Q45 – Who appoints federal judges?

DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:
The president of the United States appoints federal judges – but, to be clear, those appointments are just nominations. Article II of the Constitution says, "the president shall nominate…" and those nominations do not become effective unless confirmed by the Senate.

I speak from experience. I was nominated by President Ronald Reagan to serve on the United States Court of Appeals for the District of Columbia Circuit – and confirmed by the Senate. A federal judge may serve on a federal district court, on a federal court of appeals, or on the Supreme Court of the United States.
Presidents make nominations when a vacancy occurs on a court – through the resignation or death of a judge – or when an additional seat is created by the Congress.
Since World War II, presidents have announced more than forty nominees to the Supreme Court. But nine nominees failed to reach the Court – because they withdrew, or were not confirmed by the Senate.
Throughout our history, almost one-fifth of all nominees failed to reach the Supreme Court. Senators wield a lot of influence over the nomination of the federal district court judges who will sit in their state. Senators wield less influence over the nomination of appeals court judges, since all federal circuits but two span multiple states.
Although a president can serve no more than two four-year terms in office, a federal judge might serve two or three decades or more. Small wonder, then, that when a president nominates a federal judge, that appointment becomes an enduring part of that president's legacy.