

PUBLICATION

Senate Republicans Continue Push on Judicial Nominee Confirmations

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After confirming Judge Brett Kavanaugh to the Supreme Court, Senate Republicans resumed their push to confirm more federal appeals court judges and lower-court judges at a rapid pace. Senate Majority Leader Mitch McConnell (R-KY) has made appeals court confirmations a key priority for the Senate this year. On October 11, 2018, Senate Republican and Democratic leadership reached an agreement to accelerate consideration of several judicial nominations in exchange for allowing the Senate to recess until after the midterm elections. The Senate will continue processing nominations during the lame-duck session later this year.

President Trump has appointed a record number of appeals court judges in his first two years in office. Several recent changes in the Senate have helped facilitate President Trump's opportunity to shape the federal appeals courts. First, Senate Democrats eliminated the filibuster for presidential appointees and appeals court judges in 2013 after facing Republican opposition to President Obama's judicial nominees. Without the filibuster, the Senate can confirm judicial nominees with just a simple majority, which means, given the number of Senate Republicans, that nominees no longer require bipartisan support. Second, after taking control of the Senate in 2015, Republicans slowed President Obama's confirmations significantly, leaving a high number of vacancies to be filled when President Trump was elected in 2016.

If you have questions or would like further information regarding the content of this alert, please contact [Sheila Burke](#).