

U.S. District and Circuit Court Nominations Process

VACANCY ANNOUNCED

A judicial vacancy is most often created when a judge resigns, passes away, or takes "senior status," a form of semi-retirement for federal judges who meet certain age and service requirements.

SELECTION

U.S. senators use a variety of processes to provide recommendations to the president for who should fill a vacancy in their state. U.S. representatives and others can also make recommendations. The White House and U.S. Dept. of Justice research and interview candidates.

NOMINATION

The president publicly nominates someone for the vacancy.

The nominee completes a Senate Judiciary Questionnaire that summarizes their professional experience. The questionnaire is reviewed by senators and publicly available.

HEARING

The Senate Judiciary Committee holds a hearing where senators ask questions and the public has a chance to hear from the nominee. These hearings usually feature testimony from several nominees.

Senators from the state where the nominee is to serve are given "blue slips" to return to the Senate Judiciary Committee chair to indicate whether they support the nominee. For district court nominees, hearings generally are not scheduled until home-state senators return a blue slip indicating support for the nominee.

QUESTIONS FOR THE RECORD

After the hearing, senators can ask the nominee further questions by submitting Questions for the Record that the nominee responds to in writing.

COMMITTEE VOTE

The Senate Judiciary Committee holds an executive business meeting, also known as a markup, where it votes on the nomination.

Usually, a nominee is listed on an agenda for two separate markups and is voted on the second time they are listed.

The committee can report a nominee favorably, unfavorably, or without recommendation.

CLOTURE VOTE

Recently, most nominations first require a cloture vote by the Senate to end debate on a nomination. To end debate, a simple majority vote is required.

FINAL VOTE

Finally, the full Senate votes on whether to confirm the nomination. Confirmation requires a simple majority vote.

If the cloture vote is successful, senators have up to 30 hours to debate the nomination before a final vote is held.

