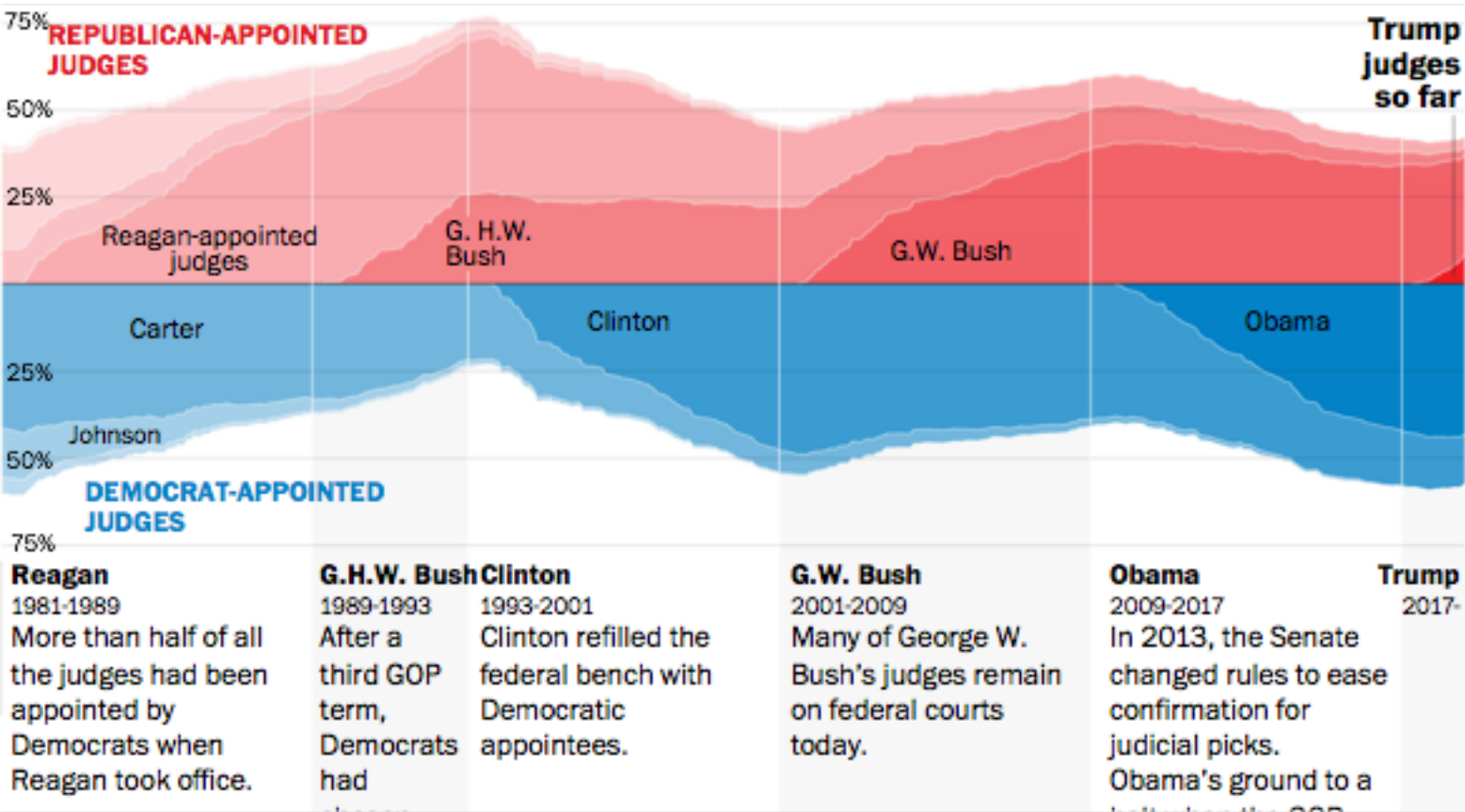


The Washington Post

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# How Trump is shifting the most important courts in the country

Share of federal judges appointed by Republican and Democratic presidents since Reagan



## As his second appointment to the Supreme Court begins Senate hearings

on Tuesday, dozens of Trump's picks for lower federal courts have already been installed, leaving a conservative imprint on the nation's judiciary.

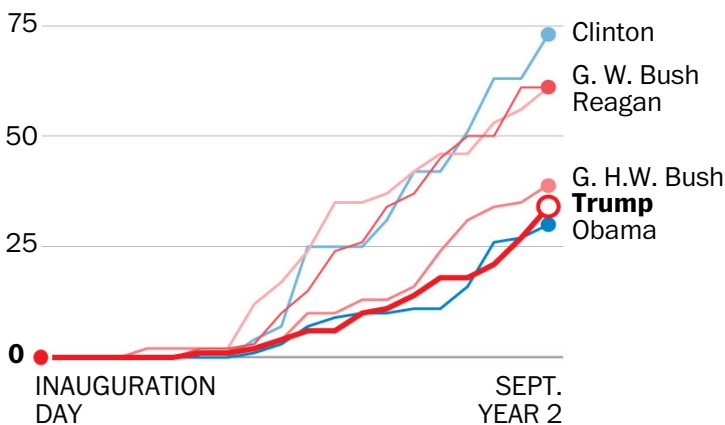
In particular, the White House has filled the influential [circuit court](#) judgeships — the second-highest courts in the U.S. and last stop for many major cases — at a faster pace than his recent predecessors.

More Trump picks to the circuit courts, also known as the [U.S. Courts of Appeals](#), have been confirmed, 26 so far, than any recent president at this point in their first term. Another 13 of the 179 judgeships on the courts are vacant.

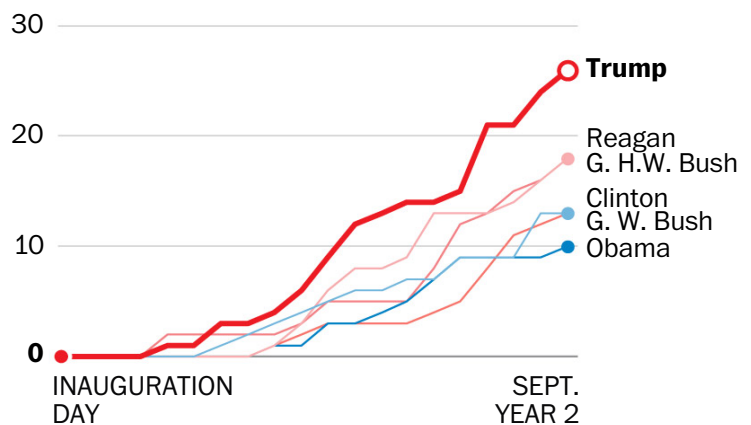
Trump's appointments to the lower district courts have fallen short of all but President Barack Obama, though more than 100 of those positions are available to be filled by Trump-selected judges.

### Number of judges appointed by each new president, by court type

DISTRICT COURT JUDGES



CIRCUIT COURT JUDGES



“The Supreme Court gets the bulk of the attention, but the circuit courts decide the bulk of the cases,” Arthur D. Hellman, a University of Pittsburgh law professor who studies the federal judiciary, [told The Post in August](#).

“Because the Supreme Court these days is taking so few cases, the law of

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the circuit is, on many, many issues, the final law for the people who live in that circuit.”

Several Senate moves have made it easier for Trump to fill the courts.

The 2013 Democratic majority, facing Republican opposition to Obama judicial picks, lowered the number of votes needed for presidential appointees and lower-court judges [from 60 to 51 votes](#), a simple majority. This eliminated a need for bipartisanship on those nominations. (Republicans have since [extended that](#) to Supreme Court justices.)

But when Republicans regained the chamber in 2015, confirmations slowed significantly. At the time, Democrats said the GOP, led by Majority Leader Mitch McConnell (R-Ky.), was [refusing votes on dozens of judicial nominees](#) to run out the clock on their confirmations.

In 2016, Trump was elected with a [high number of vacancies](#) waiting to be filled.

## Number of judicial vacancies in district and circuit courts



The lower vote threshold and the decision by Republicans in the Senate to sidestep blue slips, which allow [senators to block a judge from their state](#), have made it easier for confirmations to proceed.

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The rules changes have also made it easier to install justices favored by

Foundation.

Ilya Shapiro, a constitutional lawyer at the Cato Institute, the libertarian think-tank, praised concerted efforts by White House lawyer Donald McGahn and others to fill the courts with qualified [originalist judges](#).

“Certainly at the circuit court level this has paid dividends,” he said.

The impact could be extended by the fact that Trump’s picks are generally younger than his predecessors.

The median age of Trump’s circuit court judges is about 49 years old, younger than the judges put forward by the past five presidents.

Demographics of circuit court judges, by president

PRESIDENT	NUMBER OF JUDGES	MEDIAN AGE	PERCENT FEMALE	PERCENT NONWHITE
<b>Trump</b> (so far)	26	49	23.1	11.5
<b>Obama</b>	55	53	43.6	34.5
<b>G.W. Bush</b>	62	51	27.4	14.5
<b>Clinton</b>	66	51	30.3	25.8
<b>G.H.W. Bush</b>	42	50	16.7	9.5
<b>Reagan</b>	83	51	7.2	2.4

“Judicial nominations are for life,” Shapiro said. “If you nominate someone in their late 30s or early 40s, they’re going to be on the bench for 40 years, which is significant.”

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