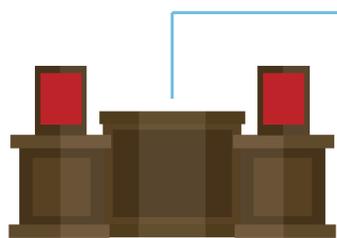


# JUDICIAL NOMINATIONS

## The confirmation process from vacancy to sitting judge



### 1 A JUDICIAL VACANCY IS CREATED

This happens when a judge retires, dies, or leaves office for some other reason.

1

### 2 THE ADMINISTRATION, SENATORS, OR OTHERS IDENTIFY CANDIDATES

For district court judges, it is customary for home state Senators in the President's political party to provide their recommendation(s). For circuit court judges, Senators often still play a role, but Administrations do not rely solely on Senators' recommendations for these positions as with district court nominees.

2

### 3 ADMINISTRATION STAFF WORK THROUGH A VETTING PROCESS

After their investigation, Administration staff make an official recommendation to the President.

3

### 4 PRESIDENT MAKES FORMAL NOMINATION

4

### 5 SENATE JUDICIARY COMMITTEE STAFF INVESTIGATE EACH NOMINEE

Senate refers nomination to Judiciary Committee after receiving the President's formal nomination message.

5

### 6 COMMITTEE CHAIR SENDS "BLUE SLIPS" TO HOME STATE SENATORS

This also occurs after the nomination is referred to committee. The "blue slip" process is a courtesy that seeks the approval of nominees by their home state Senators. Customarily, the blue slip process—named for the color of the paper these requests were traditionally delivered on—allows Senators who disapprove of nominees to prevent the committee from moving forward on a nominee.

6

### 7 JUDICIARY COMMITTEE HOLDS A HEARING

The hearing offers an opportunity for Senators to question nominees about their background, past decisions, judicial philosophy, etc. Hearings usually feature more than one nominee.

7

### 8 JUDICIARY COMMITTEE VOTES ON THE NOMINEE

If the committee votes to report the nominee to the full Senate, the nomination is put on the Senate's Executive Calendar.

8

### 9 SENATE MOVES INTO EXECUTIVE SESSION TO CONSIDER NOMINATIONS

If the Senate has not agreed to a time limit, Senators can continue to consider a nomination indefinitely without ever voting on the candidate. Even one Senator in opposition can block a confirmation vote unless a cloture (close of debate) motion is invoked.

9

### 10 THE FULL SENATE MOVES TO CONFIRMATION

The Senate does this either on the basis of unanimous consent agreements or a cloture vote to end debate. A simple majority is needed to invoke cloture, but after cloture is invoked, the Senate can consider the nomination for up to another 30 hours.

10

### 11 IF CONFIRMED, THE PRESIDENT SIGNS EACH NOMINEE'S JUDICIAL COMMISSION

This document provides the new judge with his or her judicial authority and requires the President's signature.

11

### 12 NEWLY-CONFIRMED NOMINEES TAKE OATH OF OFFICE AND BEGIN THEIR SERVICE

The judge is usually sworn in again later in an investiture ceremony. This ceremony is performed in front of family and others, but is not necessary for the judge to begin his or her official duties.

12



\*This infographic is a simplified version of the steps of a successful confirmation process for federal district and circuit court nominees. It is generalized over most administrations and is not necessarily specific to the Trump administration.

#### Source:

Denis Steven Rutkus, "The Appointment Process for U.S. Circuit and District Court Nominations: An Overview," (Congressional Research Service, June 17, 2016), <https://fas.org/sgp/crs/misc/R43762.pdf>