



INDEPENDENT JOURNAL REVIEW

Trump Continues Record Judiciary Makeover as 15th Circuit Court Nominee Confirmed

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On Tuesday, Kyle Duncan became the 15th nominee to be confirmed to the Circuit Court of Appeals under President Donald Trump.

Trump is outpacing his predecessors to fill vacancies on the federal judiciary, where the lifetime judges make decisions that can alter the country and its policies such as those related to religious liberty.

Duncan, the former general counsel at the nonprofit law firm Becket Fund for Religious Liberty, was confirmed 50-47 by the Senate to the Fifth Circuit. His confirmation is the third one made to that court following James Ho and Don Willett.

Two other nominations for the Fifth Circuit are pending; Andy Oldham is expected to testify Wednesday before the Senate Judiciary Committee, while Kurt Englehart is waiting to be confirmed by the full Senate after the Judiciary Committee approved him in February.

Senate Majority Leader Mitch McConnell (R-Ky.) said in a statement, “These are men and women who try to interpret laws as written or as the Constitution seems to specify.”

“Whether representing the people of Louisiana or representing clients in some of the most significant constitutional issues of our time, Kyle Duncan has been a tremendously smart and principled lawyer,” constitutional scholar and Hoover Institution research fellow Adam White told IJR. “I have no doubt that he'll be a great judge.”

It was a victory for the conservative judicial groups like the Judicial Crisis Network.

Ilya Shapiro, a constitutional expert at the Cato Institute, has worked closely with Duncan and is ecstatic about his confirmation.

“The confirmation matters because Kyle's isn't simply some generic 'Republican' but a committed originalist and textualist, with a serious track record of commitment to first principles,” Shapiro told IJR in an email. “He's the latest in a long line of such excellent judicial nominees, particularly circuit nominees, made by this administration.”

To date, 32 of Trump's federal judicial nominees have been confirmed, while 35 nominees await floor votes.

Shapiro said, “I think it's still more likely than not that Republicans keep the Senate and, as we've seen, having a Senate majority is ultimately the only guarantee of being able to get nominations through.”