 vote	169	225	324
44	Julia Smith Gibbons	Tennessee	Sixth	10/09/01	04/25/02	05/02/02	Cloture 89-0 vote 07/26/02	198	205	—
							07/29/02 95-0 vote			293
45	William H. Steele	Alabama	Eleventh	10/09/01	—	—	Returned 11/20/02	—	—	—
46	David W. McKeague	Michigan	Sixth	11/08/01	—	—	Returned 11/20/02	—	—	—

No.	Name of nominee	State of Residence	Circuit	Date				Days from nomination date to:		
				Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
47	Susan Bieke Neilson	Michigan	Sixth	11/08/01	—	—	Returned 11/20/02	—	—	—
48	Henry W. Saad	Michigan	Sixth	11/08/01	—	—	Returned 11/20/02	—	—	—
49	John M. Rogers	Kentucky	Sixth	12/19/01	06/13/02	07/11/02	11/14/02	176	204	330
50	Reena Raggi	New York	Second	05/01/02	08/01/02	09/05/02	09/20/02 85-0 vote	92	127	142
51	Jay S. Bybee	Nevada	Ninth	05/23/02	—	—	Returned 11/20/02	—	—	—
52	Richard A. Griffin	Michigan	Sixth	06/26/02	—	—	Returned 11/20/02	—	—	—
<b>Number of days elapsed from date received in Senate</b>							<b>Mean<sup>j</sup></b>	<b>154</b>	<b>193</b>	<b>210</b>
							<b>Median<sup>k</sup></b>	<b>142</b>	<b>205</b>	<b>223</b>

**Note:** The above table does not include nine circuit court nominations submitted by President William J. Clinton, on either Jan. 3, 2001 or Jan. 4, 2001, at the start of the 107th Congress. (For a list of the nine nominations, see p. 15 of CRS Report 98-510 GOV, *Judicial Nominations by President Clinton During the 103<sup>rd</sup>-106th Congresses*, by Denis Steven Rutkus.) All nine nominations were withdrawn by President Bush on March 19, 2001, although one of the nine nominees, Roger L. Gregory of Virginia, was renominated by President Bush on May 9, 2001 and confirmed by the Senate on July 20, 2001.

- a. The “Committee action” date, unless there is a note indicating otherwise, is the date on which the Senate Judiciary Committee voted to report a nomination favorably to the Senate.
- b. A date standing alone is the date of Senate confirmation. A vote tally underneath the date is the roll call vote by which the nomination was confirmed. The absence of a roll call vote indicates that the nomination was confirmed by voice vote or by unanimous consent. Where final action was not a Senate vote

to confirm, the type of final action is specified, along with the date. “Cloture” indicates that the Senate voted on a motion to close debate (with passage of the motion requiring three-fifths of the Senate, or 60 Members, voting in favor). “Cloture vitiated” indicates that the Senate by unanimous consent vitiated (undid) a motion to close debate. “Withdrawn” indicates that a nomination was withdrawn by the President. “Returned” indicates that the Senate returned a nomination to the President (upon a Senate adjournment or recess of more than 30 days).

- c. Where a judicial nomination received more than one day of hearings, the “Days from nomination date to:” “Hearing” are the number of days from the nomination date to the *first* hearing date.
- d. This was the nominee’s first of two nominations to the judgeship. After the nomination was returned to President Bush on Aug. 3, 2001, the individual was renominated on Sept. 4, 2001.
- e. This was the nominee’s second nomination to the judgeship. See the earlier nomination in the 107<sup>th</sup> Congress.
- f. The committee vote to report favorably failed (9-10); the vote to report without recommendation failed (9-10); and the vote to report unfavorably failed (9-10).
- g. The committee vote to report favorably failed (9-10); the vote to report without recommendation failed (9-10); and the vote to report unfavorably failed (9-10).
- h. On Aug. 27, 2001, during the August recess of the first session of the 107<sup>th</sup> Congress, the Senate Judiciary Committee held a hearing for Ms. Prost in expectation of her renomination to the circuit court. An earlier nomination of Ms. Prost had been returned to the President at the beginning of the August recess.
- i. The hearing, on Aug. 27, 2001, preceded the nomination date; therefore, no elapsed time between Senate receipt and hearing date has been calculated. See preceding note.
- j. The “Mean,” or average, is the sum of the number of elapsed days for all of the nominations in question divided by the number of those nominations. Note: Calculation of the mean in the “Hearing” column excluded the time that elapsed between the hearing date and Senate receipt of the Sept. 4, 2001 nomination of Sharon Prost, since the hearing date for that nomination preceded the nomination date. (See two preceding table notes regarding the Prost nomination.)
- k. In each “Median” cell the number represents (1) the elapsed time for the nomination in the middle of the distribution of all the nominations in question, with an equal number of the nominations having longer elapsed times than that nomination and an equal number of nominations having shorter elapsed times; or (2) the arithmetic mean of the elapsed times for the two nominations in the middle of the distribution if there is no one middle nomination.



**Table 2. President George W. Bush's Nominations to the U.S. Circuit Courts of Appeals  
During the 108<sup>th</sup> Congress, January 7, 2003-December 8, 2004**

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
1	Terrence W. Boyle of North Carolina <sup>d</sup>	Fourth	01/07/03	—	—	Returned 12/08/04 <sup>e</sup>	—	—	—
2	Jay S. Bybee of Nevada <sup>d</sup>	Ninth	01/07/03	02/05/03	02/27/03	03/13/03 74-19 vote	29	51	65
3	Deborah L. Cook of Ohio <sup>d</sup>	Sixth	01/07/03	01/29/03	02/27/03	05/05/03 66-25 vote	22	51	118
4	Miguel A. Estrada of Virginia <sup>d</sup>	DC	01/07/03	—	01/30/03	Cloture 55-44 vote 03/06/03	—	23	—
						Cloture 55-42 vote 03/13/03			
						Cloture 55-45 vote 03/18/03			
						Cloture 55-44 vote 04/02/03			
						Cloture 52-39 vote 05/05/03			

## CRS-23

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
						Cloture 54-43 vote 05/08/03			
						Cloture 55-43 vote 07/30/03			
						Withdrawn 09/04/03			
5	Richard A. Griffin of Michigan <sup>d</sup>	Sixth	01/07/03	06/16/04	07/20/04	Cloture 54-44 vote 07/22/04	526	560	—
						Returned 12/08/04 <sup>e</sup>			
6	Carolyn A. Kuhl of California <sup>d</sup>	Ninth	01/07/03	04/01/03	05/08/03	Cloture vitiating 07/31/03	84	121	—
						Cloture 53-43 vote 11/14/03			
						Returned 12/08/04			

## CRS-24

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
7	David W. McKeague of Michigan <sup>d</sup>	Sixth	01/07/03	06/16/04	07/20/04	Cloture 53-44 vote 07/22/04	526	560	—
						Returned 12/08/04 <sup>e</sup>			
8	Susan Bieke Neilson of Michigan <sup>d</sup>	Sixth	01/07/03	09/08/04	10/04/04	Returned 12/08/04 <sup>e</sup>	610	636	—
9	Priscilla Richman Owen of Texas <sup>d</sup>	Fifth	01/07/03	03/13/03	03/27/03	Cloture 52-45 vote 05/01/03	65	79	—
						Cloture 52-45 vote 05/08/03			
						Cloture 53-43 vote 07/29/03			
						Cloture 53-42 vote 11/14/03			
						Returned 12/08/04 <sup>e</sup>			

## CRS-25

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
10	Charles W. Pickering, Sr., of Mississippi <sup>d</sup>	Fifth	01/07/03	—	10/02/03	Cloture 54-43 vote 10/30/03	—	268	—
						Returned 12/08/04			
11	John G. Roberts, Jr., of Maryland <sup>d</sup>	DC	01/07/03	01/29/03	02/27/03	Recommit <sup>f</sup> 04/30/03	22	51	121
				04/30/03	05/08/03	05/08/03			
12	Henry W. Saad of Michigan <sup>d</sup>	Sixth	01/07/03	07/30/03	06/17/04	Cloture 52-46 vote 07/22/04	204	527	—
						Returned 12/08/04 <sup>e</sup>			
13	Jeffrey S. Sutton of Ohio <sup>d</sup>	Sixth	01/07/03	01/29/03	02/13/03	04/29/03 52-41 vote	22	37	112
14	Timothy M. Tymkovich of Colorado <sup>d</sup>	Tenth	01/07/03	02/12/03	03/06/03	04/01/03 58-41 vote	36	58	84
15	Edward C. Prado of Texas	Fifth	02/06/03	03/27/03	04/02/03	05/01/03 97-0 vote	49	55	84
16	Consuelo Maria Callahan of California	Ninth	02/12/03	05/07/03	05/08/03	05/22/03 99-0 vote	84	85	99

## CRS-26

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
17	Steven M. Colloton of Iowa	Eighth	02/12/03	07/22/03	07/31/03	09/04/03 94-1 vote	160	169	204
18	Michael Chertoff of New Jersey	Third	03/05/03	05/07/03	05/22/03	06/09/03 88-1 vote	63	78	96
19	Richard C. Wesley of New York	Second	03/05/03	05/22/03	06/05/03	06/11/03 96-0 vote	78	92	98
20	William H. Pryor, Jr., of Alabama	Eleventh	04/09/03	06/11/03	07/23/03	Cloture 53-44 vote 07/31/03	63	105	—
						Cloture 51-43 vote 11/06/03			
						Returned 12/08/04			
21	Carlos T. Bea of California	Ninth	04/11/03	09/03/03	09/25/03	09/29/03 86-0 vote	145	167	171
22	Allyson K. Duncan of North Carolina	Fourth	04/28/03	06/25/03	07/10/03	07/17/03 93-0 vote	58	73	80
23	Claude A. Allen of Virginia	Fourth	04/28/03	10/28/03	—	Returned 12/09/03	183	—	—
24	D. Michael Fisher of Pennsylvania	Third	05/01/03	10/15/03	11/06/03	12/09/03	167	189	222

## CRS-27

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
25	William Gerry Myers III of Idaho	Ninth	05/15/03	02/05/04	04/01/04	Cloture 53-44 vote 07/20/04	266	322	—
						Returned 12/08/04 <sup>e</sup>			
26	Janice R. Brown of California	DC	07/25/03	10/22/03	11/06/03	Cloture 53-43 vote 11/14/03	89	104	—
						Returned 12/08/04 <sup>e</sup>			
27	Brett M. Kavanaugh of Maryland	DC	07/25/03	04/27/04	—	Returned 12/08/04 <sup>e</sup>	277	—	—
28	Raymond W. Gruender of Missouri	Eighth	09/29/03	01/22/04	03/04/04	05/20/04 97-1 vote	115	157	234
29	William James Haynes II of Virginia	Fourth	09/29/03	11/19/03	03/11/04	Returned 12/08/04 <sup>e</sup>	51	164	—
30	Diane S. Sykes of Wisconsin	Seventh	11/14/03	02/11/04	03/11/04	06/24/04 70-27 vote	89	118	223
31	Franklin S. Van Antwerpen of Pennsylvania	Third	11/21/03	01/28/04	03/04/04	05/20/04 96-0 vote	68	104	181
32	Peter W. Hall of Vermont	Second	12/09/03	03/10/04	04/01/04	06/24/04	92	114	198

No.	Name of nominee	Circuit	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing <sup>c</sup>	Committee action	Senate vote
33	Claude A. Allen of Virginia <sup>g</sup>	Fourth	01/20/04	—	—	Returned 12/08/04	—	—	—
34	Charles W. Pickering, Sr. of Mississippi <sup>hi</sup>	Fifth	02/06/04	—	—	Returned 12/08/04	—	—	—
35	William Duane Benton of Mississippi	Eighth	02/12/04	04/08/04	04/29/04	06/24/04	56	77	133
36	William H. Pryor, Jr. of Alabama <sup>gj</sup>	Eleventh	03/12/04	—	—	Returned 12/08/04 <sup>e</sup>	—	—	—
37	Thomas B. Griffith of Utah	DC	05/10/04	11/16/04	—	Returned 12/08/04 <sup>e</sup>	190	—	—
Number of days elapsed from date received in Senate						<b>Mean<sup>k</sup></b>	<b>145</b>	<b>173</b>	<b>140</b>
						<b>Median<sup>l</sup></b>	<b>84</b>	<b>105</b>	<b>120</b>

- a. The “Committee action” date, unless there is a note indicating otherwise, is the date on which the Senate Judiciary Committee voted to report a nomination favorably to the Senate.
- b. A date standing alone is the date of Senate confirmation. A vote tally underneath the date is the roll call vote by which the nomination was confirmed. The absence of a roll call vote indicates that the nomination was confirmed by voice vote or by unanimous consent. Where final action was not a Senate vote to confirm, the type of final action is specified, along with the date. “Cloture” indicates that the Senate voted on a motion to close debate (with passage of the motion requiring three-fifths of the Senate, or 60 Members, voting in favor). “Cloture vitiated” indicates that the Senate by unanimous consent vitiated (undid) a motion to close debate. “Withdrawn” indicates that a nomination was withdrawn by the President. “Returned” indicates that the Senate returned a nomination to the President (upon a Senate adjournment or recess of more than 30 days).
- c. Where a judicial nomination received more than one day of hearings, the “Days from nomination date to:” “Hearing” are the number of days from the nomination date to the *first* hearing date.
- d. Resubmission; see earlier nomination(s) in 107<sup>th</sup> Congress.
- e. Nominee was renominated in the 109<sup>th</sup> Congress, on 02/14/2005.

- f. Senate by unanimous consent agreed to recommit the nomination to the Senate Judiciary Committee.
- g. Resubmission; see earlier nomination in 108<sup>th</sup> Congress.
- h. Resubmission; see three earlier nominations—one in 108<sup>th</sup> Congress and two in 107<sup>th</sup> Congress.
- i. On 01/16/2004, between the first and second sessions of the 108<sup>th</sup> Congress, the nominee was appointed to the court by presidential “recess appointment,” an appointment which expired on 12/08/2004, at the end of the second session of the 108<sup>th</sup> Congress.
- j. On 02/20/2004, during a recess within the second session of the 108<sup>th</sup> Congress, the nominee was appointed to the court by presidential “recess appointment,” an appointment that will expire at the end of the first session of the 109<sup>th</sup> Congress.
- k. The “Mean,” or average, is the sum of the number of elapsed days for all of the nominations in question divided by the number of those nominations.
- l. In each “Median” cell the number represents (1) the elapsed time for the nomination in the middle of the distribution of all the nominations in questions, with an equal number of the nominations having longer elapsed times than that nomination and an equal number of nominations having shorter elapsed times; or (2) the arithmetic mean of the elapsed times for the two nominations in the middle of the distribution if there is no one middle nomination.



**Table 3. President George W. Bush's Nominations to the U.S. District Courts  
During the 107<sup>th</sup> Congress, January 20, 2001-November 20, 2002**

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
1	Sam F. Haddon	MT	05/17/01	07/11/01	07/19/01	07/20/01 95-0 vote	55	63	64
2	Richard F. Cebull	MT	05/17/01	07/11/01	07/19/01	07/20/01 93-0 vote	55	63	64
3	Terry L. Wooten <sup>c</sup>	SC	06/18/01	—	—	Returned 08/03/01	—	—	—
4	Laurie Smith Camp <sup>c</sup>	NE	06/19/01	—	—	Returned 08/03/01	—	—	—
5	Paul G. Cassell <sup>c</sup>	UT	06/19/01	—	—	Returned 08/03/01	—	—	—
6	John D. Bates <sup>c</sup>	DC	06/20/01	—	—	Returned 08/03/01	—	—	—
7	Reggie B. Walton <sup>c</sup>	DC	06/20/01	—	—	Returned 08/03/01	—	—	—
8	James E. Gritzner <sup>c</sup>	South. IA	07/10/01	—	—	Returned 08/03/01	—	—	—
9	Michael P. Mills <sup>c</sup>	North. MS	07/10/01	—	—	Returned 08/03/01	—	—	—
10	M. Christina Armijo <sup>c</sup>	NM	08/02/01	—	—	Returned 08/03/01	—	—	—
11	Karon O. Bowdre <sup>c</sup>	North. AL	08/02/01	—	—	Returned 08/03/01	—	—	—
12	David L. Bunning <sup>c</sup>	East. KY	08/02/01	—	—	Returned 08/03/01	—	—	—
13	Karen K. Caldwell <sup>c</sup>	East. KY	08/02/01	—	—	Returned 08/03/01	—	—	—
14	Clair V. Eagan <sup>c</sup>	North. OK	08/02/01	—	—	Returned 08/03/01	—	—	—

## CRS-31

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
15	Kurt D. Engelhardt <sup>c</sup>	East. LA	08/02/01	—	—	Returned 08/03/01	—	—	—
16	Stephen P. Friot <sup>c</sup>	West. OK	08/02/01	—	—	Returned 08/03/01	—	—	—
17	Callie V. Granade <sup>c</sup>	South. AL	08/02/01	—	—	Returned 08/03/01	—	—	—
18	Joe L. Heaton <sup>c</sup>	West. OK	08/02/01	—	—	Returned 08/03/01	—	—	—
19	Larry R. Hicks <sup>c</sup>	NV	08/02/01	—	—	Returned 08/03/01	—	—	—
20	William P. Johnson <sup>c</sup>	NM	08/02/01	—	—	Returned 08/03/01	—	—	—
21	James H. Payne <sup>c</sup>	North., East. & West. OK	08/02/01	—	—	Returned 08/03/01	—	—	—
22	Danny C. Reeves <sup>c</sup>	East. KY	08/02/01	—	—	Returned 08/03/01	—	—	—
23	Michael P. Mills <sup>d</sup>	North. MS	09/04/01	09/13/01	10/04/01	10/11/01 98-0 vote	9	30	37
24	James H. Payne <sup>d</sup>	North., East. & West. OK	09/04/01	10/04/01	10/18/01	10/23/01 100-0 vote	30	44	49
25	Danny C. Reeves <sup>d</sup>	East. KY	09/04/01	11/07/01	11/29/01	12/06/01	64	86	93
26	Reggie B. Walton <sup>d</sup>	DC	09/04/01	08/22/01 <sup>e</sup>	09/06/01	09/21/01 97-0 vote	f	2	17
27	Terry L. Wooten <sup>d</sup>	SC	09/04/01	08/27/01 <sup>g</sup>	11/08/01	11/08/01 98-0 vote	h	65	65
28	M. Christina Armijo <sup>d</sup>	NM	09/04/01	10/18/01	11/01/01	11/06/01 100-0 vote	44	58	63

## CRS-32

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
29	John D. Bates <sup>d</sup>	DC	09/04/01	10/25/01	11/29/01	12/11/01 97-0 vote	51	86	98
30	Karon O. Bowdre <sup>d</sup>	North. AL	09/04/01	10/18/01	11/01/01	11/06/01 98-0 vote	44	58	63
31	David L. Bunning <sup>d</sup>	East. KY	09/04/01	12/10/01	02/07/02	02/14/02	97	156	163
32	Karen K. Caldwell <sup>d</sup>	East. KY	09/04/01	10/04/01	10/18/01	10/23/01 100-0 vote	30	44	49
33	Laurie Smith Camp <sup>d</sup>	NE	09/04/01	10/04/01	10/18/01	10/23/01 100-0 vote	30	44	49
34	Paul G. Cassell <sup>d</sup>	UT	09/04/01	03/19/02	05/02/02	05/13/02 67-20 vote	196	240	251
35	Clair V. Eagan <sup>d</sup>	North. OK	09/04/01	10/04/01	10/18/01	10/23/01 99-0 vote	30	44	49
36	Kurt. D. Engelhardt <sup>d</sup>	East. LA	09/04/01	10/25/01	11/29/01	12/11/01	51	86	98
37	Stephen P. Friot <sup>d</sup>	West. OK	09/04/01	10/18/01	11/01/01	11/06/01 98-0 vote	44	58	63
38	Callie V. Granade <sup>d</sup>	South. AL	09/04/01	12/05/01	12/13/01	02/04/02 75-0 vote	92	100	153
39	James E. Gritzner <sup>d</sup>	South. IA	09/04/01	01/24/02	02/07/02	02/14/02	142	156	163
40	Joe L. Heaton <sup>d</sup>	West. OK	09/04/01	11/07/01	11/29/01	12/06/01	64	86	93

## CRS-33

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
41	Larry R. Hicks <sup>d</sup>	NV	09/04/01	10/18/01	11/01/01	11/05/01 83-0 vote	44	58	62
42	William P. Johnson <sup>d</sup>	NM	09/04/01	10/25/01	11/29/01	12/13/01	51	86	100
43	Robert E. Blackburn	DC	09/10/01	01/24/02	02/07/02	02/26/02 98-0 vote	136	150	169
44	David C. Bury	AZ	09/10/01	02/26/02	03/07/02	03/15/02 90-0 vote	169	178	186
45	Cindy K. Jorgenson	AZ	09/10/01	01/24/02	02/07/02	02/26/02 98-0 vote	136	150	169
46	Marcia S. Krieger	DC	09/10/01	12/05/01	12/13/01	01/25/02 83-0 vote	86	94	137
47	Richard J. Leon	DC	09/10/01	01/24/02	02/07/02	02/14/02	136	150	157
48	James C. Mahan	NV	09/10/01	12/05/01	12/13/01	01/25/02 81-0 vote	86	94	137
49	Frederick J. Martone	AZ	09/10/01	11/07/01	11/29/01	12/13/01 97-0 vote	58	80	94
50	Julie A. Robinson	KS	09/10/01	11/07/01	11/29/01	12/11/01	58	80	92
51	Clay D. Land	Mid. GA	09/21/01	11/07/01	11/29/01	12/13/01	47	69	83
52	Randy Crane	South. TX	09/21/01	02/26/02	03/03/02	03/18/02 91-0 vote	158	163	178

## CRS-34

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
53	Philip R. Martinez	West. TX	10/09/01	12/05/01	12/13/01	02/05/02 93-0 vote	57	65	119
54	C. Ashley Royal	Mid. GA	10/09/01	12/05/01	12/13/01	12/20/01	57	65	72
55	Jay C. Zainey	East. LA	10/10/01	01/24/02	02/07/02	02/11/02 92-0 vote	106	120	124
56	Ralph R. Beistline	AK	11/08/01	02/26/02	03/07/02	03/12/02 98-0 vote	110	119	124
57	Kenneth A. Marra	South. FL	01/23/02	06/13/02	06/20/02	09/09/02 82-0 vote	141	148	229
58	Percy Anderson	Cent. CA	01/23/02	04/11/02	04/18/02	04/25/02 99-0 vote	78	85	92
59	Jose E. Martinez	South. FL	01/23/02	07/23/02	07/31/02	09/12/02	181	189	232
60	Lance M. Africk	East. LA	01/23/02	03/29/02	04/11/02	04/17/02 97-0 vote	65	78	84
61	Stanley R. Chesler	NJ	01/23/02	09/26/02	10/08/02	11/14/02	246	258	295
62	Frederick W. Rohlfig III	HI	01/23/02	—	—	Returned 11/20/02	—	—	—
63	Joan E. Lancaster	MN	01/23/02	04/11/02	04/18/02	04/25/02 99-0 vote	78	85	92
64	William J. Martini	NJ	01/23/02	09/18/02	10/08/02	11/14/02	238	258	295

## CRS-35

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
65	Thomas M. Rose	South. OH	01/23/02	04/25/02	05/02/02	05/09/02 95-0 vote	92	99	106
66	Michael M. Baylson	East. PA	01/23/02	04/11/02	04/18/02	04/30/02 98-0 vote	78	85	97
67	Joy Flowers Conti	West. PA	01/23/02	05/09/02	05/16/02	07/29/02 96-0 vote	106	113	187
68	Legrome D. Davis	East. PA	01/23/02	03/19/02	04/11/02	04/18/02 94-0 vote	55	78	85
69	Terrence F. McVerry	West. PA	01/23/02	06/27/02	07/31/02	09/03/02 88-0 vote	155	189	223
70	Cynthia M. Rufe	East. PA	01/23/02	04/11/02	04/18/02	04/30/02 98-0 vote	78	85	97
71	Arthur J. Schwab	West. PA	01/23/02	06/27/02	07/31/02	09/12/02 92-0 vote	155	189	232
72	Samuel H. Mays Jr.	West. TN	01/23/02	04/25/02	05/02/02	05/09/02 97-0 vote	92	99	106
73	Ronald H. Clark	East. TX	01/23/02	08/01/02	09/19/02	10/02/02	190	239	252
74	Leonard E. Davis	East. TX	01/23/02	04/25/02	05/02/02	05/09/02 97-0 vote	92	99	106
75	David C. Godbey	North. TX	01/23/02	04/25/02	06/13/02	08/01/02	92	141	190

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
76	Andrew S. Hanen	South. TX	01/23/02	04/25/02	05/02/02	05/09/02 97-0 vote	92	99	106
77	Henry E. Hudson	East. VA	01/23/02	05/23/02	06/13/02	08/01/02	120	141	190
78	Ronald B. Leighton	West. WA	01/23/02	10/07/02	10/08/02	11/14/02	257	258	295
79	William C. Griesbach	East. WI	01/23/02	04/11/02	04/18/02	04/25/02 97-0 vote	78	85	92
80	John F. Walter	Cent. CA	01/23/02	04/11/02	04/18/02	04/25/02 99-0 vote	78	85	92
81	Christopher C. Conner	Mid. PA	02/28/02	05/09/02	05/16/02	07/26/02	70	77	148
82	John E. Jones III	Mid. PA	02/28/02	05/09/02	05/16/02	07/29/02 96-0 vote	70	77	151
83	Morrison C. England Jr.	East. CA	03/21/02	06/13/02	06/20/02	08/01/02	84	91	133
84	Amy J. St. Eve	North. IL	03/21/02	05/24/02	06/13/02	08/01/02	64	84	133
85	Henry E. Autrey	East. MO	03/21/02	05/24/02	06/13/02	08/01/02 98-0 vote	64	84	133
86	Richard E. Dorr	West. MO	03/21/02	05/24/02	06/13/02	08/01/02	64	84	133
87	David S. Cercone	West. PA	03/21/02	06/13/02	06/20/02	08/01/02	84	91	133
88	Timothy J. Savage	East. PA	03/21/02	05/24/02	06/13/02	08/01/02	64	84	133
89	James Knoll Gardner	East. PA	04/22/02	08/01/02	09/05/02	10/02/02	101	136	163

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
90	Timothy J. Corrigan	Mid. FL	05/22/02	07/23/02	07/31/02	09/12/02 88-0 vote	62	70	113
91	James C. Dever III	East. NC	05/22/02	—	—	Returned 11/20/02	—	—	—
92	Daniel L. Hovland	ND	06/26/02	09/26/02	10/08/02	11/14/02	92	104	141
93	Thomas W. Phillips	East. TN	06/26/02	09/18/02	10/08/02	11/14/02	84	104	141
94	Linda R. Reade	North. IA	06/26/02	09/26/02	10/08/02	11/14/02	92	104	141
95	Alia M. Ludlum	West. TX	07/11/02	09/18/02	10/08/02	11/14/02	69	89	126
96	S. James Otero	Cent. CA	07/18/02	—	—	Returned 11/20/02	—	—	—
97	Robert G. Klausner	Cent. CA	07/18/02	10/07/02	10/08/02	11/14/02	81	82	119
98	Robert A. Junell	West. TX	07/18/02	—	—	Returned 11/20/02	—	—	—
99	James E. Kinkeade	North. TX	07/18/02	09/26/02	10/08/02	11/14/02	70	82	119
100	William E. Smith	RI	07/18/02	10/07/02	10/08/02	11/14/02	81	82	119
101	Jeffrey S. White	North. CA	07/25/02	09/18/02	10/08/02	11/14/02	55	75	112
102	Kent A. Jordan	DE	07/25/02	09/18/02	10/08/02	11/14/02	55	75	112
103	Sandra J. Feuerstein	East. NY	07/25/02	—	—	Returned 11/20/02	—	—	—
104	Mark E. Fuller	Mid. AL	08/01/02	10/07/02	10/08/02	11/14/02	67	68	105
105	Rosemary M. Collyer	DC	08/01/02	10/07/02	10/08/02	11/14/02	67	68	105



No.	Name of nominee	District	Date				Days from nomination date to:		
			Received by Senate	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
106	Robert B. Kugler	NJ	08/01/02	10/07/02	10/08/02	11/14/02	67	68	105
107	Jose L. Linares	NJ	08/01/02	10/07/02	10/08/02	11/14/02	67	68	105
108	Freda L. Wolfson	NJ	08/01/02	09/26/02	10/08/02	11/14/02	56	68	105
109	Richard J. Holwell	South. NY	08/01/02	—	—	Returned 11/20/02	—	—	—
110	Gregory L. Frost	South. OH	08/01/02	—	—	Returned 11/20/02	—	—	—
111	Ralph R. Erickson	ND	09/12/02	—	—	Returned 11/20/02	—	—	—
112	S. Maurice Hicks Jr.	West. LA	09/12/02	—	—	Returned 11/20/02	—	—	—
113	Thomas L. Ludington	East. MI	09/12/02	—	—	Returned 11/20/02	—	—	—
114	William D. Quarles Jr.	MD	09/12/02	—	—	Returned 11/20/02	—	—	—
115	Cormac J. Carney	Cent. CA	10/10/02	—	—	Returned 11/20/02	—	—	—
116	John R. Adams	North. OH	10/10/02	—	—	Returned 11/20/02	—	—	—
117	J. Daniel Breen	West. TN	10/10/02	—	—	Returned 11/20/02	—	—	—
118	Thomas A. Varlan	East. TN	10/10/02	—	—	Returned 11/20/02	—	—	—
<b>Number of days elapsed from date received in Senate</b>						<b>Mean<sup>i</sup></b>	<b>89<sup>j</sup></b>	<b>102</b>	<b>127</b>
						<b>Median<sup>k</sup></b>	<b>78</b>	<b>85</b>	<b>113</b>

a. The “Committee action” date, unless a note indicates otherwise, is the date on which the Senate Judiciary Committee voted to report a nomination favorably to the Senate.

- b. A date standing alone is the date of Senate confirmation. A vote tally underneath the date is the roll call vote by which the nomination was confirmed. The absence of a roll call vote indicates that the nomination was confirmed by voice vote or by unanimous consent. Where final action was not a Senate vote to confirm, the type of final action is specified, along with the date. "Returned" indicates that the Senate returned a nomination to the President (upon a Senate adjournment or recess of more than 30 days).
- c. This was the nominee's first of two nominations to the judgeship. After this first nomination was returned to President Bush on Aug. 3, 2001, the individual was renominated on Sept. 4, 2001.
- d. This was the nominee's second nomination to the judgeship. See earlier nomination in the 107<sup>th</sup> Congress.
- e. On Aug. 22, 2001, during the August recess of the first session of the 107<sup>th</sup> Congress, the Senate Judiciary Committee held a hearing for Mr. Walton in expectation of his renomination to the district court. An earlier nomination of Mr. Walton had been returned to the President at the beginning of the August recess.
- f. The hearing, on Aug. 22, 2001, preceded the nomination date; therefore, no elapsed time between Senate receipt and hearing date has been calculated. See preceding note.
- g. On Aug. 27, 2001, during the August recess of the first session of the 107<sup>th</sup> Congress, the Senate Judiciary Committee held a hearing for Mr. Wooten in expectation of his renomination to the district court. An earlier nomination of Mr. Wooten was returned to the President at the beginning of the August recess.
- h. The hearing, on Aug. 27, 2001, preceded the nomination date; therefore, no elapsed time between Senate receipt and hearing date has been calculated. See preceding note.
- i. The "Mean," or average, is the sum of the number of elapsed days for all of the nominations in question divided by the number of those nominations.
- j. Calculation of this time average excluded the times between hearing date and Senate receipt for the September 2001 nominations of Reggie B. Walton and Terry L. Wooten, since their hearing dates preceded their nomination dates. (See preceding table notes "g." and "h." regarding the Walton and Wooten nominations.)
- k. In each "Median" cell the number represents (1) the elapsed time for the nomination in the middle of the distribution of all the nominations in questions, with an equal number of the nominations having longer elapsed times than that nomination and an equal number of nominations having shorter elapsed times; or (2) the arithmetic mean of the elapsed times for the two nominations in the middle of the distribution if there is no one middle nomination.

**Table 4. President George W. Bush's Nominations to the U.S. District Courts  
During the 108<sup>th</sup> Congress, January 7, 2003-December 8, 2004**

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
1	John R. Adams <sup>c</sup>	North. OH	01/07/03	01/29/03	02/06/03	02/10/03 91-0 vote	22	30	34
2	J. Daniel Breen <sup>c</sup>	West. TN	01/07/03	02/12/03	03/06/03	03/13/03 92-0 vote	36	58	65
3	Cormac J. Carney <sup>c</sup>	Cent. CA	01/07/03	03/12/03	03/20/03	04/07/03 80-0 vote	64	72	90
4	James C. Dever III <sup>c</sup>	East. NC	01/07/03	—	—	Returned 12/08/04 <sup>d</sup>	—	—	—
5	Ralph R. Erickson <sup>c</sup>	ND	01/07/03	02/05/03	02/27/03	03/12/03	29	51	64
6	Sandra J. Feuerstein <sup>c</sup>	East. NY	01/07/03	07/22/03	07/31/03	09/17/03 93-0 vote	196	205	253
7	Gregory L. Frost <sup>c</sup>	South. OH	01/07/03	02/05/03	02/27/03	03/10/03 91-0 vote	29	51	62
8	S. Maurice Hicks, Jr. <sup>c</sup>	West. LA	01/07/03	04/30/03	05/08/03	05/19/03 86-0 vote	113	121	132
9	Richard J. Holwell <sup>c</sup>	South. NY	01/07/03	07/22/03	07/31/03	09/17/03	196	205	253
10	Robert A. Junell <sup>c</sup>	West. TX	01/07/03	01/29/03	02/06/03	02/10/03 91-0 vote	22	30	34

## CRS-41

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
11	Thomas L. Ludington <sup>c</sup>	East. MI	01/07/03	—	—	Returned 12/08/04 <sup>d</sup>	—	—	—
12	S. James Otero <sup>c</sup>	Cent. CA	01/07/03	01/29/03	02/06/03	02/10/03 94-0 vote	22	30	34
13	William D. Quarles, Jr. <sup>c</sup>	MD	01/07/03	02/05/03	02/27/03	03/12/03 91-0 vote	29	51	64
14	Frederick W. Rohlfig III <sup>c</sup>	HI	01/07/03	—	—	Withdrawn 05/06/04	—	—	—
15	Thomas A. Varlan <sup>c</sup>	East. TN	01/07/03	02/12/03	03/06/03	03/13/03 97-0 vote	36	58	65
16	William H. Steele	South. AL	01/07/03	02/12/03	03/06/03	03/13/03	36	58	65
17	Patricia Head Minaldi	West. LA	01/15/03	04/01/03	05/01/03	05/06/03	76	106	111
18	Dee D. Drell	West. LA	01/15/03	03/27/03	04/03/03	04/09/03 99-0 vote	71	78	84
19	Cecilia M. Altonaga	South. FL	01/15/03	04/01/03	04/10/03	05/06/03 91-0 vote	76	85	111
20	Louise W. Flanagan	East. NC	01/29/03	06/25/03	07/10/03	07/17/03	147	162	169
21	Richard D. Bennett	MD	01/29/03	03/27/03	04/03/03	04/09/03 99-0 vote	57	64	70
22	Theresa Lazar Springmann	North. IN	01/29/03	03/12/03	03/20/03	03/31/03 93-0 vote	42	50	61

## CRS-42

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
23	James V. Selna	Cent. CA	01/29/03	03/12/03	03/20/03	03/27/03 97-0 vote	42	50	57
24	J. Leon Holmes	East. AR	01/29/03	03/27/03	05/01/03 <sup>e</sup>	07/06/04 51-46 vote	57	92	524
25	Philip P. Simon	North. IN	01/29/03	03/12/03	03/20/03	03/27/03	42	50	57
26	Stephen C. Robinson	South. NY	03/05/03	07/22/03	07/31/03	09/17/03	139	148	196
27	P. Kevin Castel	South. NY	03/05/03	07/22/03	07/31/03	09/17/03	139	148	196
28	Samuel Der-Yeghiayan	North. IL	03/05/03	06/25/03	07/10/03	07/14/03 89-0 vote	112	127	131
29	David G. Campbell	AZ	03/13/03	04/30/03	06/12/03	07/08/03 92-0 vote	48	91	117
30	John A. Woodcock, Jr.	ME	03/27/03	05/22/03	06/05/03	06/12/03	56	70	77
31	Mark R. Kravitz	CT	03/27/03	05/22/03	06/05/03	06/11/03 97-0 vote	56	70	76
32	L. Scott Coogler	North. AL	03/27/03	05/07/03	05/15/03	05/22/03	41	49	56
33	Thomas M. Hardiman	West. PA	04/09/03	05/22/03	06/26/03	10/22/03	43	78	196
34	J. Ronnie Greer	East. TN	04/09/03	05/22/03	06/05/03	06/11/03 97-0 vote	43	57	63
35	Robert C. Brack	NM	04/28/03	06/25/03	07/10/03	07/14/03	58	73	77
36	James O. Browning	NM	04/28/03	07/09/03	07/24/03	07/31/03	72	87	94

## CRS-43

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
37	Glen E. Conrad	West. VA	04/28/03	07/30/03	09/04/03	09/22/03 89-0 vote	93	129	147
38	Robert J. Conrad, Jr.	West. NC	04/28/03	—	—	Returned 12/08/04 <sup>d</sup>	—	—	—
39	Mark R. Filip	North. IL	04/28/03	10/28/03	11/06/03	02/04/04 96-0 vote	183	192	282
40	Kim R. Gibson	West. PA	04/28/03	07/30/03	09/04/03	09/23/03 94-0 vote	93	129	148
41	Dora L. Irizarry	East. NY	04/28/03	10/01/03	10/30/03	06/24/04	156	185	423
42	H. Brent McKnight	West. NC	04/28/03	07/22/03	07/24/03	07/31/03	85	87	94
43	Daniel P. Ryan	East. MI	04/28/03	—	—	Returned 12/08/04 <sup>d</sup>	—	—	—
44	Gary L. Sharpe	North. NY	04/28/03	10/15/03	10/23/03	01/28/04 95-0 vote	170	178	275
45	Lonny R. Suko	East. WA	04/28/03	06/25/03	07/10/03	07/15/03 94-0 vote	58	73	78
46	Roger T. Benitez	South. CA	05/01/03	02/25/04	04/01/04	06/17/04 98-1 vote	300	336	413
47	Larry Alan Burns	South. CA	05/01/03	07/30/03	09/04/03	09/24/03 91-0 vote	90	126	146
48	Kathleen Cardone	West. TX	05/01/03	07/09/03	07/17/03	07/28/03	69	77	88

## CRS-44

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
49	James I. Cohn	South. FL	05/01/03	07/09/03	07/17/03	07/31/03 96-0 vote	69	77	91
50	Marcia A. Crone	East. TX	05/01/03	09/03/03	09/25/03	09/30/03 91-0 vote	125	147	152
51	Dale S. Fischer	Cent. CA	05/01/03	10/15/03	10/23/03	10/27/03 86-0 vote	167	175	179
52	William Q. Hayes	South. CA	05/01/03	09/03/03	09/25/03	10/02/03 98-0 vote	125	147	154
53	John A. Houston	South. CA	05/01/03	09/03/03	09/25/03	10/02/03	125	147	154
54	Frank Montalvo	West. TX	05/01/03	07/09/03	07/17/03	07/31/03 95-0 vote	69	77	91
55	R. David Proctor	North. AL	05/01/03	07/22/03	07/31/03	09/17/03 98-0 vote	82	91	139
56	Xavier Rodriguez	West. TX	05/01/03	07/09/03	07/17/03	07/31/03	69	77	91
57	Dana Makoto Sabraw	South. CA	05/01/03	07/30/03	09/04/03	09/25/03 95-0 vote	90	126	147
58	Earl Leroy Yeakel III	West. TX	05/01/03	06/25/03	07/10/03	07/28/03 91-0 vote	55	70	88
59	Michael W. Mosman	OR	05/08/03	07/30/03	09/04/03	09/25/03 93-0 vote	83	119	140

## CRS-45

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
60	Henry F. Floyd	SC	05/15/03	07/30/03	09/04/03	09/22/03 89-0 vote	76	112	130
61	Ronald A. White	East. OK	05/15/03	09/03/03	09/25/03	09/30/03 93-0 vote	111	133	138
62	Robert Clive Jones	NV	06/09/03	09/03/03	09/25/03	10/02/03	86	108	115
63	Phillip S. Figa	CO	06/09/03	09/03/03	09/25/03	10/02/03	86	108	115
64	Roger W. Titus	MD	06/18/03	09/17/03	10/02/03	11/05/03 97-0 vote	91	106	140
65	Margaret Catharine Rodgers	North. FL	07/14/03	09/17/03	10/02/03	10/20/03 82-0 vote	65	80	98
66	F. Dennis Saylor IV	MA	07/30/03	11/12/03	03/04/04	06/01/04 89-0 vote	105	218	307
67	Sandra L. Townes	East. NY	08/01/03	11/12/03	03/04/04	06/03/04 95-0 vote	103	216	307
68	Kenneth M. Karas	South. NY	09/18/03	11/19/03	03/04/04	06/03/04 95-0 vote	62	168	259
69	Judith C. Herrera	NM	09/23/03	11/12/03	03/04/04	06/03/04 93-0 vote	50	163	254
70	Louis Guirola, Jr.	South. MS	09/23/03	11/19/03	03/04/04	03/11/04 92-0 vote	57	163	170



## CRS-46

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
71	Virginia E. Hopkins	North. AL	10/14/03	11/19/03	03/04/04	06/15/04 98-0 vote	36	142	245
72	Ricardo S. Martinez	West. WA	10/14/03	01/22/04	03/04/04	06/15/04 98-0 vote	100	142	245
73	Neil Vincent Wake	AZ	10/22/03	01/22/04	03/04/04	03/11/04	92	134	141
74	Walter D. Kelly, Jr.	East. VA	10/31/03	03/10/04	04/01/04	06/23/04 94-0 vote	131	153	236
75	Gene E. K. Pratter	East. PA	11/03/03	01/22/04	03/04/04	06/15/04 98-0 vote	80	122	225
76	Peter G. Sheridan	NJ	11/05/03	—	—	Returned 12/08/04 <sup>d</sup>	—	—	—
77	William S. Duffey, Jr.	North. GA	11/05/03	02/05/04	03/04/04	06/16/04 97-0 vote	92	120	224
78	Lawrence F. Stengel	East. PA	11/06/03	02/05/04	03/11/04	06/16/04 97-0 vote	91	126	223
79	Jane J. Boyle	North. TX	11/24/03	03/10/04	04/01/04	06/17/04 99-0 vote	107	129	206
80	Marcia G. Cooke	South. FL	11/25/03	03/10/04	04/01/04	05/18/04 96-0 vote	106	128	175
81	Curtis V. Gomez	VI	11/25/03	04/08/04	04/29/04	11/20/04	135	156	361

## CRS-47

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
82	Juan R. Sanchez	East. PA	11/25/03	02/11/04	03/11/04	06/23/04 98-0 vote	78	107	211
83	James L. Robart	West. WA	12/09/03	02/11/04	03/11/04	06/17/04 99-0 vote	64	93	191
84	Paul S. Diamond	East. PA	01/20/04	03/24/04	04/01/04	06/16/04 97-0 vote	64	72	148
85	Robert Bryan Harwell	SC	01/20/04	04/08/04	04/29/04	06/24/04	79	100	156
86	George P. Schiavelli	Cent. CA	01/20/04	04/08/04	04/29/04	06/24/04	79	100	156
87	Raymond L. Finch	VI	02/20/04	09/08/04	09/30/04	11/20/04	219	241	292
88	Michael H. Watson	South. OH	04/06/04	06/04/04	07/08/04	09/07/04	59	93	154
89	Virginia Maria Hernandez Covington	Mid. FL	04/20/04	06/16/04	07/20/04	09/07/04 91-0 vote	57	91	140
90	Michael H. Schneider, Sr.	East. TX	05/17/04	07/07/04	07/20/04	09/07/04 92-1 vote	51	64	113
91	Micaela Alvarez	South. TX	06/16/04	09/08/04	09/30/04	11/20/04	84	106	157
92	Keith Starrett	South. MS	07/06/04	09/08/04	09/30/04	11/20/04	64	86	137
93	Christopher A. Boyko	North. OH	07/22/04	09/22/04	10/04/04	11/20/04	62	74	121
94	Paul A. Crotty	South. NY	09/07/04	11/16/04	—	Returned 12/08/04 <sup>d,f</sup>	70	—	—

No.	Name of nominee	District	Date				Days from nomination date to:		
			Received	Hearing	Committee action <sup>a</sup>	Senate vote <sup>b</sup>	Hearing	Committee action	Senate vote
95	Sean F. Cox	East. MI	09/10/04	—	—	Returned 12/08/04 <sup>d</sup>	—	—	—
96	J. Michael Seabright	HI	09/15/04	11/16/04	—	Returned 12/08/04 <sup>d</sup>	62	—	—
Number of days elapsed from date received in Senate						Mean <sup>g</sup>	85	111	156
						Median <sup>h</sup>	76	106	140

- a. The “Committee action” date, unless a note indicates otherwise, is the date on which the Senate Judiciary Committee voted to report a nomination favorably to the Senate.
- b. A date standing alone is the date of Senate confirmation. A vote tally underneath the date is the roll call vote by which the nomination was confirmed. The absence of a roll call vote indicates that the nomination was confirmed by voice vote or by unanimous consent. Where final action was not a Senate vote to confirm, the type of final action is specified, along with the date. “Returned” indicates that the Senate returned a nomination to the President (upon a Senate adjournment or recess of more than 30 days).
- c. Resubmission; see earlier nomination in 107<sup>th</sup> Congress.
- d. Nominee was renominated in the 109<sup>th</sup> Congress, on 02/14/2005.
- e. On a committee vote of 10-9, the nomination was reported without recommendation.
- f. After renomination in 109<sup>th</sup> Congress, nominee was confirmed by the Senate, on 04/11/2005, by a 95-0 vote.
- g. The “Mean,” or average, is the sum of the number of elapsed days for all of the nominations in question divided by the number of those nominations.
- h. In each “Median” cell the number represents (1) the elapsed time for the nomination in the middle of the distribution of all the nominations in questions, with an equal number of the nominations having longer elapsed times than that nomination and an equal number of nominations having shorter elapsed times; or (2) the arithmetic mean of the elapsed times for the two nominations in the middle of the distribution if there is no one middle nomination.