
SSCG 13A: SELECTION AND APPROVAL PROCESS FOR FEDERAL JUDGES



THE JUDICIAL SYSTEM

- The judiciary is simply the judicial branch of government, which includes the court system and the judges.

THE SENATE JUDICIARY COMMITTEE

- The Senate Judiciary Committee is a standing committee in the Senate currently comprised of 20 members.
- This committee conducts hearings prior to Senate votes on the confirmation of federal judges, including Supreme Court Justices, who are nominated for the positions by the President.

LIFETIME APPOINTMENTS

- Federal judgeship appointments and Supreme Court Justice appointments are for life, and because these judges serve lifetime appointments, their decisions can have significant impacts that last beyond one election cycle.

STEPS FOR FEDERAL JUDICIAL NOMINATIONS

There are nine steps for federal judicial nominations (from vacancy to confirmation):

- 1. A vacancy occurs when a judge dies, retires, or decides to step down.
- 2. The White House consults the Senators who represent the state in which the vacancy has occurred to get recommendations for potential candidates to fill the vacancy.

STEPS FOR FEDERAL JUDICIAL NOMINATIONS

- 3. Potential candidates are thoroughly vetted; background checks are extensive. The Senate Judiciary Committee requires the candidates to complete a detailed questionnaire. The candidate's legal qualifications, past employment history, decisions on cases, tax compliance history, reputation with legal colleagues and community members, medical examination results, and criminal background history are all part of this vetting process.
- 4. Once a nomination is made, the process moves to the Senate Judiciary Committee members.
- 5. The Senate Judiciary Committee conducts a hearing. This is the time when all committee members are given the opportunity to ask the nominee questions.

STEPS FOR FEDERAL JUDICIAL NOMINATIONS

- 6. The Senate Judiciary Committee votes. Once the nominee is favorably voted out of the committee, with a majority vote, the nomination is forwarded to the Senate floor for consideration by the entire Senate.
- 7. The Senate majority leader schedules a full vote in the U.S. Senate and debate follows.
- 8. The nominee is confirmed if he or she receives a majority of the votes by the Senators.
- 9. Lifetime appointment begins after the President signs the nominee's commission.

SELECTION AND APPROVAL PROCESS FOR FEDERAL JUDGES

- This entire process can take weeks or months from beginning to end.
- Most federal judges are drawn from the ranks of leading attorneys, legal scholars, law school professors, and State court judges. Political party is important in this process; the President typically chooses candidates from his or her own political party. The President also looks for candidates who share similar views on economic, social, and legal issues. The concepts of judicial activism and judicial restraint play a role in the decision-making process.

JUDICIAL ACTIVISM AND JUDICIAL RESTRAINT

- **Judicial restraint** is the idea that judges should limit the exercise of their own power. This theory contends that judges should uphold all laws and decisions, unless they go against the Constitution.
- **Judicial activism** refers to judicial rulings that appear to be based on personal opinions or political considerations rather than the laws or the Constitution. It is the opposite of judicial restraint.

LIFETIME APPOINTMENTS

- Federal judges can only be removed through impeachment. They are given lifetime appointments to ensure the independence of the federal judiciary and reduce the chances of decisions based on politics or political pressures.