

## **Lower Federal Court Confirmation Database February-March 2005 Release**

The Lower Federal Court Confirmation Database contains information on all vacancies on and nominations to Article III district and circuit courts from the beginning of 1977 through the end of December 2004. The original database was created at the behest of the Constitution Project's Courts Initiative (formerly Citizens for Independent Courts) by Wendy L. Martinek, Binghamton University. This is the third update to that original database. Based on feedback provided by users of the original database, the database now consists of two separate files, both in Excel format. The first file (Senate\_082205.xls) contains information on the senatorial processing of presidential nominations to fill vacancies on Article III lower federal courts. Senatorial processing typically comes to an end when the nomination is confirmed or the nomination is returned to the president when the Congress adjourns (e.g., when the Congress adjourns sine die). When a nomination is returned to the president under such circumstances and the president renominates that same individual, the database includes a separate observation for both the original nomination and the renomination. The second file (President\_031505.xls) contains information on presidential nomination opportunities. Typically such opportunities have arisen due to an incumbent judge assuming senior status, retiring, or being elevated to another position. They have also commonly arisen when pending nominations are returned to the president (e.g., when the Congress adjourns sine die). New presidents also have nomination opportunities when vacancies left unfilled by a previous president remain open when the new president assumes office.

Note: The file containing information on senatorial nominations was originally released 2/14/05. The updated file (8/22/05) includes corrections related to a handful of nominations.

All errors and omissions should be brought to the attention of Wendy L. Martinek at [martinek@binghamton.edu](mailto:martinek@binghamton.edu).

### *Acknowledgements*

A number of individuals have provided invaluable and gracious assistance in compiling this database. Lisa Holmes of the University of Vermont created a very useful prototype database at the behest of the Constitution Project's Courts Initiative. Sheldon Goldman of the University of Massachusetts-Amherst provided data on the race, gender, partisan affiliation, and American Bar Association ratings of a majority of the nominees included in the database. The data provided by Dr. Goldman was supplemented by information publicly available from the Federal Judicial Center, the United States Senate, the White House, and the Alliance for Justice. Elizabeth Dahl, previously of the Constitution Project, provided extensive assistance in locating Congressional Research Service reports and Senate calendars, which were invaluable in constructing the original database. Barbara Reed, also previously of the Constitution Project, provided helpful encouragement and facilitated the previous update. Virginia Sloan, President and founder of the Constitution Project, and Kathryn Monroe, Director of the Courts Initiative, continue to provide support and assistance in the updating and maintenance of the database. Paul M. Collins, Jr., Conor Dowling, and Lisa A. Solowiej all provided helpful research assistance. Kirk Randazzo of the University of Kentucky provided technical assistance while Reginald Sheehan of Michigan State University provided encouragement and support for the original project. Finally, Harold J. Spaeth of Michigan State University lent his considerable expertise in the design and construction of databases, for which I am especially appreciative.

**Codebook for Database of Senatorial Action, 1977-2004 (Senate\_021405.xls)**  
**021405**

NOMINEE	Name of nominee
CIRCUIT	Federal appellate circuit designation <ul style="list-style-type: none"> <li>1 = First Circuit</li> <li>2 = Second Circuit</li> <li>3 = Third Circuit</li> <li>4 = Fourth Circuit</li> <li>5 = Fifth Circuit</li> <li>6 = Sixth Circuit</li> <li>7 = Seventh Circuit</li> <li>8 = Eighth Circuit</li> <li>9 = Ninth Circuit</li> <li>10 = Tenth Circuit</li> <li>11 = Eleventh Circuit</li> <li>12 = District of Columbia Circuit</li> <li>13 = Federal Circuit</li> </ul>
DISTRICT	Alpha district court designation Note: CCA = Circuit Court of Appeals
COURT	Type of lower court <ul style="list-style-type: none"> <li>0 = district</li> <li>1 = circuit</li> </ul>
VACATE	Date on which seat originally became open
VACYEAR	Year in which seat originally became open
PREZ_V	President in office when seat originally became open <ul style="list-style-type: none"> <li>1 = Ford</li> <li>2 = Carter</li> <li>3 = Reagan</li> <li>4 = Bush, G.H.</li> <li>5 = Clinton</li> <li>6 = Bush, G.W.</li> </ul>
CONG_V	Congressional term in which seat originally became open
SESS_V	Congressional session in which seat originally became open
NOMINATE	Date on which nomination made
NOMYEAR	Year in which nomination made

PREZ_N	President making nomination  1 = Carter 2 = Reagan 3 = Bush, G.H. 4 = Clinton 5 = Bush, G.W.
CONG_N	Congressional term in which nomination made
SESS_N	Congressional session in which nomination made
CONFDATE	Date on which nominee confirmed Note: Blank if nominee not confirmed
CONFYEAR	Year in which confirmation confirmed Note: Blank if nominee not confirmed
PREZ_CONF	President in office when nominee confirmed Note: Blank if nominee not confirmed  1 = Carter 2 = Reagan 3 = Bush, G.H. 4 = Clinton 5 = Bush, G.W.
CONG_C	Congressional term in which nominee confirmed Note: Blank if nominee not confirmed
SESS_C	Congressional session in which nominee confirmed Note: Blank if nominee not confirmed
FINAL	Date of final congressional action Note: Final congressional action consists of confirmation, rejection, return of nomination to president (e.g., when Congress adjourns since die), or withdrawal of nomination by president
FINYEAR	Year in which final congressional action occurs
PREZ_F	President in office at time of final congressional action  1 = Carter 2 = Reagan 3 = Bush, G.H. 4 = Clinton 5 = Bush, G.W.
CONG_F	Congressional term in which final congressional action occurs
SESS_F	Congressional session in which final congressional action occurs
INCUMBENT	Name of incumbent judge

RENOM	Is this a renomination of a previous nominee for the same seat?  0 = no 1 = yes
PARTYID	Partisan identification of nominee Note: Blank if partisan identification of nominee is unknown  0 = Democrat 1 = Republican 3 = other
GENDER	Gender of nominee  0 = male 1 = female
MIN1	Race of nominee (expanded) Note: Blank if race of nominee is unknown  1 = White 2 = African American 3 = Hispanic 4 = Native American 5 = Asian American
MIN2	Race of nominee (condensed)  0 = nonminority nominee 1 = minority nominee
ABA1	American Bar Association Rating (expanded) Note: Blank if ABA rating of nominee is unknown  1 = not qualified (age) 2 = not qualified 3 = not qualified/qualified 4 = qualified/not qualified 5 = qualified 6 = qualified/well qualified 7 = well qualified/qualified 8 = well qualified 9 = well qualified/extremely well qualified 10 = extremely well qualified/well qualified 11 = extremely well qualified

ABA2	American Bar Association Rating (condensed)
	<ul style="list-style-type: none"> <li>1 = not qualified</li> <li>2 = qualified/not qualified</li> <li>3 = qualified</li> <li>4 = qualified/well qualified</li> <li>5 = well qualified/qualified</li> <li>6 = well qualified or better</li> </ul>
ACTION1	Final congressional action on nomination (expanded)
	<ul style="list-style-type: none"> <li>1 = confirmed</li> <li>2 = returned to president</li> <li>3 = withdrawn by president</li> </ul>
ACTION2	Final congressional action on nomination (condensed)
	<ul style="list-style-type: none"> <li>0 = unsuccessful</li> <li>1 = successful</li> </ul>
PRZTERM	Term of president when nomination made
	<ul style="list-style-type: none"> <li>1 = nomination made by first-term president</li> <li>2 = nomination made by second-term president</li> </ul>
PRZYEAR	Year of presidential term of president when nomination made
	<ul style="list-style-type: none"> <li>1 = nomination made in first year of presidential term</li> <li>2 = nomination made in second year of presidential term</li> <li>3 = nomination made in third year of presidential term</li> <li>4 = nomination made in fourth year of presidential term</li> </ul>
APPROVAL	Percentage of survey respondents approving of presidential job performance based on Gallup poll closest to date of nomination
DIVIDE	Divided government at time of nomination (i.e., president of one party and Senate controlled by the other party)
	<ul style="list-style-type: none"> <li>0 = no</li> <li>1 = yes</li> </ul>
CONTROL	Percent of Senate seats held by Republican senators
SENDUR1	Number of days from nomination to final Senate action
SENDUR2	Number of days from nomination to final Senate action less recess days

**Codebook for Database of Presidential Action, 1977-2004 (President\_031505.xls)**  
**031505**

CIRCUIT	Federal appellate circuit designation
	<ul style="list-style-type: none"> <li>1 = First Circuit</li> <li>2 = Second Circuit</li> <li>3 = Third Circuit</li> <li>4 = Fourth Circuit</li> <li>5 = Fifth Circuit</li> <li>6 = Sixth Circuit</li> <li>7 = Seventh Circuit</li> <li>8 = Eighth Circuit</li> <li>9 = Ninth Circuit</li> <li>10 = Tenth Circuit</li> <li>11 = Eleventh Circuit</li> <li>12 = District of Columbia Circuit</li> <li>13 = Federal Circuit</li> </ul>
DISTRICT	Alpha district court designation Note: CCA = Circuit Court of Appeals
COURT	Type of lower court
	<ul style="list-style-type: none"> <li>0 = district</li> <li>1 = circuit</li> </ul>
NOM_OPP	Date on which nomination opportunity begins
ST_PREZ	President in office at time nomination opportunity begins
	<ul style="list-style-type: none"> <li>1 = Carter</li> <li>2 = Reagan</li> <li>3 = Bush, G.H.</li> <li>4 = Clinton</li> <li>5 = Bush, G.W.</li> </ul>
WHY_OPP	Reason nomination opportunity arises
	<ul style="list-style-type: none"> <li>1 = Incumbent retired</li> <li>2 = Incumbent took senior status</li> <li>3 = Incumbent elevated to another position</li> <li>4 = Incumbent died</li> <li>5 = New seat</li> <li>6 = President withdrew previous nomination</li> <li>7 = Previous nomination returned to the president</li> <li>8 = Incumbent resigned</li> <li>9 = Incumbent impeached</li> <li>10 = New president assumes office and prior vacancy left unfilled</li> <li>11 = Recess appointment</li> </ul>
INCUMBENT	Name of incumbent judge

CLOSE\_DT     Date on which nomination opportunity ends

END\_PREZ     President in office when nomination opportunity ends

WHY\_CLOSE   Reason nomination opportunity ends

                 1 = President makes nomination  
                 2 = President leaves office

NOMINEE     Name of nominee

SERVING      Is nominee still serving in office?

                 0 = no  
                 1 = yes

PRZDUR      Number of days between the start and end of the nomination opportunity