

U.S. District Court Vacancies: Overview and Comparative Analysis

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This Insight provides comparative historical data related to [U.S. district court](#) vacancies that existed at the beginning of the three most recent presidencies (Obama, George W. Bush, Clinton), as well as the number of vacancies that existed on June 1 of each President's eighth year in office. Data is also provided for the last day of the George W. Bush and Clinton presidencies (and the percentage change in the number of vacancies from the beginning to the end of each presidency).

This Insight also provides a geographic overview of the location of district court vacancies that existed on June 1 of President Obama's eighth year in office, as well the location of vacancies deemed "judicial emergencies" by the [Administrative Office of U.S. Courts](#).

As of this writing, Congress has authorized 673 district court judgeships. Vacant judgeships typically arise when a judge voluntarily retires, but can also occur as a result of a judge being elevated to a circuit court judgeship or dying while in office, being impeached or removed from office, or when new judgeships are authorized by Congress.

Historical Vacancy Data

[Figure 1](#) shows the number of U.S. district court vacancies that existed at the beginning of each of the three most recent presidencies (on January 20 in 1993, 2001, and 2009, respectively), as well as the number of vacancies that existed on June 1 during the eighth year of each of the same presidencies (in 2000, 2008, and 2016, respectively). Data is also provided for the final day of the George W. Bush and Clinton presidencies (on January 19 in 2001 and 2009, respectively), and the percentage change in the number of vacancies from the beginning to the end of each presidency.

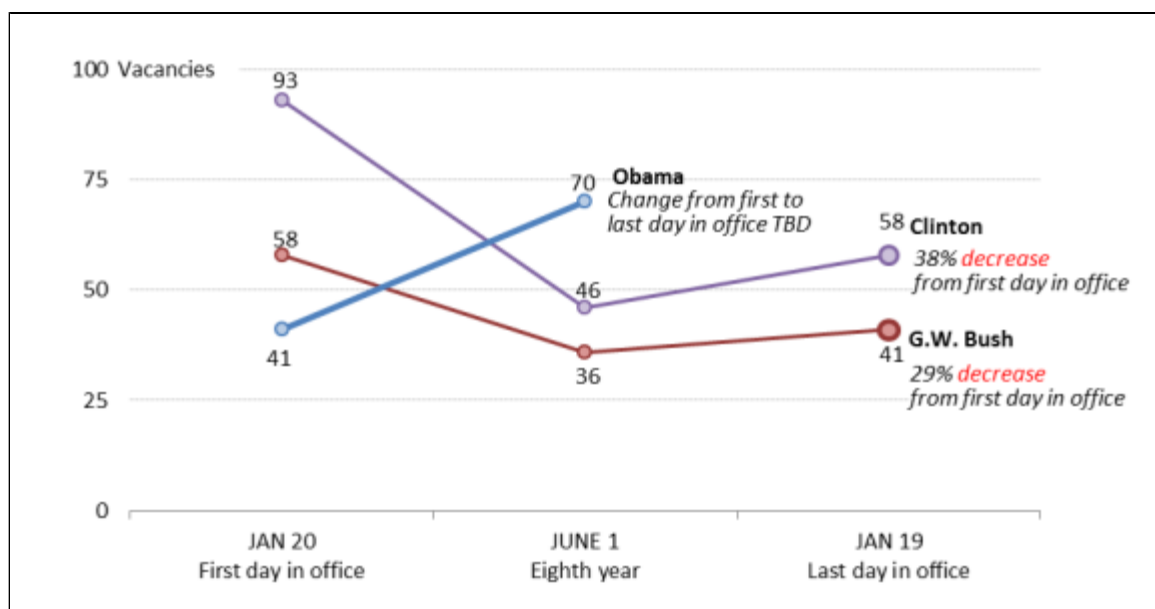
The number of district court vacancies during the Obama presidency increased from January 20 of his first year in office to June 1 of his eighth year. As shown by the figure, there were 41 district court vacancies on January 20, 2009 (the date on which President Obama was inaugurated) and 70 such vacancies on June 1, 2016—a 71% increase. By contrast, the number of district court vacancies decreased from January 20 of the first year in office to June 1 of the eighth year for Presidents George W. Bush and Clinton.

Various factors will determine whether President Obama has more district court vacancies that exist at the end of his

presidency than at the beginning (which, as [Figure 1](#) shows, would be a change from the two previous presidencies). One factor is how many additional district court nominations are approved by the Senate prior to the end of the Obama presidency. At present, there are 43 nominations pending before the Senate (during the George W. Bush and Clinton presidencies, 20 and 15 district court nominations were confirmed by the Senate, respectively, at some point after June 1 during each President's eighth year in office).

A second factor is how many more district court judgeships become vacant by the end of the Obama presidency. At present, [five district court judges](#) have announced their intention to step down from active service prior to President Obama leaving office (during the George W. Bush and Clinton presidencies, 20 and 12 district court judges left office, respectively, between June 1 of each President's eighth year in office and the end of his presidency).

Figure 1. U.S. District Court Vacancies on Specified Dates during the Obama, G.W. Bush, and Clinton Presidencies



Source: Congressional Research Service.

Note: Note that the time periods represented above (from a President's first day in office to June 1 of his eighth year in office, and from June 1 of his eighth year in office to his last day in office) do not reflect intervals of equal length of time.

Vacancies Existing on June 1 of President Obama's Eighth Year in Office

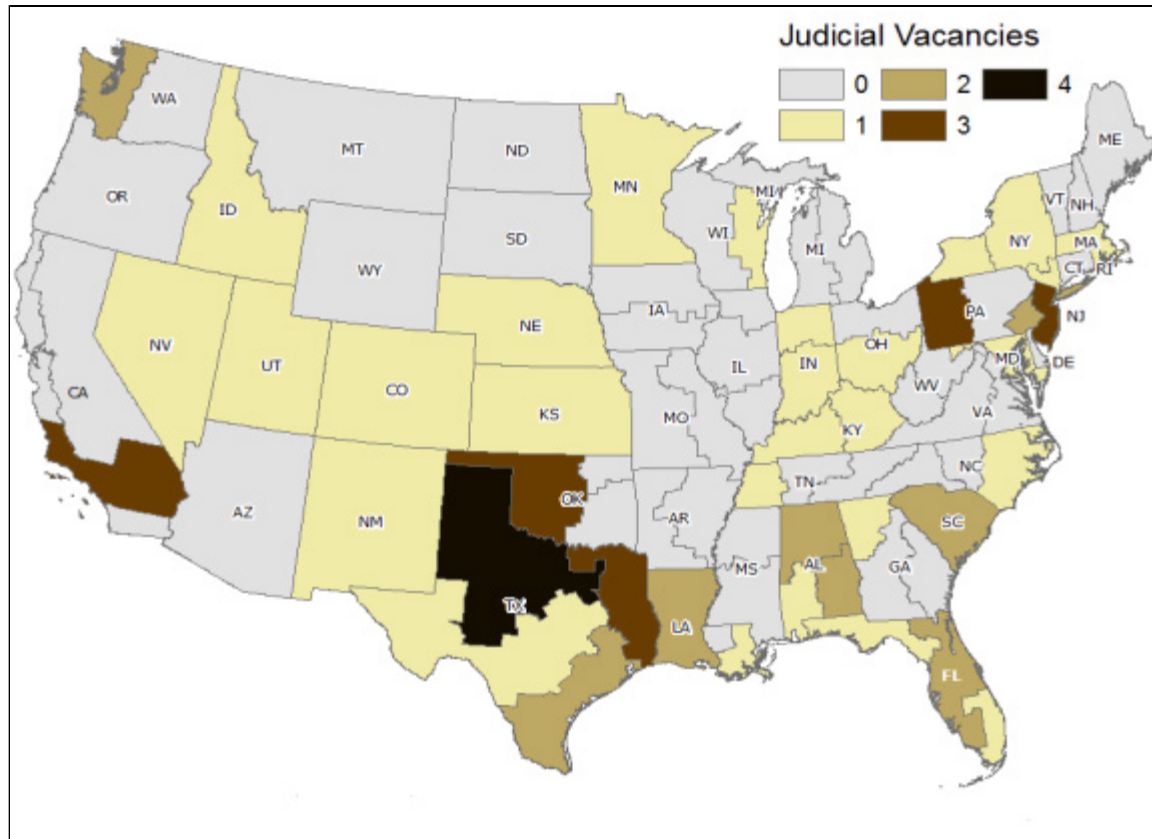
At least one vacant U.S. district court judgeship exists in over half of the nation's 91 judicial districts. Specifically, as of June 1, 2016, there were 70 vacant district court judgeships across 46 of 91 districts (not including 3 [territorial courts](#)).

[Figure 2](#) shows the location of these vacancies, including the 15 districts with more than 1 vacancy. At present the district with the most vacancies is the [Northern District of Texas](#) (Dallas), with four.

Of the 70 vacancies, 28 (40%) have a nominee pending before the [Senate Judiciary Committee](#), 15 (21%) have a nominee pending on the [Senate Executive Calendar](#), and 27 (39%) of the vacancies have not yet had a nominee submitted to the Senate by the President. Overall, 43 of 70 vacancies (or 61%) have a nomination pending before the Senate.

Of the 70 vacancies, 34 (49%) have existed for at least one year, while 16 (23%) have existed for at least two years—with the longest vacant judgeship located in the [Eastern District of North Carolina](#) (vacant since December 31, 2005). Of the 34 vacancies that have existed for at least one year, 25 (73%) have a nominee pending before the Senate, while the remainder have not yet had a nomination submitted by the President. Ten, or 62.5%, of the 16 vacancies that have existed for at least two years have a nominee pending, while the remainder have not yet had a nomination submitted.

Figure 2. U.S. District Court Vacancies (as of June 1, 2016)



Source: Congressional Research Service.

Note: The judicial districts of Alaska, the District of Columbia (DC), Hawaii, and Puerto Rico are not included in the map above. As of June 1, 2016, there was one vacant district court judgeship in each of Alaska, Hawaii, and Puerto Rico. There were three vacant judgeships in DC.

Judicial Emergencies

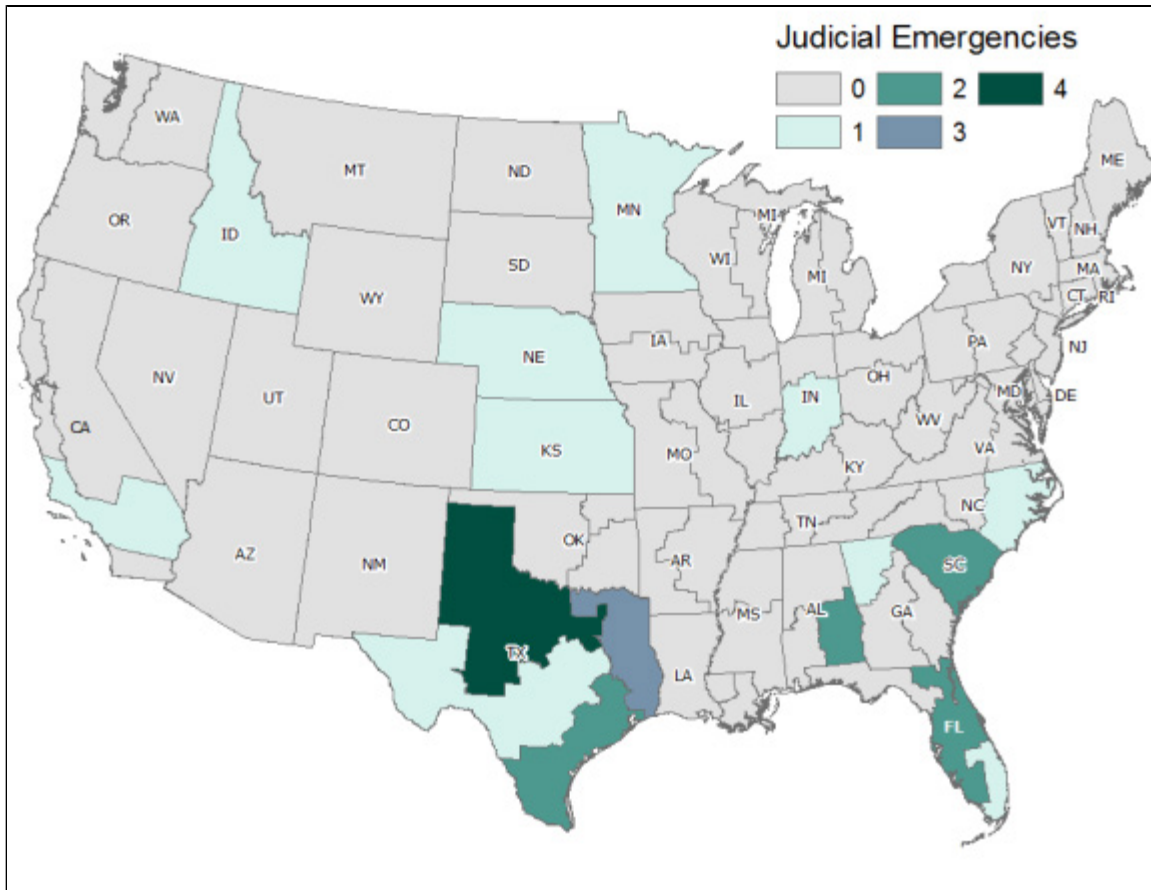
Vacancies are classified as "judicial emergencies" by the Administrative Office of U.S. Courts [based on various criteria](#), including the number of case filings per judgeship and the length of time a particular vacancy has existed. [Figure 3](#) shows the location of vacancies, as of June 1, 2016, considered judicial emergencies.

Of the 70 vacancies, 25 (or 36%) are classified by the Administrative Office of U.S. Courts as "judicial emergencies." At present, two or more judicial emergencies exist in six districts—South Carolina, Eastern Texas (Tyler), Northern Texas (Dallas), Southern Texas (Houston), Middle Alabama (Montgomery), and Middle Florida (Tampa).

Of the 25 vacancies considered judicial emergencies, 15 (60%) have a nominee pending before the Senate Judiciary Committee, 2 (8%) have a nominee pending on the *Executive Calendar*, and 8 (32%) of the vacancies have not yet had a nominee submitted to the Senate by the President. Overall, 17 of 25 vacancies considered judicial emergencies (or

68%) have a nomination pending before the Senate.

Figure 3. U.S. District Court Vacancies Considered Judicial Emergencies (as of June 1, 2016)



Source: Congressional Research Service.

Note: The judicial districts of Alaska, the District of Columbia (DC), Hawaii, and Puerto Rico are not included in the map above. As of June 1, 2016, no judicial emergencies existed for district courts in these districts.