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U.S. Circuit and District Court Judges: Profile of Select Characteristics

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Summary

This report addresses ongoing congressional interest in the demographic characteristics and professional experiences of those individuals nominated and appointed to fill lower federal court judgeships. It focuses on demographic and other background characteristics of active U.S. circuit and district court judges who are currently serving on the federal bench.

Unless otherwise noted, the statistics provided in the report do not reflect all of a particular President's circuit or district court appointments during his time in office—but only active judges appointed by that President. A judge in “active service” works full-time and is appointed to one of the circuit or district court judgeships authorized by Congress. He or she has not taken senior status, retired, or resigned from office. A judge who has assumed senior status continues, on a part-time basis, to perform the duties of his or her office (which can include hearing cases)—but the demographic and background characteristics of these judges are not included in the statistics presented in the main text of the report.

As discussed below, “nontraditional” judges are those judges who belong to demographic groups from which, historically, individuals were not often selected, if at all, for federal judgeships. Specifically, for the purposes of this report, white women, non-white men, and non-white women are considered nontraditional judges.

Some of the report's findings include the following:

- During the Obama presidency, nontraditional judges for the first time in judicial history comprised over 50% of active U.S. circuit court judges. As of June 1, 2017, this remains the case among active circuit court judges—specifically, 54.4% of active judges are white women, non-white women, or non-white men.
- President Obama was the first President for whom nontraditional nominees comprised a majority (69.0%) of all those he appointed as circuit court judges.
- A plurality of active U.S. circuit court judges (26.3%) are 70 years or older.
- Immediately prior to being appointed as U.S. circuit court judges, a plurality of circuit court judges were either serving as U.S. district court judges (26.9%) or as attorneys in private practice (also 26.9%).
- During the Obama presidency, nontraditional judges for the first time in judicial history comprised over 50% of active U.S. district court judges. As of June 1, 2017, this remains the case among active district court judges—specifically, 51.0% of active judges are white women, non-white women, or non-white men.
- President Obama was the first President for whom nontraditional nominees comprised a majority (62.0%) of all those he appointed as district court judges.
- A plurality of active U.S. district court judges (29.5%) are 60 to 64 years of age.
- Immediately prior to being appointed as U.S. district court judges, a plurality of district court judges were working as attorneys in private practice (35.4%) followed by those serving as state or local judges (30.5%).

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Introduction

This report provides a profile of select demographic and background characteristics of active judges currently serving on the U.S. courts of appeals and U.S. district courts.¹ Specifically, for active circuit and district court judges serving as of June 1, 2017, this report provides a statistical breakdown of these judges' gender; race; gender and race, combined; current age; age at the time of their appointment to the bench; length of service; and professional occupation or position at the time of their appointment.² A statistical breakdown of these select demographic and background characteristics is provided first for active U.S. circuit court judges, followed by the same information for active U.S. district court judges.

U.S. Circuit Courts

Circuit courts take appeals from federal district court decisions and are also empowered to review the decisions of many administrative agencies. The court of appeals decision “usually will be the final word in [a] case, unless it sends the case back to the trial court for additional proceedings, or the parties ask the U.S. Supreme Court to review the case” (the Supreme Court, though, is not required to grant review of the circuit court’s decision).³

Altogether, 179 circuit court judgeships are currently authorized by law.⁴ These judgeships are distributed across 13 judicial circuits, 12 of which are geographic in nature (i.e., regional circuits

¹ In this report, the U.S. courts of appeals are frequently referred to as “circuit courts” while judges serving on such courts are referred to as “circuit court judges.” Note that senior status judges (i.e., judges who on a part-time basis continue to perform the duties of his or her office—which can include hearing cases), are not considered full-time, active judges and, consequently, are not included in the statistics presented throughout the main text of report.

² The demographic and background data used in this report were acquired by CRS using the *Biographical Directory of Federal Judges*, a resource provided by the Federal Judicial Center of the Administrative Office of U.S. Courts. Consequently, this section does not provide a discussion of other demographic characteristics that might nonetheless be of interest to Congress. The analysis in the report, for example, does not include the sexual orientation of circuit and district court judges. President Obama appointed the first openly gay individual to a circuit court judgeship. Todd M. Hughes was nominated by President Obama to the Federal Circuit on February 7, 2013, and confirmed by the Senate on September 24, 2013. See Juliet Eilperin, “Senate confirms Todd M. Hughes as first openly gay federal appeals judge,” *Washington Post*, September 24, 2013, online at http://www.washingtonpost.com/politics/senate-confirms-todd-m-hughes-as-first-openly-gay-federal-appeals-judge/2013/09/24/c63c25fc-252b-11e3-ad0d-b7c8d2a594b9_story.html. Deborah A. Batts was the first openly gay district court appointee. Judge Batts was nominated to the U.S. District Court for the Southern District of New York by President Clinton on January 27, 1994, and confirmed by the Senate on May 6, 1994. See <http://www.politico.com/story/2014/01/president-obama-nominates-black-lesbian-judge-102277.html>.

³ “The Appeals Process,” Administrative Office of U.S. Courts, available at <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/TheAppealsProcess.aspx>.

⁴ Court of appeals and district court judgeships are created, or authorized, by legislation that must be enacted by Congress. Congress last authorized the creation of new circuit court judgeships in 1990 (P.L. 101-650, December 1, 1990). The 1990 legislation authorized 11 new circuit court judgeships, including 4 new judgeships for the Fourth Circuit, 2 each for the Third and Tenth Circuits, and 1 apiece for the Fifth, Sixth, and Eighth Circuits. Legislation enacted in 2008 transferred an existing circuit court judgeship from the D.C. Circuit to the Ninth Circuit but did not create a new judgeship (P.L. 110-177, January 7, 2008). As for district courts, Congress last authorized new judgeships in 2002 (P.L. 107-273, November 2, 2002). This legislation authorized eight new permanent judgeships for district courts located in California, North Carolina, and Texas; converted four temporary judgeships to permanent ones for district courts in Illinois, New York, and Virginia; and created seven new temporary judgeships for district courts located in Alabama, Arizona, California, Florida, New Mexico, North Carolina, and Texas. Congress also extended a temporary judgeship for a district court in Ohio.

comprised of specific groups of states).⁵ At present, among the 12 regional circuits, the First Circuit (comprised of Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island) has the fewest number of authorized judgeships, with 6, while the Ninth Circuit (comprised of California, 8 other western states, and 2 U.S. territories) has the greatest number of judgeships, with 29.⁶

U.S. District Courts

U.S. district courts are the federal trial courts of general jurisdiction. Altogether, 673 U.S. district court judgeships, as well as 4 territorial district court judgeships, are currently authorized by law.⁷

The 673 U.S. district court judgeships are distributed across 91 district courts (89 are located in the 50 states, plus one court in the District of Columbia, and one in the Commonwealth of Puerto Rico).⁸ Congress has authorized between 1 and 28 judgeships for each district court. The Eastern District of Oklahoma has 1 judgeship (the fewest among Article III district courts), while the Southern District of New York and Central District of California each have 28 judgeships (the most among Article III district courts).⁹

⁵ A list of the states that comprise each of the 12 regional circuits is set forth in Section 41 of Title 28 of the U.S. Code. One additional circuit, the U.S. Court of Appeals for the Federal Circuit (which was created in its modern form in 1982), has nationwide jurisdiction and hears certain specialized legal claims related to international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, veterans' benefits, and public safety officers' benefits claims. At present, there are 12 authorized judgeships for the U.S. Court of Appeals for the Federal Circuit.

⁶ In general, the number of judgeships authorized for a circuit reflects the relative population size of that judicial circuit compared to other circuits. For example, the First Circuit (comprised of Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island)—with 6 authorized judgeships—has a population of approximately 13.9 million. In contrast, the Ninth Circuit (comprised of California, 8 other western states, and 2 U.S. territories)—with 29 authorized judgeships—has a population of approximately 65.4 million.

⁷ The statistics provided in this report do not include the relatively rare nominations made by a President to territorial district court judgeships, established by Congress pursuant to its authority to govern the territories under Article IV of the Constitution. Judges confirmed to these courts serve 10-year terms (rather than “during good Behaviour,” which for practical purposes means life tenure for Article III district court judges). But as with U.S. district courts established under Article III of the Constitution, territorial courts hear cases arising out of federal law, their decisions may be appealed to a U.S. circuit court of appeals, and their judicial nominations are referred to the Senate Judiciary Committee.

⁸ Territorial district court judgeships are authorized for district courts located in the U.S. Virgin Islands (with two judgeships), Guam (one judgeship), and the Northern Mariana Islands (one judgeship). American Samoa, the only other inhabited U.S. territory, has not been incorporated into a federal judicial district (hence, there are no authorized judgeships for the territory). According to at least one observer, a federal district court “was not established on American Samoa for fear that it may harm *Fa'a Samoa*,” an aspect of the Samoan way of life that is “rooted in communal land ownership and the *matai* title system of American Samoa.” See “Federal Court Options for American Samoa,” Statement of Stephen Sander, Acting Director, Office of Insular Affairs, Department of the Interior, before the Subcommittee on Insular Affairs, House Committee on Natural Resources, September 18, 2008, available at https://www.doi.gov/ocl/hearings/110/AmericanSamoaFedCourt_091808.

⁹ These figures do not include “roving” judgeships (i.e., judgeships shared by two or more federal district courts). As with circuit courts, the difference in the number of authorized district court judgeships generally reflects differences in the relative population size of judicial districts (as well as differences in the relative caseloads of these districts). For example, the Eastern District of Oklahoma—with 1 authorized judgeship—has a population of approximately 745,000. In contrast, the Central District of California—with 28 authorized judgeships—has a population of approximately 18.9 million.

Congressional Interest in Demographic and Other Background Characteristics of Judges

The demographic characteristics and professional experiences of U.S. circuit and district court judges are of ongoing interest to Congress. Such interest is demonstrated especially at the time circuit and district court nominations are considered by the Senate.¹⁰ For example, floor statements by Senators in support of circuit or district court nominees frequently emphasize the particular demographic characteristics of nominees that would enhance the diversity of the federal judiciary, as well as emphasize judicial nominees' professional qualifications.¹¹

Data Caveats

The statistics included in this report are based upon the demographic and background characteristics of individuals serving, as of June 1, 2017, as circuit or district court judges, and, consequently, do not include a President's circuit or district court appointees who are no longer serving as active judges.¹² Consequently, unless otherwise noted, the statistics reported below do not reflect all of the circuit or district court appointments made by a President during his tenure in office.¹³

Additionally, the statistics presented below do not include those individuals whose nominations to circuit or district court judgeships were unsuccessful or whose nominations are currently pending in the Senate.

¹⁰ Although Members of the U.S. House of Representatives do not have a formal constitutional role in the confirmation of federal judges, the demographic characteristics of judicial nominees are also of interest to Members of the House. See, for example, Rep. Mike Honda, "Asian Pacific American Heritage Month," Remarks in the House, *Congressional Record*, daily edition, May 19, 2010, p. H3652 (stating that the President has "demonstrated commitment to judicial diversity through the nomination of high caliber Asian American and other minority jurists at all levels of the Federal bench"). See also Rep. Charlie Gonzalez, "Nomination of Miguel Estrada," Remarks in the House, *Congressional Record*, daily edition, February 13, 2003, p.H685 (stating that the Congressional Hispanic Caucus "will actively work to identify and recommend qualified Hispanic candidates to fill Federal court vacancies"). Additionally, in 2014, the Congressional Black Caucus released a letter to urge President Obama to appoint a greater number of African American judges, particularly to certain judicial districts (e.g., the three judicial districts located in Alabama). For the text of the letter, see <https://www.documentcloud.org/documents/1009668-cbc-judges-letter-to-the-president.html>.

¹¹ For recent examples, see Sen. Lisa Murkowski, "Executive Session," Remarks in the Senate, *Congressional Record*, daily edition, November 15, 2011, p.S7426; Sen. Ben Cardin, "Executive Session," Remarks in the Senate, *Congressional Record*, daily edition, April 4, 2011, p.S2079; Sen. Roger Wicker, "Executive Session," Remarks in the Senate, *Congressional Record*, daily edition, November 4, 2013, p.S7791; Sen. Pat Toomey, "Executive Session," Remarks in the Senate, *Congressional Record*, daily edition, January 11, 2016; Sen. Amy Klobuchar, "Executive Session," Remarks in the Senate, *Congressional Record*, daily edition, January 19, 2016, p.S84; and Sen. Cory Booker, "Executive Session," Remarks in the Senate, *Congressional Record*, daily edition, January 27, 2016, p.S242.

¹² An "active" judge is a judge who currently holds, on a full-time basis, one of the U.S. circuit or district court judgeships authorized by Congress. Consequently, this group of judges does not include judges who have assumed "senior status," i.e., judges who have stepped down from active service but continue on a part-time basis to perform some of the duties of their office (which might include hearing cases). Senior status eligibility is based upon a judge's age as well as his or her length of service as an Article III judge. Specifically, beginning at age 65, a judge may outright retire from office or take senior status after performing 15 years of active service as an Article III judge. A sliding scale of increasing age and decreasing service results in eligibility for retirement compensation at age 70 with a minimum 10 years of service.

¹³ President Obama, for example, appointed a combined total of 318 circuit and district court judges. Of the 318, 315 continue to serve, as of June 1, 2017, as active judges. Unless otherwise noted, the three judges who stepped down, i.e., retired or assumed senior status, prior to June 1, 2017, are not included in the statistics presented throughout this report.

As of June 1, 2017, there were 160 active circuit court judges and 19 vacant circuit court judgeships (for a total of 179 circuit court judgeships). The denominator used for the statistics presented throughout this report, unless otherwise noted, is based upon the number of active circuit court judges (160) and does not include, as of this writing, the 19 vacant judgeships. Note that, because many circuit courts have a relatively small number of authorized judgeships, small changes in the demographic characteristics of the particular judges serving on an appellate court can produce changes in the statistics reported below. Such changes might occur, for example, as vacancies that existed on June 1, 2017, are filled by new appointees.

Similarly, as of June 1, 2017, there were 570 active district court judges and 103 vacant district court judgeships (for a total of 673 district court judgeships). The denominator used for the statistics presented throughout this report, unless otherwise noted, is based upon the number of active district court judges (570) and does not include, as of this writing, the 103 vacant judgeships.

U.S. Circuit Court Judges

This section provides statistics and information related to select demographic characteristics and professional experiences of active U.S. circuit court judges.

Gender

As of June 1, 2017, a total of 59 women were serving as U.S. circuit court judges,¹⁴ representing 37% of all active circuit court judges (men comprised 63%).¹⁵

As of June 1, 2017, there were active female judges serving on each of the nation's 13 appellate courts, with the greatest number of women serving on the Ninth Circuit (11), and the fewest number on the Eighth Circuit (1).¹⁶ In terms of the percentage of active judges in each circuit who are women, the Sixth Circuit has the highest percentage (with women being 7, or 47%, of 15 active judges),¹⁷ while the Eighth Circuit has the lowest percentage (with women being 1, or 11%, of 9 active judges).¹⁸

Figure 1 shows the number of active female U.S. circuit court judges serving on the bench during each calendar year from 1977 to 2017.¹⁹ Overall, during this period, the number of female circuit

¹⁴ Of the 59 active female circuit court judges serving on June 1, 2017, the greatest number were appointed by President Obama (24, or 41%, of 59 judges)—followed by Presidents G.W. Bush (16 of 59); Clinton (14); G.H.W. Bush (3); and Reagan (2).

¹⁵ When taking the 19 vacancies that existed on June 1, 2017, into account, women were appointed to 33% of the 179 U.S. circuit court judgeships currently authorized by Congress.

¹⁶ The Ninth Circuit is comprised of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and two U.S. territories (Guam and the Northern Mariana Islands). The Eighth Circuit is comprised of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

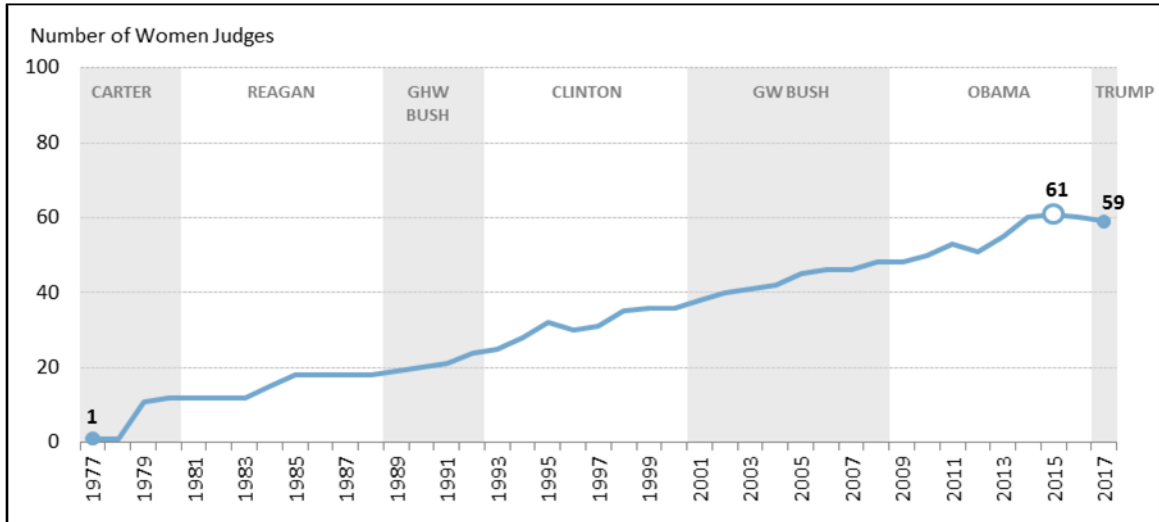
¹⁷ The Sixth Circuit is comprised of Kentucky, Michigan, Ohio, and Tennessee.

¹⁸ There are six judicial circuits where the percentage of active judges who are women is higher than the national percentage (i.e., higher than 37%). These circuits include the Sixth (47%); D.C. (45%); Eleventh (45%); Seventh (44%); Ninth (44%); and the Federal Circuit (42%).

¹⁹ The numbers reported in **Figure 1** for each calendar year represent the number of women who served as active judges for either all or just part of a particular year (and does not necessarily mean that all of the women serving during a particular year were serving as active judges at the same time, i.e., their service as active judges may not have overlapped if any women retired, resigned, took senior status, or died while in office during the calendar year prior to the appointment of any new female judges during that same year).

court judges increased from 1 to 59.²⁰ The number of female circuit court judges serving, thus, far, in 2017 (59 judges) is slightly lower than the all-time high number of female judges (61 judges) that were serving in 2015 (also shown in **Figure 1**), during the seventh year of the Obama presidency.

Figure 1. Number of Female U.S. Circuit Court Judges, 1977-2017
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows, by calendar year, the number of active female U.S. circuit court judges from 1977 to 2017 (as of June 1). During this period, the all-time high of 61 female judges occurred in 2015.

Race²¹

Of the 160 active U.S. circuit court judges serving on June 1, 2017, 120 (75%) were white, 21 (13%) were African American,²² 14 (9%) were Hispanic,²³ and 5 (3%) were Asian American.²⁴

As shown by **Figure 2**, as of June 1, 2017, there were African American judges serving on 12 of the nation's 13 appellate courts (all except for the Federal Circuit); Hispanic judges serving on 9 appellate courts;²⁵ and Asian American judges serving on 5 appellate courts.²⁶

²⁰ The first female U.S. circuit court judge, Judge Florence E. Allen, was appointed to the Sixth Circuit by President Franklin D. Roosevelt in 1934. She assumed senior status in 1959. The second female U.S. circuit court judge appointed to the bench, Judge Shirley Ann Mount Hufstедler, was appointed to the Ninth Circuit by President Lyndon Johnson in 1968. She remained the sole female circuit court judge until 1979, when 9 additional female circuit court judges were appointed to the bench by President Carter.

²¹ The racial categories used in this report “generally reflect a social definition of race recognized in this country and [are] not an attempt” by CRS “to define race biologically, anthropologically, or genetically.” See <http://www.census.gov/population/race>. For the purposes of this report, the Hispanic category is treated as a non-white category. Note, though, that individuals who identify as Hispanic or Latino may be of any race. *Ibid.*

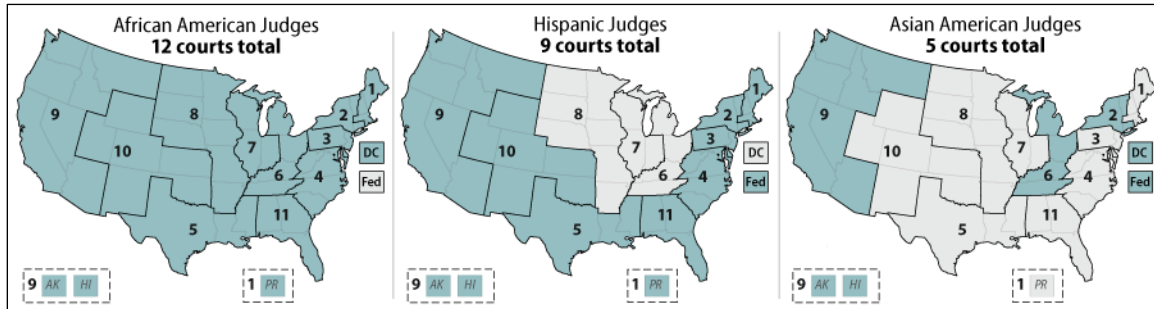
²² Of the 21 active African American circuit court judges serving on June 1, 2017, the greatest number were appointed by President Clinton (9, or 43%, of 21 judges)—followed by Presidents Obama (8 of 21) and G.W. Bush (4).

²³ Of the 14 active Hispanic circuit court judges serving on June 1, 2017, the greatest number were appointed by President Obama (6, or 43%, of 14 judges)—followed by Presidents Clinton (4 of 14); G.W. Bush (3); and Reagan (1).

²⁴ Of the five active Asian American circuit court judges serving on June 1, 2017, the greatest number were appointed by President Obama (4, or 80%, of 5 judges)—followed by President Trump (1 of 5).

As of June 1, 2017, there were two circuit courts, the Ninth and Second,²⁷ with at least one active judge from each of the three groups (i.e., there was at least one African American, Hispanic, and Asian American judge serving on the court).

Figure 2. Active African American, Hispanic, and Asian American U.S. Circuit Court Judges by Judicial Circuit
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the judicial circuits (shaded in darker color) where active African American, Hispanic, and Asian American circuit court judges are serving on the bench.

As of June 1, 2017, there were six U.S. circuit courts with more than one active African American judge (the Third, Fourth, Fifth, Sixth, Ninth, and D.C. Circuits). Each of the other circuits (with the exception of the Federal Circuit) had a single active African American judge, including the Eleventh Circuit (comprised of Alabama, Georgia, and Florida), a circuit with the largest African American population in the country.²⁸ The greatest number of active African American judges were serving on the Fourth, Sixth, and D.C. Circuits, each with three judges.²⁹

As of June 1, 2017, there were two U.S. circuit courts with more than one active Hispanic judge (the Ninth and Federal Circuits). The greatest number of active Hispanic judges were serving on the Ninth Circuit (with five).³⁰ As of June 1, 2017, there were no circuit courts with active Asian American judges on which more than one active Asian American judge was serving.

(...continued)

²⁵ Active Hispanic judges were serving on the First, Second, Third, Fourth, Fifth, Ninth, Tenth, Eleventh, and Federal Circuits.

²⁶ Active Asian American judges were serving on the Second, Sixth, Ninth, DC, and Federal Circuits.

²⁷ The Ninth Circuit is comprised of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and two U.S. territories (Guam and the Northern Mariana Islands). The Second Circuit is comprised of Connecticut, New York, and Vermont.

²⁸ According to the CRS calculations using recent census data, the African American population of the Eleventh Circuit is approximately 7.6 million (or 22.3% of the circuit's total population). Based on the percentage of a circuit's population that is African American, the Eleventh Circuit has the third largest percentage of residents that are African American (22.3%)—compared to 22.7% for the Fourth Circuit (with 3 active African American judges) and 50.1% for the D.C. Circuit (also with 3 active African American judges).

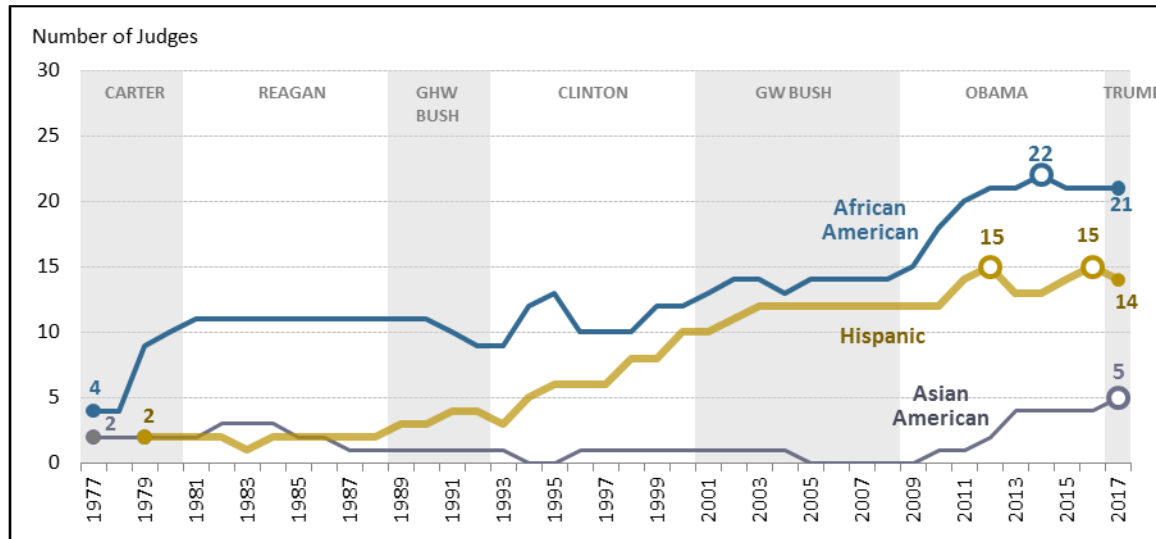
²⁹ The Fourth Circuit is comprised of Maryland, North Carolina, South Carolina, Virginia, and West Virginia. The Sixth Circuit is comprised of Kentucky, Michigan, Ohio, and Tennessee. The D.C. Circuit is comprised solely of the District of Columbia.

³⁰ The Ninth Circuit is comprised of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and two U.S. territories (Guam and the Northern Mariana Islands).

Figure 3 shows the number of active African American, Hispanic, and Asian American U.S. circuit court judges serving on the bench during each calendar year from 1977 to 2017.³¹ Overall, during this period, the number of African American circuit court judges increased from 4 to 21;³² the number of Hispanic circuit court judges increased from 0 to 14,³³ and the number of Asian American circuit court judges increased from 2 to 5.³⁴

Figure 3. African American, Hispanic, and Asian American Circuit Court Judges, 1977-2017

(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows, by calendar year, the number of active African American, Hispanic, and Asian American circuit court judges from 1977 to 2017 (as of June 1). During this period, the all-time high of 22 African American judges occurred in 2014; the all-time high of 15 Hispanic judges occurred in 2012 and 2016; and the all-time high of 5 Asian American judges occurred in 2017.

³¹ The numbers reported in **Figure 3** for each calendar year represent the number of African American, Hispanic, or Asian American individuals who served as active judges for either all or part of a particular year (and does not necessarily mean that all of the individuals serving during a particular year were serving as active judges at the same time, i.e., their service as active judges may not have overlapped if any individuals retired, resigned, took senior status, or died while in office during the calendar year prior to the appointment of any judges from the same demographic group during that same year).

³² The first African American U.S. circuit court judge, Judge William H. Hastie, was appointed to the Third Circuit by President Truman in 1949. Prior to 1977, three other African Americans were appointed as U.S. circuit court judgeships. The first female African American U.S. circuit court judge, Judge Amalya L. Kears, was appointed to the Second Circuit by President Carter in 1979.

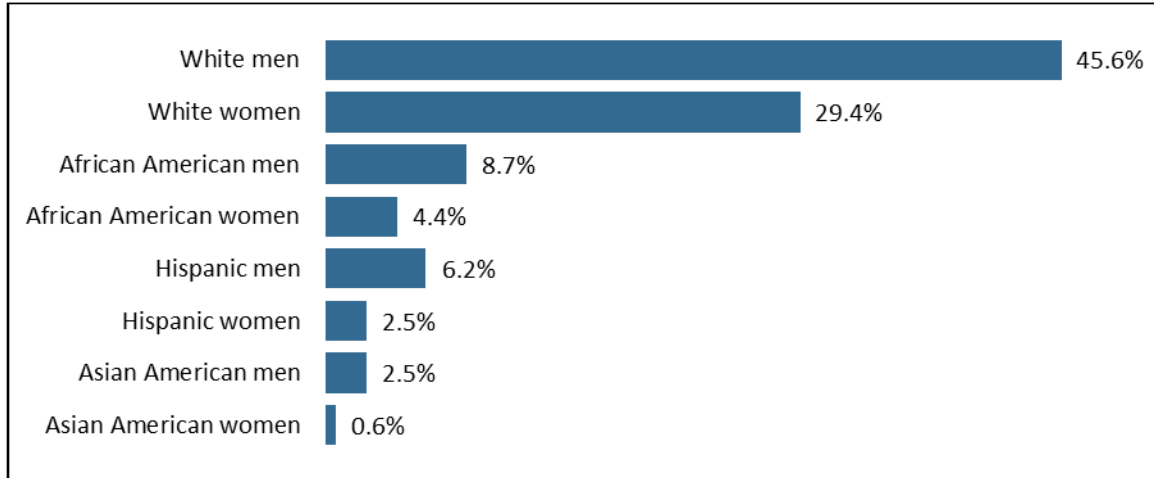
³³ The first Hispanic U.S. circuit court judge, Judge Reynaldo G. Garza, was appointed to the Fifth Circuit by President Carter in 1979. The first female Hispanic U.S. circuit court judge, Judge Kim McLane Wardlaw, was appointed to the Ninth Circuit by President Clinton in 1998.

³⁴ The first Asian American U.S. circuit court judge, Judge Herbert Young Cho Choy, was appointed to the Ninth Circuit by President Nixon in 1971. Prior to 1977, he remained the sole Asian American appointed to a circuit court judgeship. The first female Asian American U.S. circuit court judge, Judge Jacqueline Hong-Ngoc Nguyen, was appointed to the Ninth Circuit by President Obama in 2012.

Gender and Race

This section provides a percentage breakdown of the 160 active U.S. circuit court judges by gender and race. As shown by **Figure 4**, white men represent 45.6% of federal appellate court judges;³⁵ white women represent 29.4%;³⁶ African American men represent 8.7%;³⁷ African American women represent 4.4%;³⁸ Hispanic men represent 6.2%;³⁹ Hispanic women represent 2.5%;⁴⁰ Asian American men represent 2.5%;⁴¹ and Asian American women represent 0.6%.⁴²

Figure 4. Active U.S. Circuit Court Judges by Gender and Race
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the percentage of active U.S. circuit court judges by gender and race. The percentages reported in the figure might not add to 100 due to rounding. The white racial category refers to non-Hispanic white judges.

³⁵ Of the 73 white men serving as active U.S. circuit court judges, a plurality (27, or 37%, of 73) were appointed by President G.W. Bush, followed by Presidents Obama (16 judges), Clinton (13); Reagan (9), G.H.W. Bush (6), and Carter and Ford, with 1 judge apiece.

³⁶ Of the 47 white women serving as active U.S. circuit court judges, a plurality (19, or 40%, of 47) were appointed by President Obama, followed by Presidents G.W. Bush (13 judges), Clinton (10), G.H.W. Bush (3), and Reagan (2).

³⁷ Of the 14 African American men serving as active U.S. circuit court judges, Presidents Obama and Clinton each appointed 6 judges, followed by President G.W. Bush (2 judges).

³⁸ Of the 7 African American women serving as active U.S. circuit court judges, President Clinton appointed 3 (43%), and Presidents Obama and G.W. Bush appointed 2 judges apiece.

³⁹ Of the 10 Hispanic men serving as active U.S. circuit court judges, a plurality (4, or 40%, of 10) were appointed by President Obama, followed by Presidents Clinton (3 judges), G.W. Bush (2), and Reagan (1).

⁴⁰ Of the 4 Hispanic women serving as active U.S. circuit court judges, President Obama appointed 2 (50%) and Presidents G.W. Bush and Clinton appointed 1 judge apiece.

⁴¹ President Obama appointed three of the four Asian American men currently serving as active U.S. circuit court judges (the other judge was appointed by President Trump).

⁴² President Obama appointed the sole Asian American woman currently serving as an active U.S. circuit court judge.

Nontraditional Judges

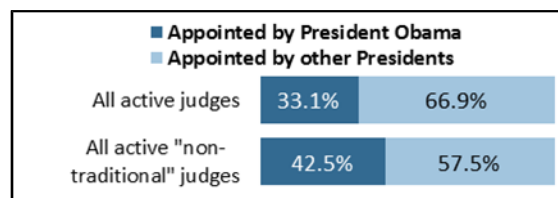
As defined previously by CRS, “nontraditional” judges are those judges belonging to certain demographic groups from which individuals, historically, were not often, if ever, selected for federal judgeships.⁴³ Consequently, this group includes white women, non-white women, and non-white men. For example, of the 74 white women to ever serve as U.S. circuit court judges, 72 (or 97%) were appointed to the bench between 1977 and 2017 (i.e., 2 were appointed prior to 1977). Of the 14 non-white women to ever serve as circuit court judges, all 14 were appointed to the bench at some point between 1977 and 2017. Of the 55 non-white men to ever serve as a circuit court judge, 49 (or 89%) were appointed to the bench between 1977 and 2017. In contrast, of the 600 white men to ever serve as U.S. circuit court judges, 232 (or 39%) were appointed to the bench between 1977 and 2017.⁴⁴

CRS noted previously that, during the Obama presidency, nontraditional judges for the first time in judicial history comprised over 50% of active federal appellate court judges (this occurred with the appointment of Pamela Harris of Maryland to the Fourth Circuit).⁴⁵ As of June 1, 2017, this remains the case among active U.S. circuit court judges—specifically, 87, or 54.4%, of 160 active U.S. circuit court judges are white women, non-white women, or non-white men.

The change in the gender and racial composition of those serving as U.S. circuit court judges is due, in part, to the effort by President Obama and many Senators to select and support nontraditional nominees for vacant judgeships. So, for example, as shown by **Figure 5**, President Obama’s nontraditional circuit court appointees represent a larger percentage of all active nontraditional appellate court judges on the bench (42.5%) than do his appointees among all active appellate court judges (33.1%).

Figure 5. Percentage of All Active and Non-Traditional U.S. Circuit Court Judges Appointed by President Obama Compared to Other Presidents

(As of June 1, 2017)



Source: Congressional Research Service

⁴³ See CRS In Focus IF10147, *U.S. Circuit and District Court Judges: Profile of Select Demographic Characteristics*, by Barry J. McMillion. As used in this report, the term nontraditional refers only to judges belonging to one of the three broad demographic groups identified in the text (white women, non-white women, and non-white men) and does not refer to judicial decisionmaking or judicial philosophy.

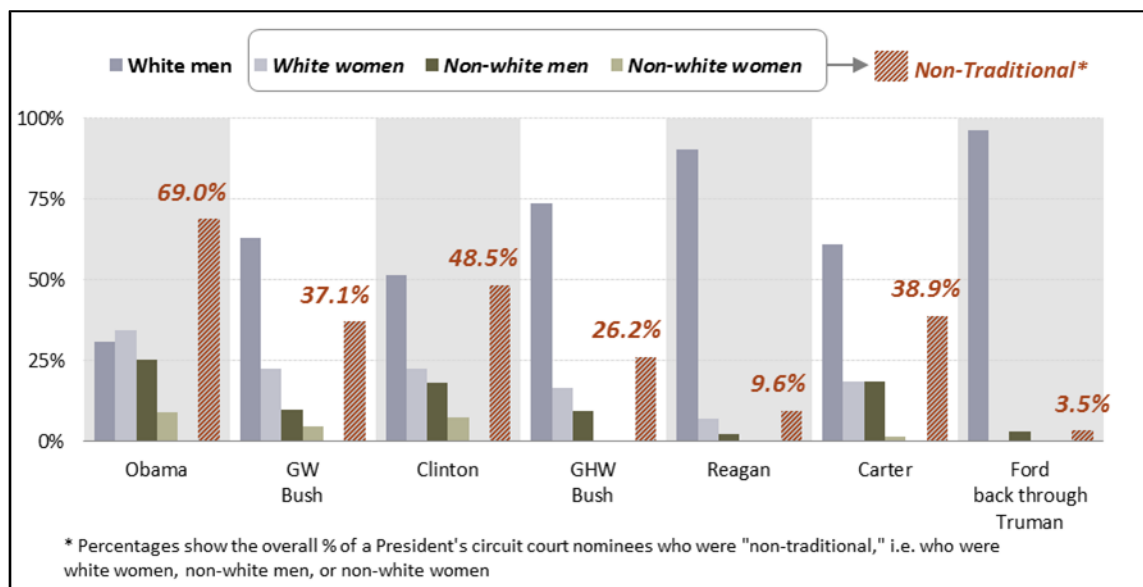
⁴⁴ This, of course, reflects not only the priority that a particular President places on appointing women and persons of color as federal judges but also the changing demographics of law school graduates (which affects the pool of qualified individuals from which a President can select potential judicial nominees). For example, from the 1980-81 academic year to the 2010-11 academic year, the number of female law school graduates, of all races, increased from 11,693 to 21,043, an 80% increase. Additionally, women increased from 32.8% of all graduates in 1980-81 to 47.3% of all graduates in 2010-11. See American Bar Association, Section of Legal Education and Admissions to the Bar, Statistics, at https://www.americanbar.org/groups/legal_education/resources/statistics.html.

⁴⁵ See CRS Insight, *Demographic Diversity on the U.S. Courts of Appeals: An Update* (August 18, 2014), by Barry J. McMillion (available from the author upon request).

Notes: This figure shows the percentage of all active U.S. circuit court judges appointed by President Obama (compared to other Presidents), as well as the percentage of all active “nontraditional” U.S. circuit court judges appointed by President Obama (compared to other Presidents).

The change in the gender and racial composition of those serving as circuit court judges is further explained by **Figure 6**—which shows, across presidencies, the percentage breakdown across each of the four groups for *all* circuit court judges appointed by each President (i.e., the percentages reflect all of a President’s appointees and not just those individuals who are currently serving as active judges).⁴⁶ So, for example, of all the appellate court judges appointed by President Carter, 61.0% were white men; 18.6% were white women; 18.6% were non-white men; and 1.7% were non-white women.⁴⁷

Figure 6. Overall Percentage of President’s U.S. Circuit Court Appointees Who Were Non-Traditional Appointees (i.e., Percentage Who Were White Women, Non-White Women, and Non-White Men)



Source: Congressional Research Service

Notes: This figure shows, by presidency, the percentage of all U.S. circuit court appointees who were white men, white women, non-white men, and non-white women. The percentages reported in the figure show the overall percentage of a President’s circuit court appointees who were “nontraditional,” i.e., who were white women, non-white men, or non-white women.

Notably, as shown by **Figure 6**, President Obama was the first President for whom nontraditional nominees (i.e., white women, non-white women, and non-white men) comprised a majority of all those he appointed as federal appellate court judges. Specifically, nearly 70% of President Obama’s circuit court nominees who were confirmed by the Senate were nontraditional

⁴⁶ The percentages reported in **Figure 6** do not include a President’s nominees who were not confirmed by the Senate.

⁴⁷ President Carter was the first President to emphasize demographic diversity as a key consideration of his judicial selection process. As shown by **Figure 6**, 38.9% of President Carter’s U.S. circuit court appointees were “nontraditional” (compared to 3.5% of all U.S. circuit court nominees appointed from the Truman presidency through the Ford presidency). During the Carter presidency, the number of white female circuit court judges increased from 1 to 11; the number of non-white female judges increased from 0 to 1; and the number of non-white male judges increased from 6 to 13. President Carter was the first President to appoint an African American woman, or any woman of color, as a U.S. circuit court judge (in 1979); and the first to appoint an Hispanic man as a circuit court judge (also in 1979).

nominees. Consequently, the Obama presidency was the first time a majority or plurality of any President's appellate court appointees were not white men; instead, a plurality (34.5%) of President Obama's appointees to the nation's federal appellate courts were white women (compared to 30.9% of his appointees being white men).⁴⁸

Current Age

The average age, as of June 1, 2017, of active U.S. circuit court judges is 64.7 years (the median age is 65.3).⁴⁹

Of the 160 active circuit court judges:

- 2 (1.2%) are 40-44 years old
- 8 (5.0%) are 45-49 years old
- 9 (11.9%) are 50-54 years old
- 21 (13.1%) are 55-59 years old
- 29 (18.1%) are 60-64 years old
- 39 (24.4%) are 65-69 years old
- 42 (26.3%) are 70 years of age or older

Of the 160 active judges, a plurality (26.3%) are 70 years or older. Combining the two age groups with the greatest number of active judges (the 65-69 and 70+ groups) reveals that 81 (or 50.7%) of all active federal appellate court judges are 65 years or older.

Age at Time of Appointment

The average age at the time appointment to the bench of active U.S. circuit court judges was 50.6 (the median age was 50.4).

Of the 160 active circuit court judges,

- 5 (3.1%) were appointed between the ages of 35 and 39,
- 26 (16.2%) were appointed between the ages of 40 and 44,
- 40 (25.0%) were appointed between the ages of 45 and 49,
- 54 (33.7%) were appointed between the ages of 50 and 54,
- 27 (16.9%) were appointed between the ages of 55 and 59,
- 7 (4.4%) were appointed between the ages of 60 and 64, and
- 1 (0.6%) was appointed between the ages of 65 and 69.

⁴⁸ Additionally, of President Obama's circuit court appointees, 25.4% were non-white men and 9.1% were non-white women.

⁴⁹ The mean is equivalent to the arithmetic average ("mean" and "average" are used interchangeably throughout this report). The mean or average is calculated by adding a group of numbers and then dividing that value by how many numbers there are, while the median is the middle value for a particular set of numbers (i.e., half of the numbers are above the median and half of the numbers are below it). Although the average or mean is a more commonly used measure, the median is less affected by outliers or extreme cases (e.g., nominees who were appointed at relatively much younger or older ages than the typical nominee). Consequently, the median might be a better measure of central tendency.

Altogether, 94 (or 58.7%) of all active federal appellate court judges were appointed between the ages of 45 and 54.

Of the 20 active circuit court judges who were appointed at the youngest ages (each under the age of 44 at the time of appointment) of all 160 active judges, 16 (or 80%) were appointed by Republican Presidents—including the three youngest at the time of appointment being appointed by President Reagan.⁵⁰ In contrast, of the 20 active circuit court judges who were appointed at the oldest ages (each over the age of 57 at the time of appointment), 15 (or 75%) were appointed by Democratic Presidents.

The average and median difference, however, in the age at the time of appointment between Democratic and Republican appointees is relatively smaller among the entire group of 160 active circuit court judges. For Democratic appointees, the average age at the time of appointment was 51.8 years (with a median age of 50.8 years). For Republican appointees, the average age at the time of appointment was 49.0 years (with a median age of 49.6 years).

Length of Service

The length of service for each active judge is calculated as the number of years from when the judge received his or her commission to June 1, 2017 (which, for the purposes of this report, is the cut-off date used for this calculation). So, for example, the length of service for Judge Gerald B. Tjoflat (the longest-serving circuit court judge) is calculated as 41.6 years (the period of time from November 21, 1975, when Judge Tjoflat received his commission after his confirmation by the Senate, to June 1, 2017).⁵¹

The average length of service of active U.S. circuit court judges is 14.1 years (while the median, represented by the reference line in **Figure 7**, is 12.9 years).

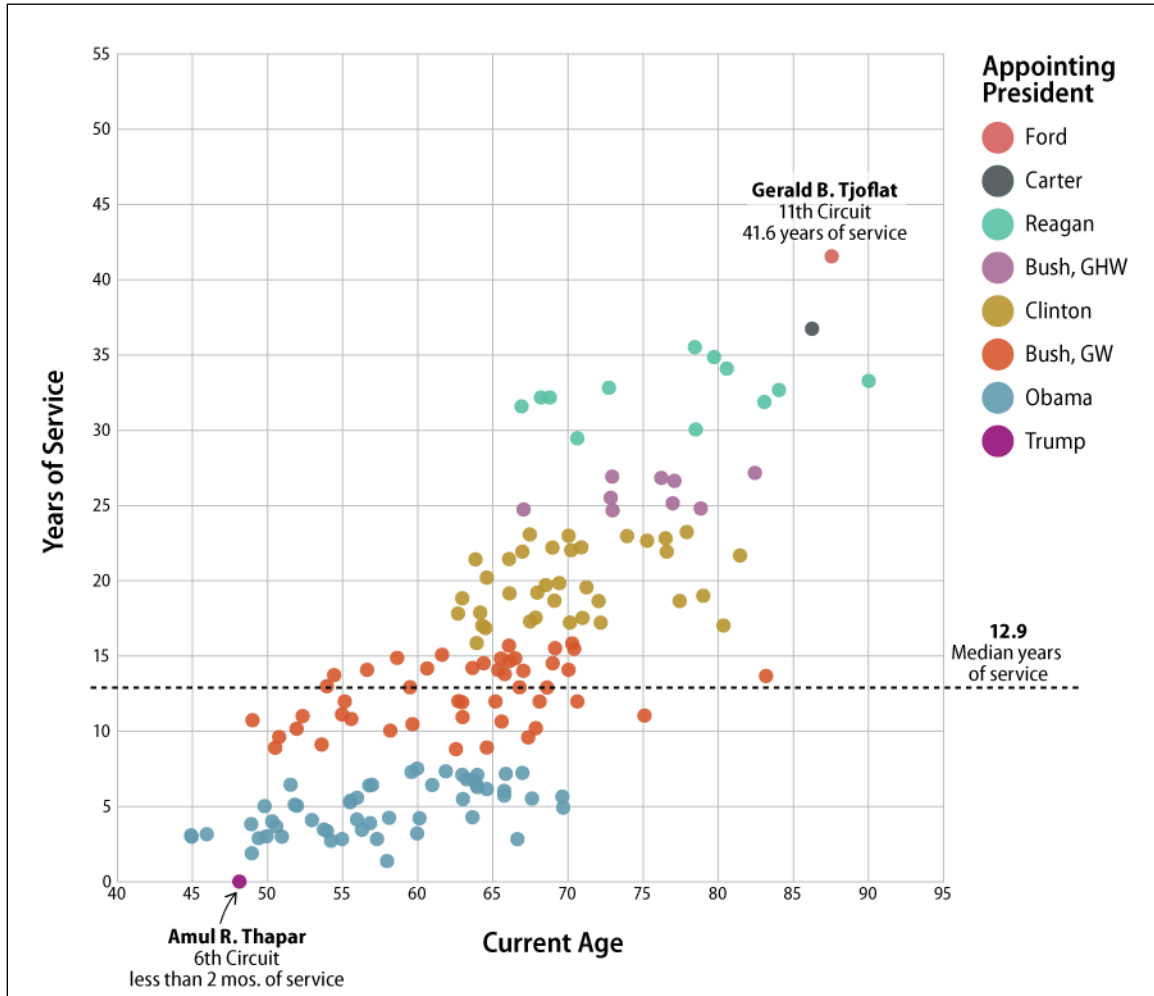
As expected, and as shown by the figure, there is a positive relationship between a judge's current age and the length of time he or she has served as a judge. **Figure 7** also shows the clustering of each President's cohort of appointed circuit court nominees by length of service and current age.

Overall, of 160 active circuit court judges as of June 1, 2017, President Obama appointed a plurality (33.0%) of circuit court judges with a median length of service of 5.0 years and a median age of 56.9 years, followed by Presidents G.W. Bush (29.4% of active judges with a median length of service of 12.9 years and median age of 64.4 years); Clinton (22.5% of active judges with a median length of service of 19.4 years and a median age of 69.2 years; Reagan (7.5% of active judges with a median length of service of 32.4 years and a median age of 78.5 years); and G.H.W. Bush (5.6% of active judges with a median length of service of 25.5 years and a median age of 76.2 years). The remaining judges were appointed by Presidents Ford, Carter, and Trump (each with one).

⁵⁰ The three are Judges Frank H. Easterbrook (serving on the Seventh Circuit), Edith H. Jones (Fifth Circuit), and Alex Kozinski (Ninth Circuit).

⁵¹ Prior to his appointment as a circuit court judge, Judge Tjoflat served as a U.S. district court judge for the Middle District of Florida. That service is not included in the length of service calculation (which is based on an individual's service as a particular type of judge, i.e., an appellate court judge, and not on an individual's entire federal judicial service). Note that Judge Tjoflat was initially appointed to the Fifth Circuit (prior to the creation of the Eleventh Circuit) but was reassigned on October 1, 1981, to a new seat authorized by Congress after the creation of the Eleventh Circuit. Because Judge Tjoflat's service on the Fifth Circuit was as a federal appellate court judge, that service (as well as his service on the Eleventh Circuit) is included in the length-of-service calculation.

Figure 7. Active U.S. Circuit Court Judges by Current Age and Years of Service
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the relationship between the current age and length of service of active U.S. circuit court judges. It also identifies the appointing President of judges currently serving on the bench.

Occupation at Time of Appointment

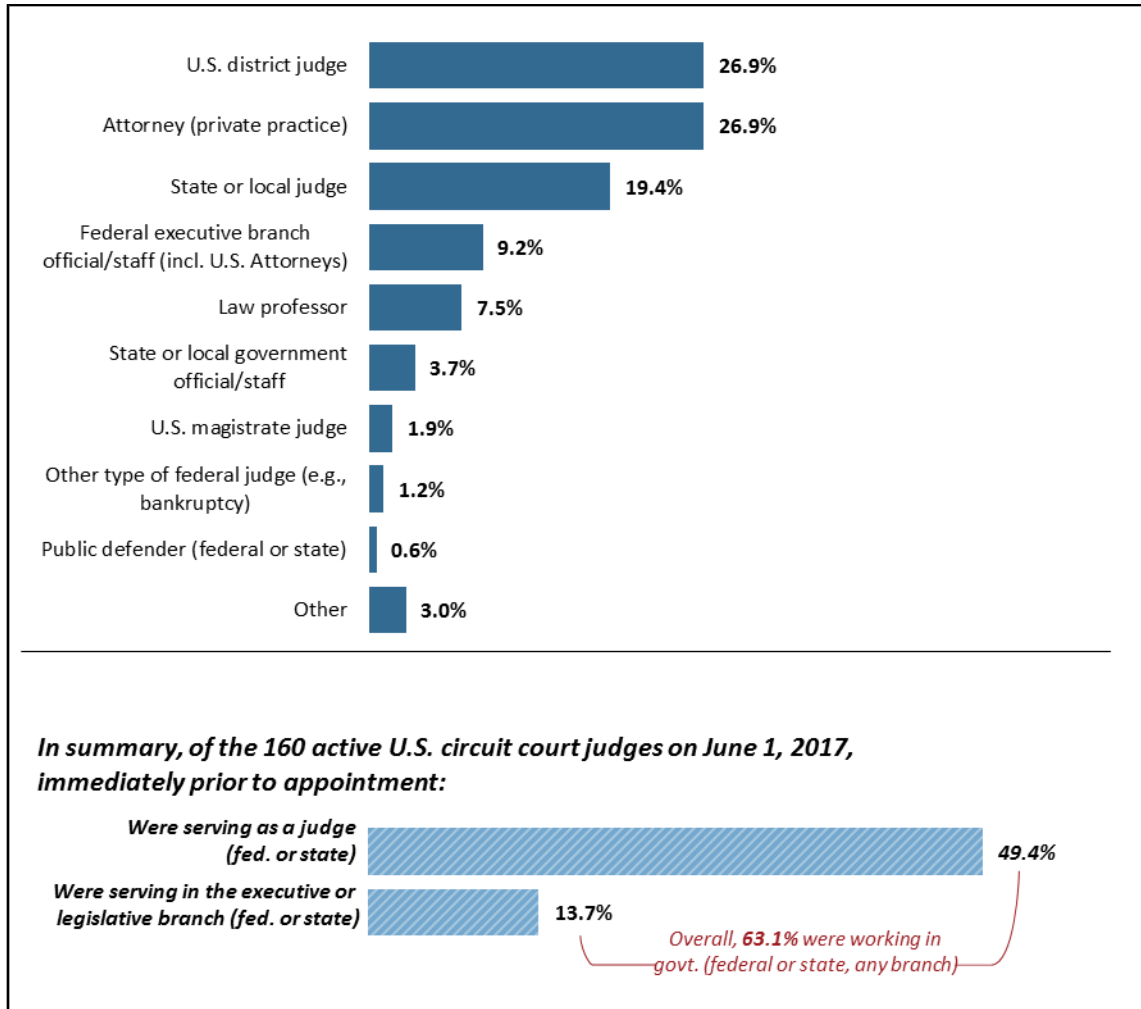
This section provides data related to the occupation or professional background of active U.S. circuit court judges at the time of their appointment to the bench.⁵²

As shown by **Figure 8**, most active U.S. circuit court judges were either serving as U.S. district court judges or working as attorneys in private practice immediately prior to being appointed to the bench (each accounting for 26.9% of active judges). Altogether, 53.8% of all active circuit

⁵² Consequently, it does not provide a full record of a nominee’s professional positions or experiences prior to being appointed as a circuit court judge (and most nominees held multiple positions over the course of their professional careers prior to being appointed). It also does not provide information as to the length of time a nominee held a particular position or was engaged in a particular profession immediately prior to being appointed.

court judges were either serving as district court judges or attorneys in private practice immediately prior to being appointed to the bench.⁵³

Figure 8. Occupation or Position of Active U.S. Circuit Court Judges at Time of Appointment
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the percentage of active U.S. circuit court judges who were engaged in a particular occupation or held a particular position immediately prior to being nominated and appointed to the bench. The

⁵³ The lack of a nominee’s experience in a traditional legal occupation (such as an attorney in private practice) has, in some cases, led some Senators to oppose the nominee’s nomination. For example, J. Harvie Wilkinson III was nominated by President Reagan to the Fourth Circuit on January 30, 1984. At the time, Senator Edward M. Kennedy stated, during the debate to invoke cloture on the nomination, that the nominee was “the least qualified nominee ever submitted for an appellate court vacancy.” Senators’ opposition to the nomination were based, in part, on the nominee’s relatively young age (he was 39) and the fact that he had never practiced law. When nominated, Judge Wilkinson was a law professor at the University of Virginia and he had previously worked for a year as a Deputy Assistant Attorney General during the Reagan presidency. Linda Greenhouse, “Reagan Names 6 To Federal Appeals Courts,” *New York Times*, August 2, 1984, available at <http://www.nytimes.com/1984/08/02/us/reagan-names-6-to-federal-appeals-courts.html>.

summary percentages report the percentage of active U.S. circuit court judges who were serving as a judge (at the federal or state level); were serving in the executive or legislative branch (federal or state); and the overall percentage of judges who were serving in government (federal or state, any branch).

The third most common occupation or position immediately prior to appointment was working as an official or staff member in the executive branch of the federal government. These positions include several types of positions with the U.S. Department of Justice (e.g., U.S. attorney; assistant U.S. attorney; assistant attorney general) as well as positions in other executive branch departments or agencies (e.g., deputy general counsel in the U.S. Department of Homeland Security; deputy general counsel in the U.S. Patent and Trademark Office).⁵⁴

Figure 8 also provides summary statistics taking into account whether active circuit court judges, immediately prior to being appointed to the bench, were serving as judges (either at the federal or state level)⁵⁵ or in the executive or legislative branch of government (federal or state level). Nearly half of active U.S. circuit court judges (49.4%) were serving as a federal or state judge, while 13.7% were serving as an official or staff in the executive or legislative branch at the federal or state level. Altogether, 63.1% of active U.S. circuit court judges were serving in either federal or state government immediately prior to being appointed to the bench.

U.S. District Court Judges

This section provides statistics and information related to select demographic characteristics and professional experiences of active U.S. district court judges.⁵⁶

Gender

As of June 1, 2017, a total of 194 women were serving as U.S. district court judges,⁵⁷ representing 34% of all active district court judges (men comprised 66%).⁵⁸

As of June 1, 2017, there were active female judges serving on 80, or 88%, of the nation's 91 U.S. district courts,⁵⁹ with the greatest number of women serving as judges for the Southern

⁵⁴ Some organizations have called for broadening the professional diversity of judges serving on the federal bench. The Alliance for Justice, for example, has called upon the President to nominate individuals with experience working as attorneys for public interest organizations. Alliance for Justice, "Broadening the Bench: Professional Diversity and Judicial Nominations," February 6, 2014, available at <http://www.afj.org/wp-content/uploads/2014/02/prof-diversity-report-3.2.2014-FINAL-Updated-with-Noms-Through-2.6.14.pdf>.

⁵⁵ This includes individuals who, immediately prior to being appointed as U.S. circuit court judges, had been working as U.S. district court judges; U.S. magistrate judges; other types of federal judges (e.g., bankruptcy judges); and state or local judges.

⁵⁶ For the purposes of this report, the term "judicial district" is used interchangeably with "U.S. district court"—but note that, within each judicial district, a U.S. district court may have several locations where judges appointed to the district court sit to hear cases. For example, in the Central District of California (i.e., referred to as a "U.S. district court" in this report), judges hear cases in three locations—Los Angeles, Riverside, and Santa Ana.

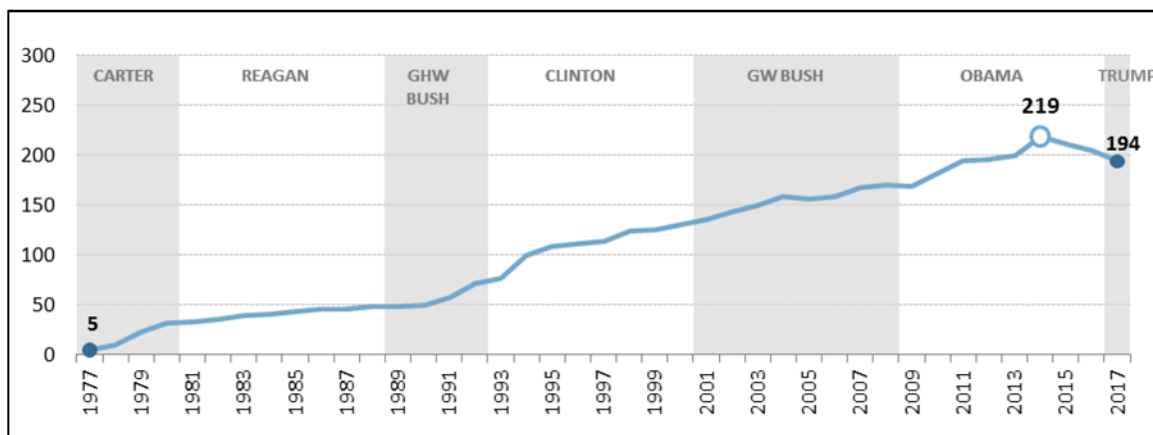
⁵⁷ Of the 194 active female district court judges serving on June 1, 2017, the greatest number were appointed by President Obama (108, or 56%, of 194 judges)—followed by Presidents G.W. Bush (49 of 194); Clinton (27); G.H.W. Bush (7); and Reagan and Carter, each with one a piece.

⁵⁸ When taking the 103 vacancies that existed on June 1, 2017, into account, women were appointed to 29% of the 673 U.S. district court judgeships currently authorized by Congress.

⁵⁹ As of June 1, 2017, there were no active female judges serving on 11 U.S. district courts. These include the Middle District of Alabama (3 authorized judgeships); Delaware (4 authorized judgeships); Idaho (2 authorized judgeships); Western District of Kentucky (4 authorized judgeships); Southern District of Mississippi (6 authorized judgeships); Western District of North Carolina (5 authorized judgeships); North Dakota (2 authorized judgeships); Eastern District of Oklahoma (1 authorized judgeship); Rhode Island (3 authorized judgeships); Western District of Washington (7 (continued...))

District of New York (10, or 38%, of 26 active judges) and the Eastern District of New York (8, or 73%, of 11 active judges), and a single woman serving as an active judge on 37 U.S. district courts (representing 29% of the 129 active judges serving on the 37 district courts).⁶⁰

Figure 9. Number of Female U.S. District Court Judges, 1977-2017
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows, by calendar year, the number of active female U.S. district court judges from 1977 to 2017 (as of June 1). During this period, the all-time high of 219 female judges occurred in 2014.

Figure 9 shows the number of active female U.S. district court judges serving on the bench during each calendar year from 1977 to 2017.⁶¹ Overall, during this period, the number of female district court judges increased from 5 to 194.⁶² The number of female district court judges serving, thus far, in 2017 (194 judges) is lower than the all-time high number of female judges (219) that were serving in 2014 (also shown in **Figure 9**), during the sixth year of the Obama presidency.

(...continued)

authorized judgeships); and the Western District of Wisconsin (2 authorized judgeships).

⁶⁰ Overall, there is more than one woman serving as an active judge on 43, or 54%, of the 80 U.S. district courts with female judges. Note that, just as the number of authorized judgeships varies across U.S. circuit courts, the number of authorized judgeships also varies across U.S. district courts (ranging from a maximum of 28 authorized judgeships for the Central District of California to a minimum of 1 authorized judgeship for the Eastern District of Oklahoma). Given the relatively greater number of judicial districts than judicial circuits (91 versus 13), and the greater variation in authorized judgeships across these districts, the percentage of active female judges serving on each of the 91 U.S. district courts is not calculated for this report.

⁶¹ The numbers reported in **Figure 9** for each calendar year represent the number of women who served as active judges for either all or just part of a particular year (and does not necessarily mean that all of the women serving during a particular year were serving as active judges at the same time, i.e., their service as active judges may not have overlapped if any women retired, resigned, took senior status, or died while in office during the calendar year prior to the appointment of any new female judges during that same year).

⁶² The first female U.S. district court judge, Judge Burnita Shelton Matthews, was appointed to the U.S. District Court for the District of Columbia by President Truman in 1949.

Race⁶³

Of the 570 active U.S. district court judges serving on June 1, 2017, 406 (71%) were white, 81 (14%) were African American,⁶⁴ 58 (10%) were Hispanic,⁶⁵ 16 (3%) were Asian American,⁶⁶ 1 (0.2%) was American Indian,⁶⁷ and 8 (1.4%) were multiracial.⁶⁸

As shown by **Figure 10**, as of June 1, 2017, there were African American judges serving on 44, or 48%, of the nation's 91 U.S. district courts; Hispanic judges serving on 24 (26%) of the courts; and Asian American judges serving on 12 (13%) of the courts.⁶⁹

As of June 1, 2017, there were 7 U.S. district courts with at least one active judge from each of the three groups (i.e., there was at least one active African American, Hispanic, and Asian American judge serving on the court): the Northern District of California; Eastern District of California; Southern District of California; Northern District of Illinois; District of Nevada; Eastern District of New York; and Southern District of New York.

As of June 1, 2017, of the 44 district courts with active African American judges, 21 (48%) had more than one active African American judge (with the greatest number serving on U.S. district courts for the District of Columbia, Eastern District of Michigan, Eastern District of Missouri, and Southern District of New York, each with 4 judges).

Each of the remaining 23 district courts had a single active African American judge. As calculated previously by CRS,⁷⁰ of the 10 judicial districts with the greatest percentage of population that is African American (each with an African American population that is over 33%), there are no African Americans currently serving as active U.S. district court judges in 4 of the districts: the Southern District of Alabama; Middle District of Alabama; Southern District of Georgia; and the Western District of Louisiana.

As of June 1, 2017, of the 24 district courts with active Hispanic judges, 13 (54%) had more than one active Hispanic judge (with the greatest number serving on U.S. district courts for the Southern District of Texas and Western District of Texas, each with 7 judges). Altogether, 40

⁶³ The racial categories used in this report “generally reflect a social definition of race recognized in this country and [are] not an attempt” by CRS “to define race biologically, anthropologically, or genetically.” See <http://www.census.gov/population/race>. For the purposes of this report, the Hispanic category is treated as a non-white category. Note, though, that individuals who identify as Hispanic or Latino may be of any race. *Ibid*.

⁶⁴ Of the 81 active African American district court judges serving on June 1, 2017, the greatest number were appointed by President Obama (49, or 60%, of 81 judges)—followed by Presidents Clinton (16 of 81), G.W. Bush (14), and G.H.W. Bush and Reagan, with 1 apiece.

⁶⁵ Of the 58 active Hispanic district court judges serving on June 1, 2017, the greatest number were appointed by President G.W. Bush (25, or 43%, of 58 judges)—followed by Presidents Obama (24 of 58); Clinton (5); and Johnson, Carter, G.H.W. Bush, and Reagan, with 1 apiece.

⁶⁶ Of the 16 active Asian American district court judges serving on June 1, 2017, the greatest number were appointed by President Obama (13, or 81%, of 16 judges)—followed by President G.W. Bush (3 of 16).

⁶⁷ President Obama appointed the sole active American Indian U.S. district court judge currently serving on the bench.

⁶⁸ President Obama appointed each of the eight active multiracial U.S. district court judges.

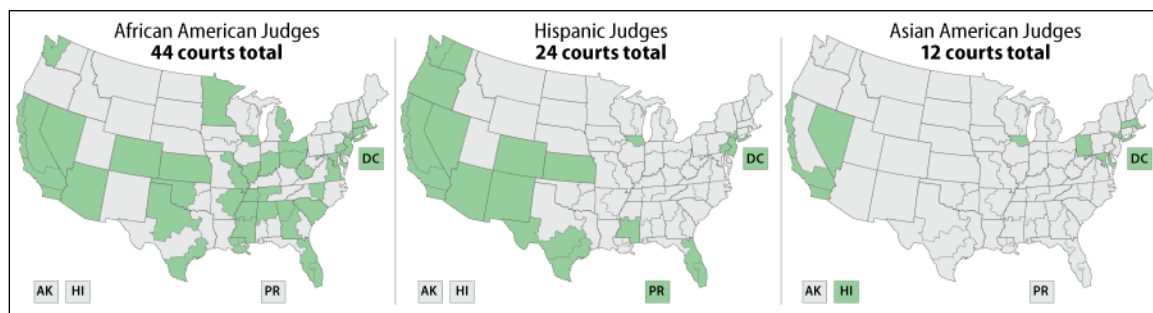
⁶⁹ The sole American Indian district court judge was appointed to the U.S. district court for Arizona. The 8 active multiracial district court judges were appointed to 7 (8%) of the nation's 91 district courts (more than one multiracial judge is currently serving on the U.S. District Court for the Southern District of New York).

⁷⁰ See CRS Insight, *Appointment of African American U.S. Circuit and District Court Judges: Historical Overview and Current Data*, by Barry J. McMillion (available from the author upon request).

(69%) of the 58 active Hispanic judges were serving, as of June 1, 2017, on U.S. district courts in California (10 judges), Florida (6), New Mexico (4), Texas (14), or Puerto Rico (6).⁷¹

Figure 10. Active African American, Hispanic, and Asian American U.S. District Court Judges by Judicial District

(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the judicial districts (shaded in darker color) where active African American, Hispanic, and Asian American district court judges are serving on the bench.

As of June 1, 2017, of the 12 district courts with active Asian American judges, 4 (33%) had more than one active Asian American judge (with the greatest number serving on U.S. district courts for the Northern District of California and Northern District of Illinois, each with 3 judges). Altogether, 12 (75%) of the 16 active Asian American judges were serving, as of June 1, 2017, on U.S. district courts in California (6 judges), Illinois (3), or New York (3).⁷²

Figure 11 shows the number of active African American, Hispanic, and Asian American U.S. district court judges serving on the bench during each calendar year from 1977 to 2017.⁷³ Overall, during this period, the number of African American district court judges increased from 16 to 85;⁷⁴ the number of Hispanic district court judges increased from 5 to 64;⁷⁵ and the number of Asian American district court judges increased from 3 to 20.⁷⁶

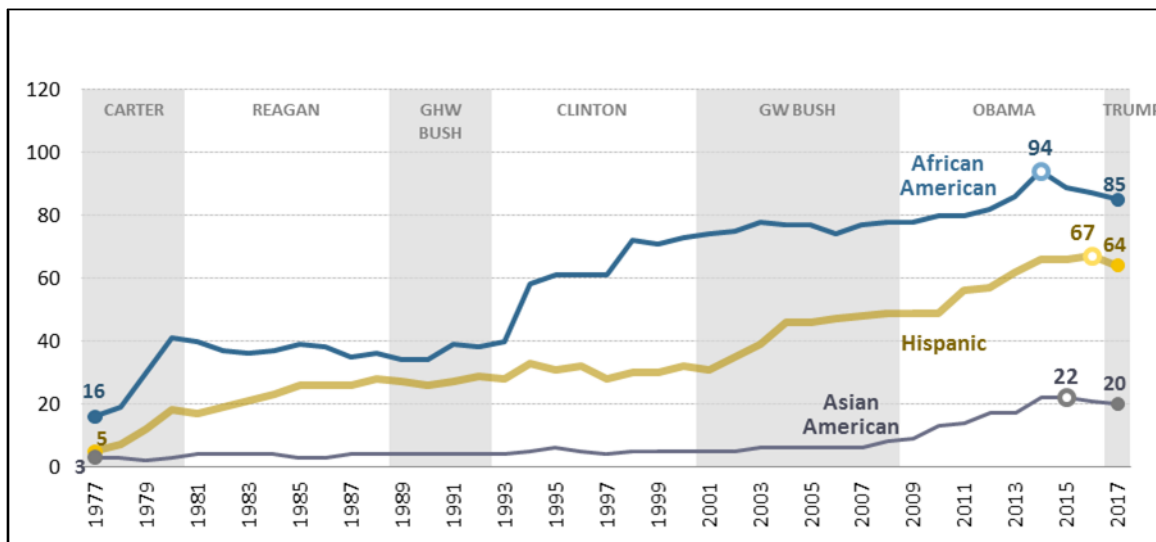
⁷¹ Two of the five states with the largest percentage of the population that is Hispanic (according to census data) each have a single active Hispanic U.S. district court judge. Specifically, in Arizona (a state with a population that is 31% Hispanic), 1 of 11 active district court judges is Hispanic (and there are currently 2 vacancies). In Nevada (a state with a population that is 28% Hispanic), one of six active district court judges is Hispanic (and there is currently one vacancy).

⁷² Hawaii, the state with the largest percentage of its population that is Asian American (roughly 37% according to census data), has one of three active U.S. district court judges that are Asian American (with one vacancy). New Jersey, the state with the third largest percentage of its population that is Asian American (approximately 9.5% according to census data), has no Asian American judges among the state's 14 active U.S. district court judges (there are currently 3 vacancies).

⁷³ The numbers reported in **Figure 11** for each calendar year represent the number of African American, Hispanic, or Asian American individuals who served as active judges for either all or part of a particular year (and does not necessarily mean that all of the individuals serving during a particular year were serving as active judges at the same time, i.e., their service as active judges may not have overlapped if any individuals retired, resigned, took senior status, or died while in office at some point during the calendar year prior to the appointment of any judges from the same demographic group during that same year).

⁷⁴ The first African American U.S. district court judge, Judge James B. Parsons, was appointed to the U.S. District Court for the Northern District of Illinois by President Kennedy in 1961. The first female African American U.S. district court judge, Judge Constance Baker Motley, was appointed to the U.S. District Court for the Southern District of New York by President Johnson in 1966.

Figure 11. African American, Hispanic, and Asian American U.S. District Court Judges, 1977-2017
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows, by calendar year, the number of active African American, Hispanic, and Asian American district court judges from 1977 to 2017 (as of June 1). During this period, the all-time high of 94 African American judges occurred in 2014; the all-time high of 67 Hispanic judges occurred in 2016; and the all-time high of 22 Asian American judges occurred in 2014 and 2015.

The current number of active African American district court judges, 85, is lower than the all-time high number of African American judges (94) that were serving in 2014 (also shown in **Figure 11**), during the sixth year of the Obama presidency.

The current number of active Hispanic circuit court judges, 64, is lower than the all-time high number of Hispanic judges (67) that were serving in 2016, during the eighth year of the Obama presidency.

The current number of active Asian American district court judges, 20, is lower than the all-time high number of Asian American judges (22) that were serving in 2014 and 2015, during the sixth and seventh years of the Obama presidency.

Gender and Race

This section provides a percentage breakdown of the 570 active U.S. district court judges by gender and race. As shown by **Figure 12**, white men represent 49.3% of federal district court judges;⁷⁷ white women represent 21.9%;⁷⁸ African American men represent 8.1%;⁷⁹ African

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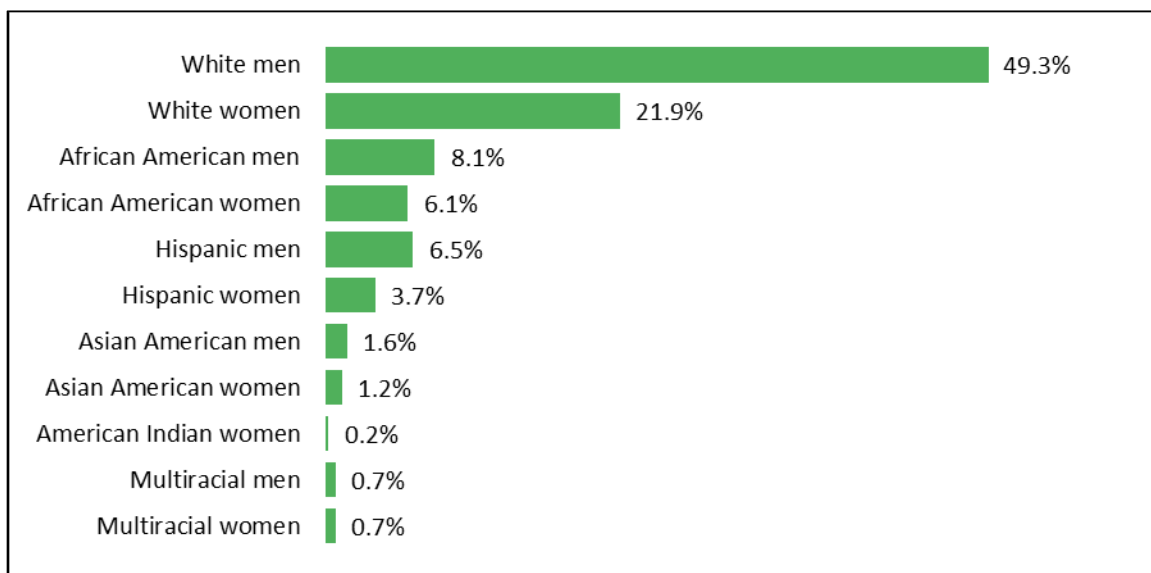
⁷⁵ The first Hispanic U.S. district court judge, Judge Reynaldo G. Garza, was appointed to the U.S. District Court for the Southern District of Texas by President Kennedy in 1961. The first female Hispanic U.S. district court judge, Judge Carmen C. Cerezo, was appointed to the U.S. District Court for the District of Puerto Rico by President Carter in 1980.

⁷⁶ The first Asian American U.S. district court judge, Judge Dick Yin Wong, was appointed to the U.S. District Court for the District of Hawaii by President Ford in 1975. The first female Asian American U.S. district court judge, Judge Susan Oki Mollway, was appointed to the U.S. District Court for the District of Hawaii by President Clinton in 1998.

⁷⁷ Of the 281 white men serving as active U.S. district court judges, a plurality (127, or 45% of 281) were appointed by (continued...)

American women represent 6.1%;⁸⁰ Hispanic men represent 6.5%;⁸¹ Hispanic women represent 3.7%;⁸² Asian American men represent 1.6%;⁸³ and Asian American women represent 1.2%.⁸⁴ Additionally, there is one American Indian female U.S. district court judge and eight multiracial district court judges (four men and four women).⁸⁵

Figure 12. Active U.S. District Court Judges by Gender and Race
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the percentage of active U.S. district court judges by gender and race. The percentages reported in the figure might not add to 100 due to rounding. The white racial category refers to non-Hispanic white judges.

(...continued)

President G.W. Bush, followed by Presidents Obama (100 judges), Clinton (35); Reagan (11), G.H.W. Bush (7), and Ford (1).

⁷⁸ Of the 125 white women serving as active U.S. district court judges, a majority (67, or 54%, of 125) were appointed by President Obama, followed by Presidents G.W. Bush (32 judges), Clinton (19); G.H.W. Bush (6), and Reagan (1).

⁷⁹ Of the 46 African American men serving as active U.S. district court judges, a majority (27, or 59%, of 46) were appointed by Obama, followed by Presidents G.W. Bush and Clinton (9 judge apiece) and Reagan (1).

⁸⁰ Of the 35 African Americans serving as active U.S. district court judges, a majority (22, or 63%, of 35) were appointed by President Obama, followed by Presidents Clinton (7 judges), G.W. Bush (5), and G.H.W. Bush (1).

⁸¹ Of the 37 Hispanic men serving as active U.S. district court judges, a plurality (16, or 43%, of 37) were appointed by President Obama, followed by Presidents G.W. Bush (14 judges), Clinton (4), and G.H.W. Bush, Reagan, and Johnson (each with 1 judge).

⁸² Of the 21 Hispanic women serving as active U.S. district court judges, a majority (11, or 52%, of 21) were appointed by President G.W. Bush, followed by Presidents Obama (8 judges) and Clinton and Carter, each with 1 judge apiece.

⁸³ Of the 9 Asian American men serving as active U.S. district court judges, a majority (7, or 78%, of 9) were appointed by President Obama, followed by President G.W. Bush (2 judges).

⁸⁴ Of the 7 Asian American women serving as active U.S. district court judges, a majority (6, or 86%, of 7) were appointed by President Obama, followed by President G.W. Bush (1 judge).

⁸⁵ President Obama appointed the sole American Indian woman serving as an active U.S. district court judge, as well as each of the eight multiracial active district court judges (4 men and 4 women).

Nontraditional Judges

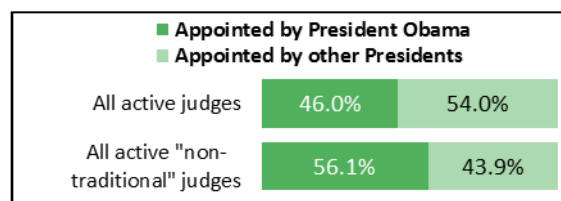
As discussed above, “nontraditional” judges are those belonging to certain demographic groups from which individuals, historically, were not often, if ever, selected for federal judgeships. Consequently, this group includes white women, non-white women, and non-white men. So, for example, of the 247 white women to ever serve as U.S. district court judges, 242 (or 98%) were appointed to the bench between 1977 and 2016 (i.e., 5 were appointed prior to 1977). Of the 93 non-white women to ever serve as a district court judge, 92 (or 99%) were appointed to the bench at some point between 1977 and 2016. And of the 240 non-white men to ever serve as a district court judge, 213 (or 89%) were appointed to the bench between 1977 and 2016. In contrast, of the 2,334 white men to ever serve as U.S. district court judges, 928 (or 40%) were appointed to the bench between 1977 and 2016.⁸⁶

As with circuit court appointees during the Obama presidency, nontraditional judges for the first time in judicial history comprised over 50% of active federal district court judges. As of June 1, 2017, this remains the case among active U.S. district court judges—specifically, 289, or 51%, of 570 active U.S. district court judges are white women, non-white women, or non-white men.

The change in the gender and racial composition of those serving as U.S. district court judges is due, in part, to the effort by President Obama and many Senators to select and support nontraditional nominees for vacant judgeships. So, for example, as shown by **Figure 13**, President Obama’s nontraditional district court appointees represent a larger percentage of all active nontraditional district court judges on the bench (56.1%) than do his appointees among all active district court judges (46.0%).

Figure 13. Percentage of All Active and Nontraditional U.S. District Court Judges Appointed by President Obama Compared to Other Presidents

(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the percentage of all active U.S. district court judges appointed by President Obama (compared to other Presidents), as well as the percentage of all active “nontraditional” U.S. district court judges appointed by President Obama (compared to other Presidents).

The change in the gender and racial composition of those serving as district court judges is further explained by **Figure 14**—which shows, across presidencies, the percentage breakdown across each of the four groups for *all* district court judges appointed by each President (i.e., the percentages reflect all of a President’s appointees and not just those individuals who are currently serving as active judges).⁸⁷ So, for example, of all the district court judges appointed by President

⁸⁶ As discussed in the section providing these statistics for U.S. circuit court judges, the demographic changes among U.S. district court judges reflects not only the priority that a particular President places on appointing women and persons of colors as federal judges but also changing demographics of law school graduates and, consequently, licensed attorneys (which affects the pool of qualified individuals from which a President can select potential nominees).

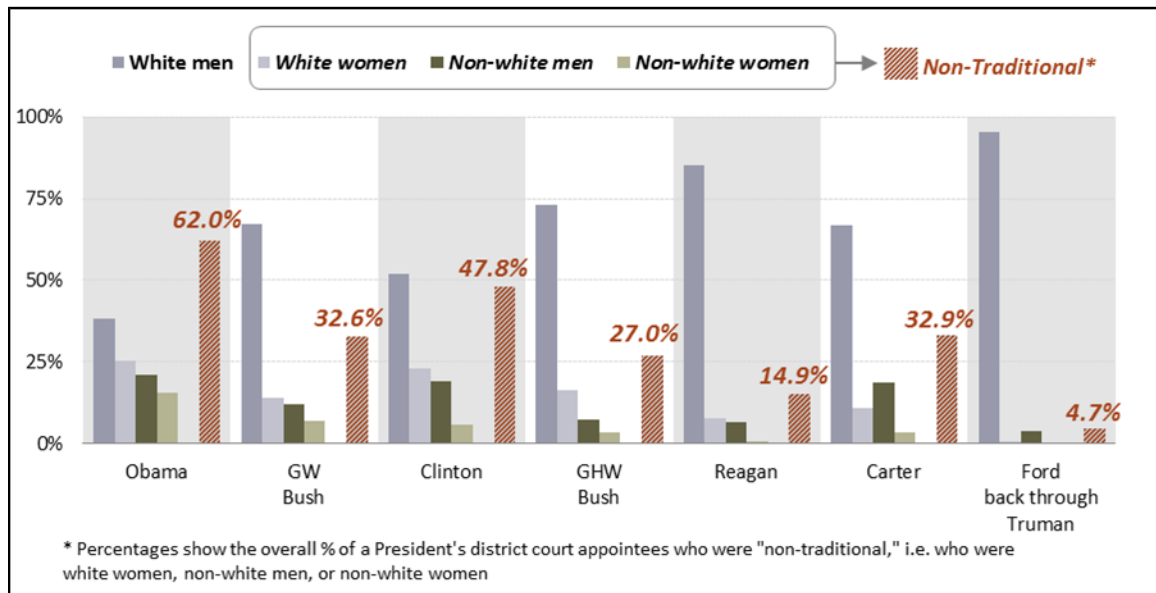
⁸⁷ The percentages reported in **Figure 14** do not include a President’s nominees who were not confirmed by the Senate.

Carter, 67% were white men; 11% were white women; 19% were non-white men; and 3% were non-white women.⁸⁸

Notably, as shown by the figure (and as with his circuit court appointees), President Obama was the first President for whom nontraditional nominees (i.e., white women, non-white women, and non-white men) comprised a majority of all those he appointed as U.S. district court judges. Specifically, 62% of President Obama’s district court nominees who were confirmed by the Senate were nontraditional nominees. While a plurality of President Obama’s district court appointees were white men (38.1%), a greater percentage of his district court appointees were white women, non-white women, and non-white men (25.4%, 15.7%, and 20.9%, respectively) than any of his predecessors.

Another notable change during the Obama presidency was the increase in the number of non-white women who were appointed as district court judges. While this group represented the smallest percentage (15.7%) of the four groups (i.e., white men, white women, non-white men, and non-white women) appointed by President Obama, he nonetheless appointed 42 (or 45%) of the 93 non-white women to ever serve as U.S. district court judges. Among Asian American women specifically, President Obama appointed 7 (78%) of 9 to ever serve as federal district court judges. He also appointed each of the four multiracial women to ever serve as district court judges.

Figure 14. Overall Percentage of President’s U.S. District Court Appointees Who Were Nontraditional Appointees (i.e., Percentage Who Were White Women, Non-White Women, or Non-White Men)



Source: Congressional Research Service

⁸⁸ As discussed in the section providing these statistics for U.S. circuit court judges, President Carter’s judicial appointments were notable because it was the first time a President emphasized gender and racial diversity in the judicial selection and appointment process. Overall, 33% (or 1 in 3) of President Carter’s appointees were “non-traditional” compared to 5% of all appointees from the Truman through the Ford presidencies. During the Carter presidency, the number of white female district court judges increased from 3 to 24; the number of non-white female judges increased from 1 to 8; and the number of non-white male judges increased from 23 to 55.

Notes: This figure shows, by presidency, the percentage of all U.S. district court appointees who were white men, white women, non-white men, and non-white women. The percentages reported in the figure show the overall percentage of a President's district court appointees who were "nontraditional," i.e., who were white women, non-white men, or non-white women.

Current Age

The average age, as of June 1, 2017, of active U.S. district court judges is 60.8 years (the median age is 61.3).⁸⁹

Of the 570 active district court judges:

- 8 (1.4%) are 40-44 years old
- 44 (7.7%) are 45-49 years old
- 96 (16.8%) are 50-54 years old
- 100 (17.5%) are 55-59 years old
- 168 (29.5%) are 60-64 years old
- 101 (17.7%) are 65-69 years old
- 53 (9.3%) are 70 years of age or older

Of the 570 active judges, a plurality (29.5%) are 60-64 years old. Combining the two age groups with the greatest number of active judges (the 60-64 and 65-69 age groups) reveals that 269 (or 47.2%) of all active federal district court judges are between the ages of 60 and 69.

Age at Time of Appointment

The average age at the time appointment to the bench of active U.S. district court judges was 50.0 (the median age was 49.8).

Of the 570 active district court judges:

- 2 (0.3%) were appointed under the age of 35
- 20 (3.5%) were appointed between the ages of 35 and 39
- 108 (18.9%) were appointed between the ages of 40 and 44
- 163 (28.6%) were appointed between the ages of 45 and 49
- 147 (25.8%) were appointed between the ages of 50 and 54
- 93 (16.3%) were appointed between the ages of 55 and 59
- 36 (6.3%) were appointed between the ages of 60 and 64
- 1 (0.2%) was appointed between the ages of 65 and 69

Altogether, 310 (or 54.4%) of all active federal district court judges were appointed between the ages of 45 and 54.

⁸⁹ The mean is equivalent to the arithmetic average ("mean" and "average" are used interchangeably throughout this report). The mean or average is calculated by adding a group of numbers and then dividing that value by how many numbers there are, while the median is the middle value for a particular set of numbers (i.e., half of the numbers are above the median and half of the numbers are below it). Although the average or mean is a more commonly used measure, the median is less affected by outliers or extreme cases (e.g., nominees who were appointed at relatively much younger or older ages than the typical nominee). Consequently, the median might be a better measure of central tendency.

Of the 20 active district court judges who were appointed at the youngest ages (each under the age of 40 at the time of appointment) of all 570 active judges,⁹⁰ 13 (or 65%) were appointed by Republican Presidents—including the two youngest at the time of appointment being appointed by President Reagan.⁹¹ In contrast, of the 20 active circuit court judges who were appointed at the oldest ages (each over the age of 61 at the time of appointment), 13 (or 65%) were appointed by Democratic Presidents.

The average and median differences, though, in the age at the time of appointment between Democratic and Republican appointees is relatively small among the entire group of 570 active district court judges. For Democratic appointees, the average age at the time of appointment was 50.7 years (with a median age of 50.3 years). For Republican appointees, the average age at the time of appointment was 49.0 years (with a median age of 49.2 years).

Length of Service

The length of service for each active judge is calculated as the number of years from when the judge received his or her commission to June 1, 2017 (which, for the purposes of this report, is the cut-off date used for this calculation). So, for example, the length of service for Judge Manuel L. Real (the longest-serving district court judge) is calculated as 50.6 years (the period of time from November 3, 1966, when Judge Real received his commission after his confirmation by the Senate, to June 1, 2017).

The average length of service of active U.S. district court judges is 10.8 years (while the median, represented by the reference line in **Figure 15**, is 9.1 years).

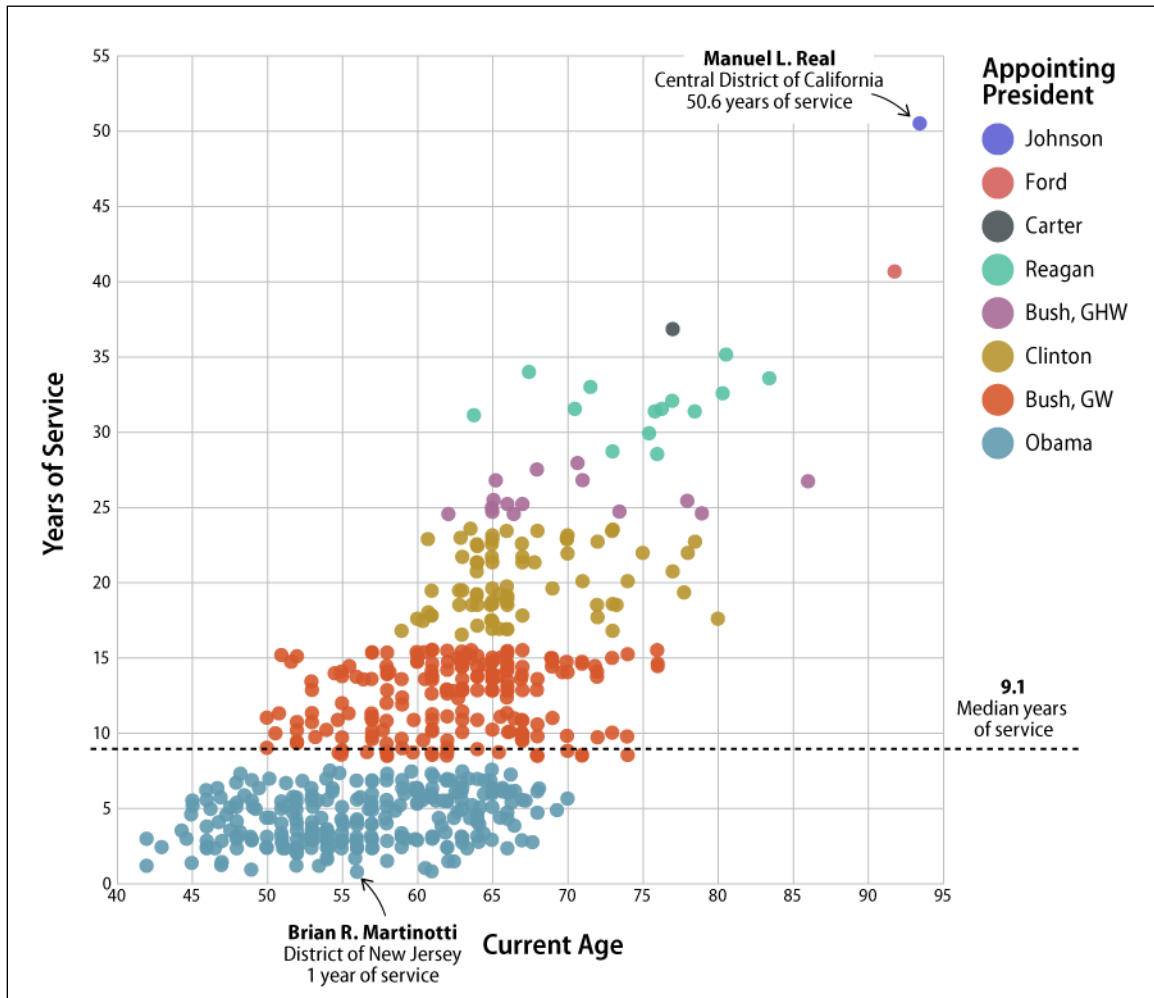
As expected, and as shown by the figure, there is a positive relationship between a judge's current age and the length of time he or she has served as a judge. **Figure 15** also shows the clustering of each President's cohort of appointed circuit court nominees by length of service and current age.

Overall, of 570 active district court judges as of June 1, 2017, President Obama appointed a plurality (46.0%) of district court judges, with a median length of service of 4.4 years and a median age of 55.9 years, followed by Presidents G.W. Bush (35.3% of active judges, with a median length of service of 13.0 years and median age of 62.9 years); Clinton (13.2% of active judges, with a median length of service of 19.6 years and a median age of 65.4 years); G.H.W. Bush (2.6% of active judges, with a median length of service of 25.3 years and a median age of 67.0 years); and Reagan (2.5% of active judges, with a median length of service of 31.6 years and a median age of 75.8 years). The remaining judges were appointed by Presidents Carter, Ford, and Johnson (each with one judge).

⁹⁰ Note that these 20 judges are a subset of the 22 active judges who were appointed at age 39 or younger.

⁹¹ The two are Judges Sidney A. Fitzwater (serving on the Northern District of Texas) and Ricardo H. Hinojosa (serving on the Southern District of Texas).

Figure 15. Active U.S. District Court Judges by Current Age and Years of Service
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the relationship between the current age and length of service of active U.S. circuit court judges. It also identifies the appointing President of judges currently serving on the bench.

Occupation at Time of Appointment

This section provides data related to the occupation or professional background of active U.S. district court judges at the time of their appointment to the bench.⁹²

As shown by **Figure 16**, a plurality of U.S. district court judges, immediately prior to appointment, were working as attorneys in private practice (35.4% of all active judges). The second most common type of professional experience immediately prior to being appointed was

⁹² Consequently, it does not provide a full record of a nominee’s professional experiences or qualifications prior to being appointed as a district court judge (and most nominees held multiple positions prior to being appointed). It also does not provide information as to the length of time a nominee held a particular position or was engaged in a particular profession immediately prior to being appointed.

serving as a state or local judge (30.5% of all active judges),⁹³ followed by serving as a U.S. magistrate judge (14.6%).⁹⁴

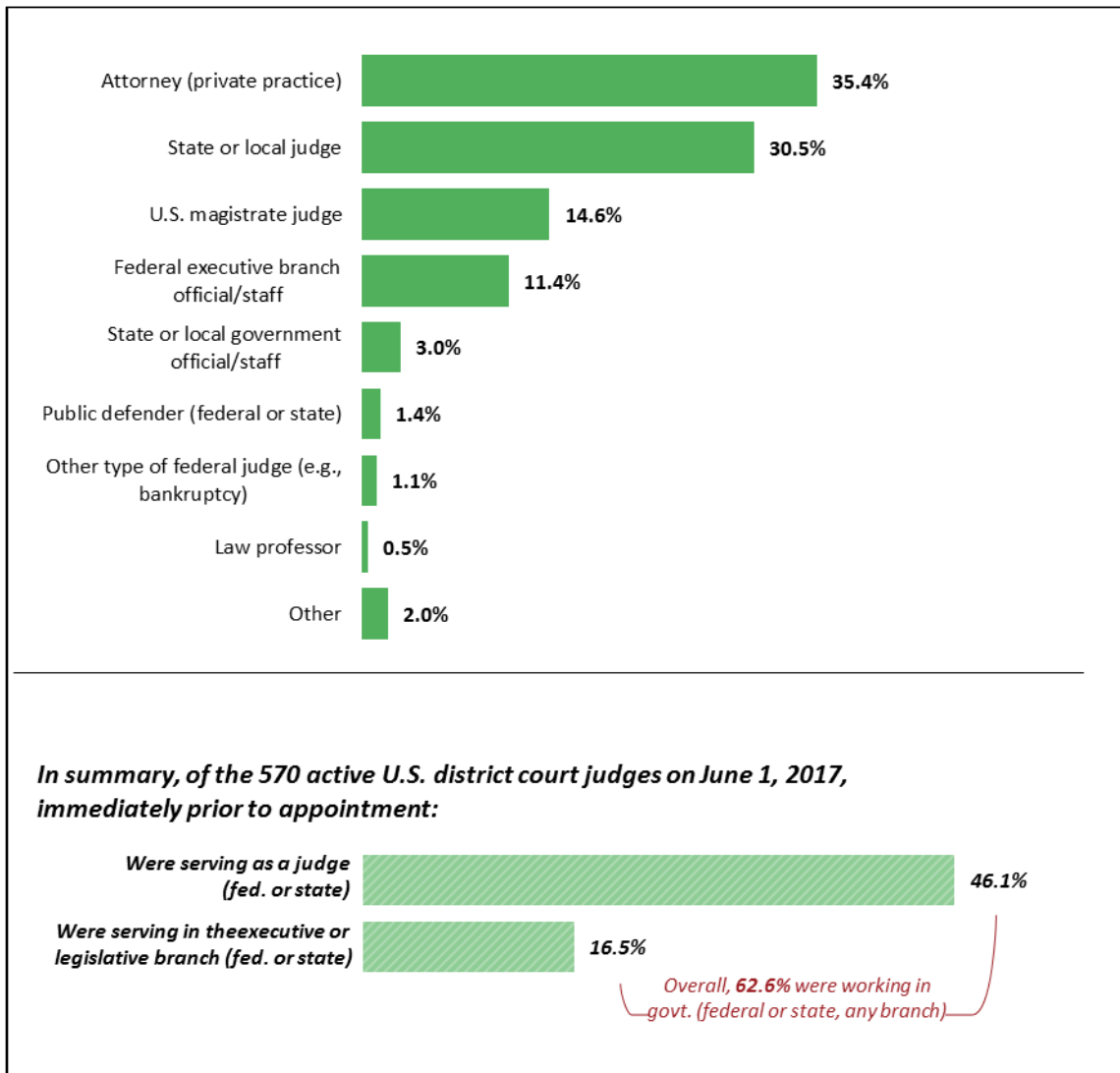
Figure 16 also provides summary statistics taking into account whether active district court judges, immediately prior to being appointed to the bench, were serving as judges (either at the federal or state level)⁹⁵ or in the executive or legislative branch of government (federal or state level). Overall, 46.1% of active district court judges were serving as a federal or state judge, while 16.5% were serving as an official or staff in the executive or legislative branch at the federal or state level. Altogether, 62.6% of active U.S. district court judges were serving in either federal or state government immediately prior to being appointed to the bench.

⁹³ Examples of state or local judicial positions held by active U.S. district court judges immediately prior to appointment include Judge, Summit County [Ohio] Court of Common Pleas; Justice of the Supreme Court of Virginia; Judge, Oregon Circuit Court, Lane County; Judge, Illinois Circuit Court, Cook County; and Judge of the Superior Court of California, County of San Diego.

⁹⁴ U.S. magistrate judges are federal judges who are appointed through a merit selection process for renewable, eight-year terms. Additionally, “Although their precise duties may change from district to district, Magistrate Judges often conduct mediations, resolve discovery disputes, and decide a wide variety of motions; determine whether criminal defendants will be detained or released on a bond; appoint counsel for such defendants (and, in the misdemeanor context, hold trials and sentence defendants); and make recommendations regarding whether a party should win a case on summary judgment, whether a Social Security claimant should receive a disability award, whether a habeas petitioner should prevail, and whether a case merits dismissal. When both sides to a civil case consent, Magistrate Judges hear the entire dispute, rule on all motions, and preside at trial.” See Peter G. McCabe, Esq., *A Guide to the Federal Magistrate Judge System*, August 2014, available online at <http://www.fedbar.org/PDFs/A-Guide-to-the-Federal-Magistrate-Judge-System.aspx>.

⁹⁵ This includes individuals who, immediately prior to being appointed as U.S. district court judges, had been working as U.S. magistrate judges; other types of federal judges (e.g., bankruptcy judges); and state or local judges.

Figure 16. Occupation or Position of Active U.S. District Court Judges at Time of Appointment
(As of June 1, 2017)



Source: Congressional Research Service

Notes: This figure shows the percentage of active U.S. district court judges who were engaged in a particular occupation or held a particular position immediately prior to being nominated and appointed to the bench. The summary percentages report the percentage of active U.S. district court judges who were serving as a judge (at the federal or state level); were serving in the executive or legislative branch (federal or state); and the overall percentage of judges who were serving in government (federal or state, any branch).

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