

FEDERAL JUDICIAL NOMINATIONS

This draft table lists the state of judicial nominations each state. The FBA Government Relations Committee would appreciate the input of FBA chapters in updating the chart and the state of the nomination process in each state.

The chart builds upon the work of the IAALA and the Brookings Information in an earlier chart of judicial screening committees that appeared to be in operation as of November 2016, or that stand ready to operate in the event of a vacancy. These committees are unofficial bodies that some U.S. Senators (and sometimes U.S. House members) establish to help them screen applicants whom they may recommend for presidential nomination to judicial and law enforcement positions in their states.

“POSITIONS CONSIDERED” indicates the positions for which the committee screens candidates: DJ=district court; CA=court of appeals seats traditionally filled from the state; USA=U.S. attorney; USM=U.S. marshal.

STATE (# of district judgeships) ¹	YEAR CREATED	COMMENTS	COMPOSITION	POSITIONS CONSIDERED
Alabama (14) - 5	2013	As the only Democrat in the state’s congressional delegation, Rep. Sewell (D) set up a “Judicial Screening Committee for Federal District Judgeships”	7 members—legal scholars, judges, and lawyers	DJ
Alaska (1)				
Arizona (2)				
California (61) - 6	2001; reconstituted in 2009	Senators Boxer and Feinstein (both D) each use a bipartisan “Judicial Advisory Committee” in each of California’s four judicial districts to alternate recommending nominees for vacancies.	From 5 to 7 members (all lawyers) in 8 committees (2 for each of the 4 judicial districts)	DJ, USA, USM
Colorado (7) – 1	2015	Senators Bennet (D) and Gardner [®] each created screening committees (called “Bipartisan Selection Advisory Committee” and “Judicial Evaluation Committee”, respectively) for a vacancy announced last April, to be effective next April.	Bennet: 11 lawyers, Democratic and Republican co-chairs Gardner: 9 lawyers, 1 judge, 1 business executive	DJ
Connecticut (1)				

¹ States in which senators used a committee in the past but where newer senators have not done so for recent vacancies include Connecticut, Georgia, and North Carolina.

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D.C. (15) - 4	1993; reconstituted in 2009	D.C. delegate Norton (D) created a committee during the Clinton administration and appointed a reconstituted "Federal Law Enforcement Nominating Commission" in early 2009.	16 members—lawyers and non-lawyers	DJ
Delaware (1)				
Florida (37) - 7	1974, and revised occasionally	Florida's senators have used what is currently called a "Federal Judicial Nominating Commission" ² since 1974, under varying procedures that have shifted based on the party makeup of the state's Senate delegation and control of the White House.	78 members serving in three "conferences" corresponding to the state's three judicial districts	DJ, USA, USM
Georgia (3)				
Hawaii (4) – 1	2015	Senators Horono and Schatz (both Ds) created a Federal Judicial Screening Committee for the most recent vacancy.	7 members—3 appointed by each senator, chair jointly appointed; includes lawyers and non-lawyers	DJ ³
Idaho (1)				
Illinois (30) – 2	Screening committees used during the Clinton	Senators Durbin (D) and Kirk [®] each use a screening committee. Durbin submits candidates to the White House for three vacancies, and Kirk	Durbin: One committee for each federal district—Northern = 13 members, Southern = 6	DJ (The senators use a joint committee for USA and USM vacancies.)

² While several states label their screening committees and "nominating commissions," this is a misnomer. These committees advise senators, who in turn recommend potential nominees, but nomination lies with the president.

³ Past Hawaii senators have adopted a formal charter for the Federal Judicial Selection Commission, whose role has included recommending potential nominees for relevant Ninth Circuit vacancies. Senators Horono and Schatz have not yet taken this step.

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	administration Durbin: reconstituted in 2009; revamped in 2011 Kirk: created in 2011	submits candidates for the fourth vacancy.	members, Central = 8 members. Bipartisan, all lawyers Kirk: Statewide committee, all lawyers. 2011 committee included 14 members—a U.S. House member, a retired federal judge, a law professor, and practicing lawyers	
Iowa (5) - 0	2015	Senator Grassley [®] formed a Judicial Selection Commission to recommend nominees for two vacancies.	5 members, all lawyers	DJ
Indiana (2)				
Kansas (1)				
Kentucky (2)				
Louisiana (4)				
Maine (3) - 0	2013	Senator King (I) and Representatives Michaud and Pingree (both D) formed a judicial screening panel to recommend candidates for a vacancy announced in July 2012, effective July 2013.	12 members—a law professor, a retired state judge, practicing lawyers	DJ
Maryland (1)				
Massachusetts (13) – 1	2013; reconvened in 2015	Senators Warren and Markey use an Advisory Committee on Massachusetts Judicial Nominations.	12 members, all lawyers (7 review applications for Boston vacancies only; 5 review all applications)	DJ
Michigan (19) – 2	2009	Then-Senator Levin and Senator Stabenow (both D) used a “broad-based screening committee” to recommend candidates for four vacancies in 2013.	“Legal experts”	DJ
Minnesota (7) – 2	2014 (Klobuchar first used committee in 2009)	Senators Klobuchar and Franken (both D) formed a “Judicial Selection Committee” in December 2014 to recommend potential nominees for the Davis vacancy.	8 members— 6 lawyers, a former judge, a non-lawyer; bipartisan	DJ

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Montana (3) - 0	2010; reconstituted in 2012	Senator Baucus (D) announced the creation of a commission in late 2012 to recommend candidates for two vacancies.	9 members—8 lawyers and a state supreme court justice	DJ
Nevada (1)				
New Jersey (2)				
New York (52) – 8	At least since Senators D’Amato and Moynihan	Google searches and other sources indicate that Senator Schumer (D) uses a judicial screening panel, though Schumer’s website makes no mention of it. Senator Gillibrand (D) apparently does not use a committee, but the senators may share nominating responsibilities.	Approx. 12, apparently all lawyers According to a 2011 article, Schumer’s office “refuse[d] to discuss the membership of the panel.”	DJ (and, according to one committee member’s website, USA)
North Carolina (1)				
Ohio (20) – 2	2009	<p>Senator Brown (D) and then-Senator Voinovich[®] in 2009 created two “Bipartisan Judicial Advisory Commissions” for the state’s two federal judicial districts. They said that to avoid conflicts of interest, the Northern District committee will vet candidates for Southern District positions and vice versa.</p> <p>Senator Portman[®] is said to have “signed off” on the nominee for the most recent vacancy, who wasn’t confirmed until after Voinovich’s retirement.</p>	Each committee has 17 members, most of whom are lawyers	DJ, USA

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Oklahoma (3)				
Oregon (6) - 0	2009, apparently reconstituted from earlier committee	A July 2009 press release from Senator Wyden (D) announced that in April he and Senator Merkley (D) had appointed “a 13-member selection committee to find replacements” for two retiring district judges. A separate panel was named in August 2009 to recommend USA candidates.	13 members—Wyden: 9 (6 of whom were women or from minority groups); Merkley: 4	DJ, USA, USM
Pennsylvania (38) – 6	1981; revised in 2011	Senators Casey (D) and Toomey [®] revamped and revised the long-standing commission arrangement in Pennsylvania, with committee members and co-chairs appointed equally by each senator. Used most recently in 2014.	3 committees of 20 members each, including (according to a joint May 31 news release) “leading members of the bar and other respected Pennsylvania [sic]”	DJ
Puerto Rico (1)				
Rhode Island (1)				
South Carolina (2)				
Tennessee (3)				
Texas (52) - 11	1986; reconstituted in 2009, 2013	Senators first used a Federal Judicial Evaluation Committee in 1986 during the George H.W. Bush administration. After the 2008 presidential election, and following statements by Texas House Democrats that they would forward prospective nominees to the White House, the senators released the names of a newly constituted committee.	35 members—all lawyers; bipartisan	DJ, USA

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Utah (1)				
Vermont (2) - 0	2009	Senators Leahy (D) and Sanders (I) appointed a “Vermont Judicial Nominating Commission.” A Leahy news release said that House member-at-large Welch will also have a role in the process.	9 attorneys—Leahy: 3, Sanders: 3, Vermont Bar Association: 3	DJ
Washington (12) - 3	2002; reconstituted in 2012, 2015	Senators Murray and Cantwell (both D) and the state’s senior House member (even if R) use “bipartisan selection committees” (one for each district) to recommend potential nominees.	Eastern District: 8 members—4 R, 4D, all lawyers Western District: 6 members—3 R, 3D	DJ
Wisconsin (7) - 1	1979; reconstituted in 2013	Senator Baldwin (D) and Senator Johnson (R) formed a committee in 2013. They were unable to agree on a slate of potential Seventh Circuit nominees in 2015, and Baldwin forwarded 8 names over Johnson’s objection. The administration submitted a nominee in January 2016.	6 members, with each senator appointing 3; all lawyers ⁴	DJ, CA, USA

⁴ Under the Wisconsin Judicial Nominating Commission’s longstanding charter, the composition of the Senate delegation and party control of the White House determined how commission members were appointed. When Senator Baldwin took office, he pushed for the charter to be revised so that senators appoint an equal number of members.