

**SENATE JUDICIARY COMMITTEE**  
**SENATOR PATRICK LEAHY, D-Vt.**  
**CHAIRMAN**



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\*\*\*For Background\*\*\*

**Nominations Stats**

**Judges Confirmed Under President Bush (as of 6/24/08)**

| <b>Chairman</b>              | <b>Circuit</b> | <b>District</b> | <b>Total noms (includes CIT and SCOTUS)</b> |
|------------------------------|----------------|-----------------|---|
| Leahy 1st Tenure (17 months) | 17             | 83              | 100   |
| Leahy 2nd Tenure (18 months) | 10             | 42              | 52  |
| Leahy total (35 months)      | 25             | 124             | <b>152</b>                                  |
| Hatch (2 years)              | 18             | 85              | <b>104</b>                                  |
| Specter (2 years)            | 16             | 35              | <b>54</b>                                   |

**Judicial Vacancies**

*At the end of Clinton administration (January 21, 2001)*

Total vacancies: 80 (This rose to 100 with retirements early in Bush administration)

Circuit vacancies: 26 (This rose to 32 with retirements early in Bush administration)

District vacancies: 54

*Currently under Chairman Leahy (June 24, 2008)*

Total vacancies: 42 (15 with no nominees)

Circuit vacancies: 9 (1 with no nominees)

District vacancies: 33 (14 with no nominees)

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**Vacancy Comparison on Circuit Courts:**  
**End of Clinton Administration vs. Current Under Bush Administration**  
*(as of 6/24/08)*

| Circuit      | Vacancies at the End of Clinton Tenure (January 2001) | Vacancies Now |
|--------------|---|---------------|
| 1            | 0   | 1             |
| 2            | 1   | 0             |
| 3            | 2   | 2             |
| 4            | 5   | 4             |
| 5            | 3   | 0             |
| 6            | 4   | 0             |
| 7            | 0   | 0             |
| 8            | 1   | 0             |
| 9            | 3   | 1             |
| 10           | 2   | 0             |
| 11           | 1   | 0             |
| DC           | 3   | 1             |
| Federal      | 1   | 0             |
| <b>Total</b> | <b>26</b>   | <b>9</b>      |

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**Breakdown of United States Circuit Courts (as of 6/24/08)**

**Total number of active judges: 169**

Active Judges appointed by Republicans: 103 (60.9%)

Active Judges appointed by Democrats: 66 (39.1%)

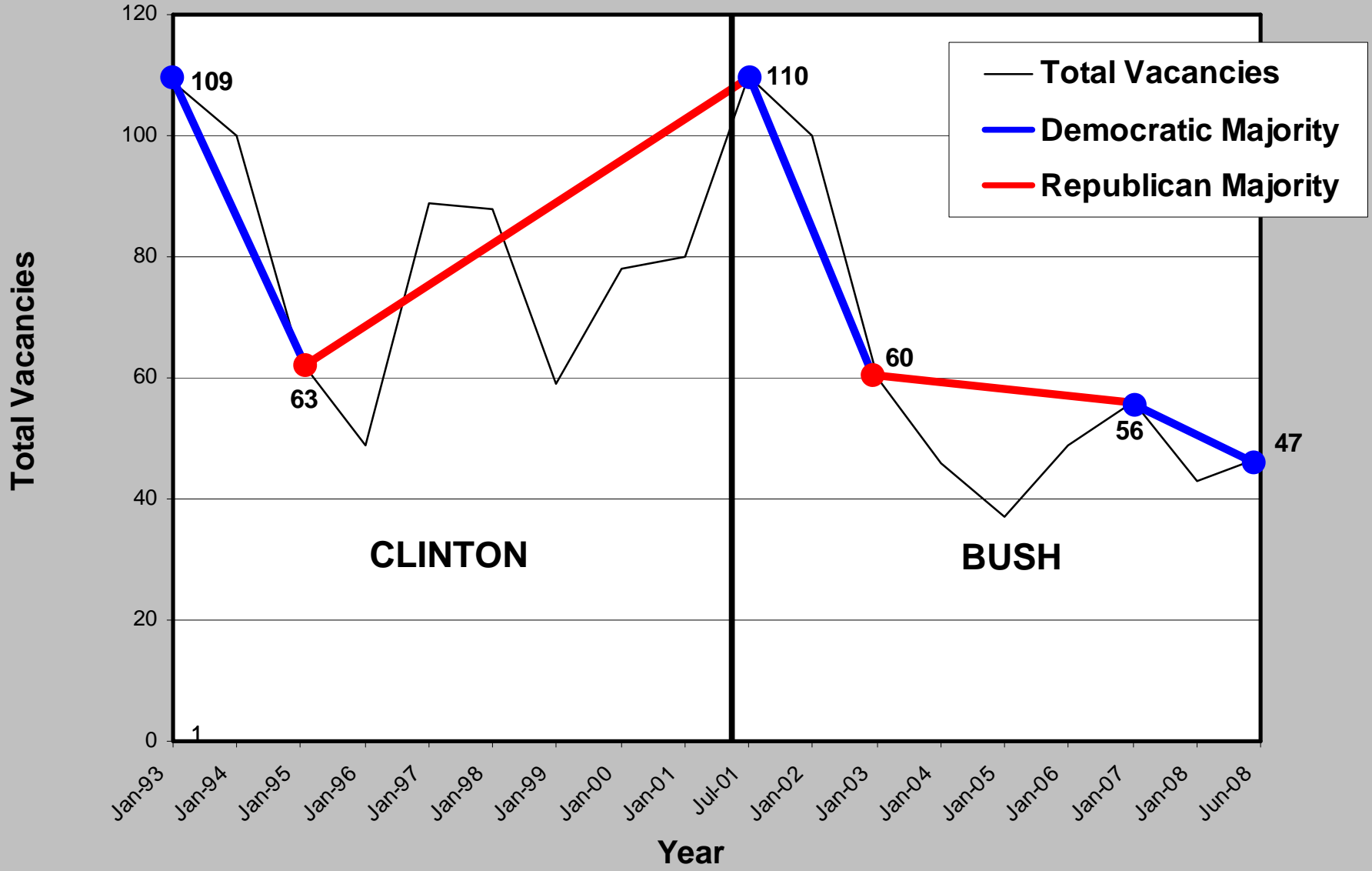
**Circuit Court Vacancies: 9**

**Pending nominations: 8**

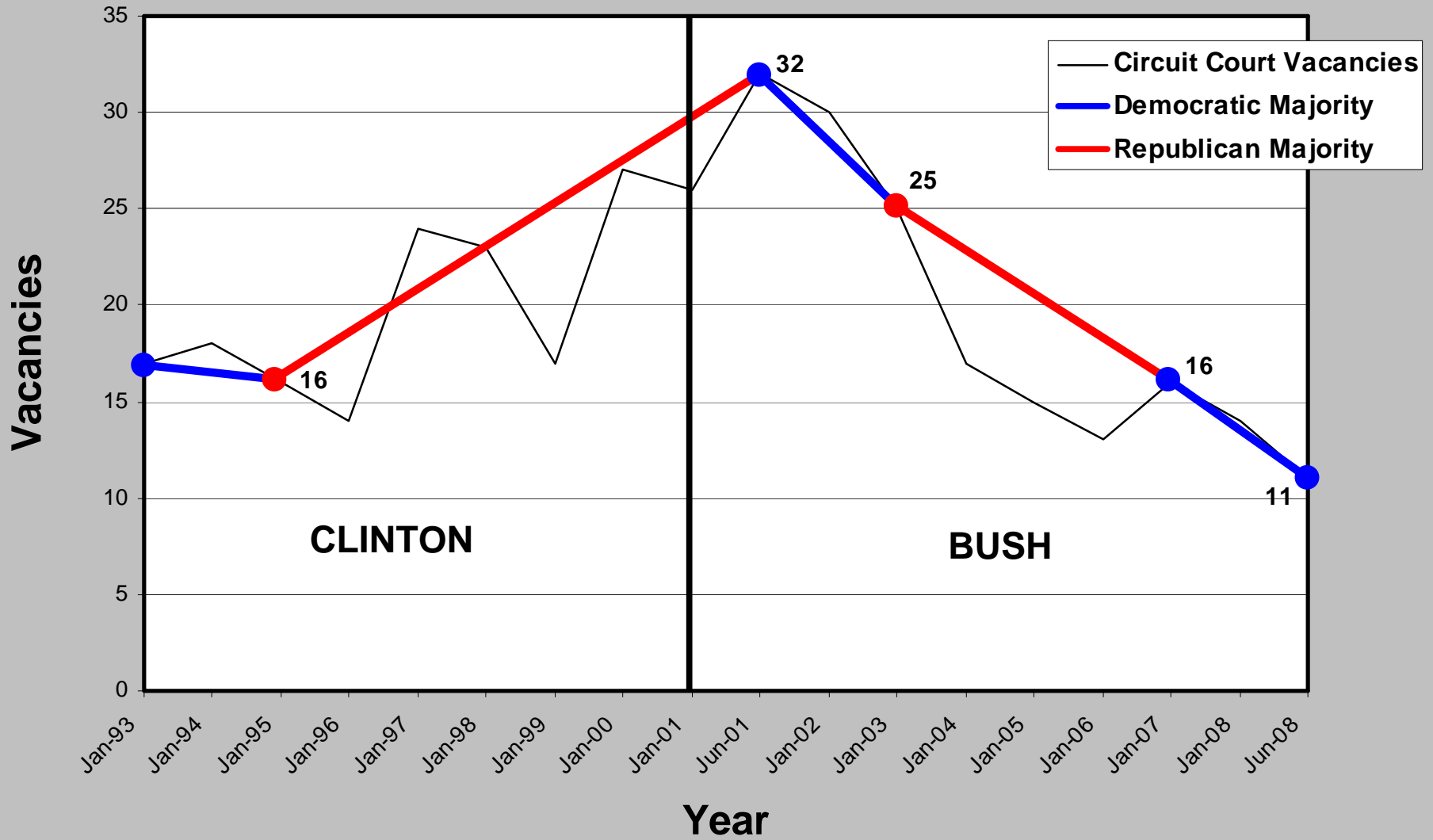
**Active Judges**

| <b>Court</b>     | <b>Number of Active Judges</b> | <b>Active Judges Appointed by Republicans</b> | <b>Active Judges Appointed by Democrats</b> |
|------------------|--------------------------------|---|---|
| First Circuit    | 5                              | 3 (60%)                                       | 2 (40%)                                     |
| Second Circuit   | 13                             | 6 (46%)                                       | 7 (54%)                                     |
| Third Circuit    | 12                             | 6 (50%)                                       | 6 (50%)                                     |
| Fourth Circuit   | 11                             | 7 (64%)                                       | 4 (36%)                                     |
| Fifth Circuit    | 17                             | 13 (76%)                                      | 4 (24%)                                     |
| Sixth Circuit    | 16                             | 10 (62.5%)                                    | 6 (37.5%)                                   |
| Seventh Circuit  | 11                             | 8 (73%)                                       | 3 (27%)                                     |
| Eighth Circuit   | 11                             | 9 (82%)                                       | 2 (18%)                                     |
| Ninth Circuit    | 27                             | 11 (41%)                                      | 16 (59%)                                    |
| Tenth Circuit    | 12                             | 8 (67%)                                       | 4 (33%)                                     |
| Eleventh Circuit | 12                             | 7 (58%)                                       | 5 (42%)                                     |
| DC Circuit       | 10                             | 7 (70%)                                       | 3 (30%)                                     |
| Federal Circuit  | 12                             | 8 (67%)                                       | 4 (33%)                                     |

# Judicial Vacancies: The Clinton and Bush Years



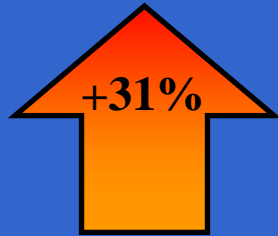
# Circuit Court Vacancies: The Clinton and Bush Years



# THE BUSH PRESIDENCY

## UNEMPLOYMENT

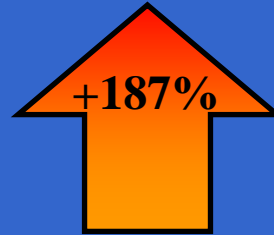
5.5%



4.2%

## PRICE OF GAS

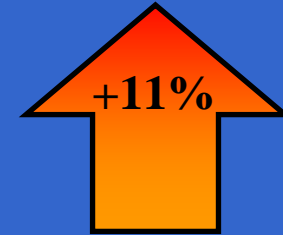
\$4.08



\$1.42

## UNINSURED

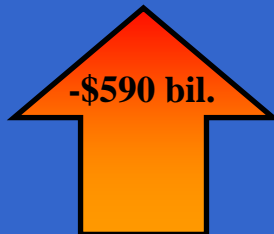
15.8%



14.2%

## BUDGET DEFICIT

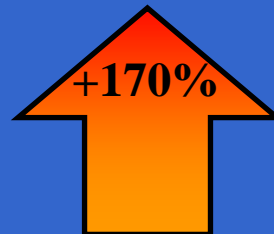
\$354 billion deficit



\$236 billion surplus

## AMERICANS WHO THINK WE ARE ON THE WRONG TRACK

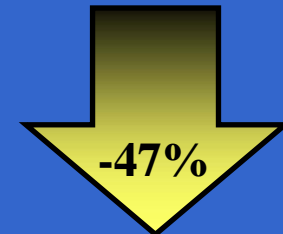
81%



30%

## JUDICIAL VACANCIES

9.9%



5.2%

# U.S. SENATOR PATRICK LEAHY

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VERMONT

## Senate Confirms Three Lifetime Appointments *Circuit Vacancies Dip To Single Digits*

WASHINGTON (Tuesday, June 24, 2008) – Three judicial nominees, whose consideration was expedited by Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.), were confirmed by the Senate today for lifetime appointments to the federal judiciary. The nominees include Judge Helene White and Raymond Kethledge, whose confirmations fill the final vacancies on the Sixth Circuit Court of Appeals. Steven Murphy was also confirmed for a seat in the eastern district of Michigan.

The confirmations Tuesday bring to 52 the number of federal judges confirmed by the Senate in the 110<sup>th</sup> Congress. The nominations of Judge White and Kethledge were the result of months of negotiations between Michigan Senators Carl Levin and Debbie Stabenow and the White House, and [resolve a decade-long impasse](#) on the Sixth Circuit. The three nominees confirmed Tuesday [received a hearing](#) before the Senate Judiciary Committee on [May 7](#), and were [ordered reported](#) from the Committee on [June 12](#). Judge White, who was nominated for the Sixth Circuit three times by President Clinton, but who never received a hearing by the Republican-led Senate, responded to scores of questions posed by Republican members of the Committee, which led to a delay in the Committee's consideration of the Michigan nominees.

“The Michigan vacancies on the Sixth Circuit have proven a great challenge,” said Leahy. “I want to commend Senator Levin and Senator Stabenow for working to end years of impasse. I have urged the President to work with the Michigan Senators and, after seven years, he finally has. We have come a long way since I became Chairman in 2001 when the Sixth Circuit was in turmoil and nominations had been road blocked for years.”

Leahy said further, “The only lifetime appointments in our government, these nominations matter a great deal. The Federal judiciary is the one arm of our government that should never be political or politicized, regardless of who sits in the White House. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent, and able to provide justice to all Americans, without fear or favor.”

Circuit court vacancies are at the lowest rate in over a decade. With Tuesday's confirmation of the Sixth Circuit nominees, eight of the 13 circuits are without a single vacancy, and 11 have fewer vacancies than at the start of the Bush administration. There are just nine circuit vacancies across the country, and the circuit vacancy rate has dropped from 17.9 percent at the start of the Bush administration to just 5.1 percent after today's confirmations. Vacancies on the federal judiciary nation wide have dropped from 9.9 percent after President Clinton's administration to just 4.8 percent today.

The Senate is poised to make additional progress on Thursday when it will consider the confirmations of two additional district court judges pending on the Executive Calendar, G. Murray Snow of Arizona, and William T. Lawrence for the Southern District of Indiana, who were both [reported](#) by the Judiciary Committee in May. The Judiciary Committee will also consider four district nominees from New York at a [business meeting](#) scheduled for Thursday.

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