

# JOSH BLACKMAN

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## Teaching

### South Texas College of Law Houston

- Associate Professor (March 2015-Present)
- Assistant Professor (July 2012-March 2015)
- Eligible for Tenure Spring 2018
- Courses Taught: Constitutional Law, Property I, Property II
- Other Publication Areas: Civil Procedure, Federal Courts, Administrative Law, Legislation, Legal Technology, Privacy Law, Legal History, and Jurisprudence

## Published Articles

1. [Gridlock](#), 130 Harvard Law Review \_\_ (2016) (Supreme Court Issue).
2. [State Judicial Sovereignty](#), 2016 Illinois Law Review \_\_ (Forthcoming 2016).
3. [Restoring the Lost Confirmation](#), 83 University of Chicago Law Review Online 18 (2016) (with Randy E. Barnett).
4. [Collective Liberty](#), 67 Hastings Law Journal 623 (2016).
5. [Popular Constitutionalism After Kelo](#), 23 George Mason Law Review 255 (2016).
6. [Immigration Inside The Law](#), 55 Washburn Law Journal 31 (2016).
7. [Government by Blog Post](#), 11 Florida International University Law Review 389 (2016) (Symposium).
8. *U.S. v. Texas (Scalia, J., concurring)*, 2016 Cato Supreme Court Review \_\_ (Forthcoming 2016).
9. [The Process of Marriage Equality](#), 42 Hastings Constitutional Law Quarterly 243 (2015).
  - Reviewed by Kevin C. Walsh, [Process Failure on the Road to Obergefell](#), JOTWELL (May 2, 2016).
  - Cited in Campaign for Southern Equality v. Bryant, 3:14-cv-818 (S.D. Miss. 2016) ([PDF](#), [Post](#)).
10. [The Constitutionality of DAPA Part I: Congressional Acquiescence to Deferred Action](#), 103 Georgetown Law Journal Online 96 (2015).
11. [The Constitutionality of DAPA Part II: Faithfully Executing The Law](#), 19 Texas Review of Law & Politics 215 (2015).
12. [Obamacare & Man at Yale](#), 2014 Illinois Law Review 1241 (2014).
13. [What Happens if Data is Speech?](#), 16 University of Pennsylvania Journal of Constitutional Law Heightened Scrutiny 25 (2014).
  - Cited in [Zhang v. Baidu, Inc. \(S.D.N.Y. Mar. 27, 2014\)](#).
14. [The 1st Amendment, 2nd Amendment, and 3D Printed Guns](#), 81 Tennessee Law Review 479 (2014) (Symposium).
15. [The Shooting Cycle](#), 46 Connecticut Law Review 1513 (2014) (with Shelby Baird) (Symposium).
16. [The Burden of Judging](#), 9 NYU Journal of Law & Liberty 1105 (2014).
17. [John Marshall Harlan: Professor of Law](#), 81 George Washington Law Review 1063 (2013) (with Brian Frye and Michael McCloskey).
18. [Justice John Marshall Harlan: Lectures on Constitutional Law, 1897-98](#), 81 George Washington Law Review Arguendo 12 (with Brian Frye and Michael McCloskey).

19. [\*Popular Constitutionalism and the Affordable Care Act\*](#), 27 Public Affairs Quarterly 3 (2013) (Peer-Reviewed).
20. [\*Back to the Future of Originalism\*](#), 16 Chapman Law Review 325 (2013) (Symposium).
21. [\*The Supreme Court's New Battlefield\*](#), 90 Texas Law Review 1207 (2012).
22. [\*Originalism at the Right Time?\*](#), 90 Texas Law Review See Also 269 (2012).
23. [\*Crowdsourcing A Prediction Market for the Supreme Court\*](#), 10 Northwestern Journal of Technology & Intellectual Property 125 (2012) (with Adam Aft & Corey Carpenter).
24. [\*The Constitutionality of Social Cost\*](#), 34 Harvard Journal of Law & Public Policy 1 (2011).
  - Cited in [\*Bonidy v. United States Postal Service\*](#) (10th Cir. 2015), (Tymkovitch, J., dissenting)
25. [\*Original Citizenship\*](#), 159 University of Pennsylvania Law Review PENNUMBRA 95 (2010).
26. [\*Pierson v. Post and The Natural Law\*](#), 51 American Journal of Legal History 95 (2011).
  - Nominated by The Green Bag for ["Exemplary Legal Writing"](#) in long articles category for 2011.
27. [\*Keeping Pandora's Box Sealed\*](#), 8 Georgetown Journal of Law & Public Policy (2010) (With Ilya Shapiro).
  - Cited in [\*Ezell v. City of Chicago, 651 F.3d 684, 702 n. 11\*](#) (7th Cir. 2011).
28. [\*Equal Protection from Eminent Domain\*](#), 56 Loyola Law Review 697 (2010).
29. [\*Youngstown's Fourth Tier. Is There A Zone of Insight Beyond the Zone of Twilight?\*](#), 40 Memphis Law Review 541 (2010) (With Elizabeth Bahr).
30. [\*The Tell-Tale Privileges or Immunities Clause\*](#), 2010 Cato Supreme Court Review 163 (2010) (With Alan Gura and Ilya Shapiro).
31. [\*This Lemon Comes as a Lemon. The Lemon Test and the Pursuit of a Statute's Secular Purpose\*](#), 20 George Mason University Civil Rights Law Review 351 (2010).
32. [\*Omniveillance, Google, Privacy in Public, and the Right to Your Digital Identity: A Tort for Recording and Disseminating an Individual's Image Over the Internet\*](#), 49 Santa Clara Law Review 313 (2009).

## Books

- [\*Unraveled: Obamacare, Religious Liberty, and Executive Power\*](#) (Cambridge University Press, 2016)
  - "An invaluable inside tour of an ongoing controversy" [George F. Will](#)
  - "Blackman presents the conservative perspective but he is even-handed, and all, including those (like me) who disagree with him, will learn a great deal from reading this book." [Erwin Chemerinsky](#), University of California, Irvine School of Law
  - "Unraveled chronicles the legal struggles over these issues in a fair, complete, and immensely readable narrative." [Michael W. McConnell, Stanford Law School](#)
  - "Even-keeled and exhaustive, Blackman's Unraveled offers the consummate insider's take on the titanic legal struggles at the Supreme Court over the future of health reform." [Nicholas Bagley, University of Michigan Law School](#)
  - "He combines a careful, even meticulous attention to detail with a grasp of the important issues at stake." [Ramesh Ponnuru, National Review](#)
- [\*Randy E. Barnett & Josh Blackman, 2016 Case Supplement\*](#) – Constitutional Law: Cases in Context, Second Edition, Wolters Kluwer (2016)
- [\*Randy E. Barnett & Josh Blackman, Constitutional Law: Cases in Context, 3rd Edition\*](#), Wolters Kluwer (Forthcoming 2017).
- [\*Unprecedented: The Constitutional Challenge to Obamacare\*](#), Public Affairs Books (2013).
  - "The definitive account," [Professor Randy Barnett](#)
  - "This is an absorbing tale of how a landmark Supreme Court opinion was born," [Professor Jack Balkin](#)
  - "It's a rare combination of a page-turner and a careful explanation of the legal arguments," [Professor Larry Tribe](#)
  - "Sure-footed narrative," [Terry Eastland, The Weekly Standard](#)
  - "Riveting," [Fred Barnes, The Weekly Standard](#)
  - "Excellent," [The Wall Street Journal \(excerpts here\)](#).

- “Deeply researched, highly readable,” [The American Prospect](#)
- The “book plays it straight, offering a remarkably balanced and accessible account of the litigation,” [Tony Mauro, National Law Journal](#)
- “Excellent,” [The National Law Journal – Notable Supreme Court Books of 2013](#)
- “Gripping reading, really. It is likely to last as the definitive account” of the landmark Supreme Court case, [Adam Liptak, The New York Times](#)
- Blackman “is a bit of a legal polymath. He can, with seeming ease, assimilate disparate streams of legal analyses, facts, political events, and government policy in service,” [Philadelphia Inquirer](#)
- “Covers Both Sides,” [Pittsburgh Tribune](#)
- “Deeply researched,” [Think Progress](#)
- “The flair of a novelist and the eye of a historian,” [Library of Law & Liberty](#)

## Book Chapters

- Experts, Crowds, and Algorithms, in *Legal Informatics* (Cambridge University Press 2017).
- “Popular Constitutionalism and the Affordable Care Act” in “[The Affordable Care Act Decision: Philosophical and Legal Implications](#),” Edited by Fritz Allhoff and Mark Hall, Routledge Mental Health (2014).
- [The Path of Big Data and the Law](#), in “Jayasuriya and Ritcheske’s Big Data, Big Challenges in Evidence-Based Policy Making,” (West Academic Publishing, American Casebook Series 2015) ([TOC](#), [Amazon](#)).
- [From Being One L to Teaching One L](#), in *One L*. (Forthcoming 2017).

## Congressional Testimony

- Testified before United States House of Representatives Judiciary Committee- Task Force on Executive Overreach on Immigration and Health Care, March 15, 2016 ([Video here](#)).
- Testified Before United States House of Representatives Judiciary Committee – Hearing on Unconstitutionality of President Obama’s Executive Overreach on Immigration, February 25, 2015 ([Photos and Videos here](#)).

## Litigation

### 2016

- Co-author of [comment](#) in In the Matter of Implementation of the NICS Improvement Amendments Act of 2007, Docket No. SSA-2016-0011 (Jul. 1, 2016).
- Primary Author, [Brief For The Cato Institute, Professor Randy E. Barnett, and Professor Jeremy Rabkin As Amici Curiae Supporting Respondents](#), U.S. v. Texas, On Writ of Certiorari to the U.S. Court of Appeals for the Fifth Circuit (Apr. 4, 2016) ([Update](#)).
- Author, [Brief for the Cato Institute and Independent Women’s Forum](#), Zubik and Little Sisters of the Poor et al v. Burwell, On Writs of Certiorari to the U.S. Courts of Appeals for the Third, Fifth, Tenth and District of Columbia Circuits (Jan. 11, 2016).

### 2015

- Author, [Brief for the Cato Institute as Amicus Curiae in Support of Petitioners](#), Little Sisters of the Poor v. Burwell, On Petition for a writ of certiorari to the U.S. Court of Appeals for the Tenth Circuit (Aug. 24, 2015).
- Signatory, [Brief for the Cato Institute and Constitutional Law Professors](#) as Amici Curiae in Support of Plaintiff-Appellee in People for the Ethical Treatment of Property Owners v. U.S. Fish & Wildlife Service, et al before the Tenth Circuit Court of Appeals (May 26, 2015).
- Author, [Brief for the Cato Institute and Professor Jeremy Rabkin as Amici Curiae](#) in Support of Plaintiffs-Appellee in Texas v. United States before the Fifth Circuit Court of Appeals (May 11, 2015).

- Counsel, *Defense Distributed v. U.S. Department of State* ([filings here](#)).
- Author, [Brief of the Military Officers Association of America and the Flag & General Officers' Network](#) as Amici Curiae in Support Of Petitioner in *Schwalier v. Carter*, before the United States Supreme Court ([14-1189](#)) (4/24/15).
- Author, [Brief for the Cato Institute and Law Professors as Amici Curiae Supporting Plaintiffs in Texas v. United States](#), before the Southern District of Texas (1:14-cv-245) (1/7/15).

## 2014

- Author, [Brief for the Cato Institute and Prof. Josh Blackman as Amici Curiae Supporting the Petitioners](#) in *King v. Burwell, et al*, before the United States Supreme Court (14-114) (12/29/14).
  - Selected as “Brief of the Week” in *National Law Journal* for Amicus Brief to Supreme Court in *King v. Burwell*, [Brief of the Week: The Affordable Care Act and ‘Executive Lawmaking,’](#) January 13, 2015 ([PDF](#)).
- Signatory, [Brief amici curiae of History and Law Professors](#) in support of Petitioners, in *James Courtney and Clifford Courtney v. David Danner, Chairman And Commissioner of the Washington Utils. & Transp. Comm’n, et al*, before the United States Supreme Court, 13-1064 ([cert denied on 6/2/14](#)).

## 2013

- Signatory, [Brief amici curiae of Preemption and Federalism Law Professor](#) in Support of Petitioner in *Imad Bakoss, M.D. v. Certain Underwriters At Lloyd’s, London*, before the United States Supreme Court, 12-1429 ([cert denied on 10/7/13](#)).

## Academic Presentations

### 2016

1. Harvard Law Review Speaker Forum, Harvard Law School (Nov. 14, 2016).
2. President Obama’s Immigration Orders, Southeastern Association of Law School Conference (Aug. 7, 2013).
3. Justice Thomas After 25 Years, Southeastern Association of Law School Conference (Aug. 3, 2016).
4. [“Gridlock and Executive Power,”](#) Florida International University Law Review Symposium (March 11, 2016).
5. [“Collective Liberty,”](#) [Federalist Society 2016 Faculty Conference](#) (Jan. 8, 2016) ([Video](#), [Audio](#), [Podcast](#)).
6. [“Gridlock and Executive Power,”](#) AALS 2016 Constitutional Law Panel: On Resistance and Recognition (Jan. 8, 2016) ([Video](#), [Audio](#)).

### 2015

1. “Collective Liberty,” Loyola Chicago Constitutional Law Colloquium, November 6, 2015.
2. The Roberts Court at 10, Southeastern Association of Law Schools Annual Conference, July 28, 2015.
3. *King v. Burwell*, Southeastern Association of Law Schools Annual Conference, July 27, 2015.
4. [“Collective Liberty,”](#) [Floyd Abrams Freedom of Expression Scholars Conference](#), at Yale Law School, May 1, 2015.
5. “Popular Constitutionalism After *Kelo*,” AALS Annual Meeting, Hot Topic Program, January 4, 2015 (Audio and video [here](#)).
6. “Gridlock and Executive Power,” Federalist Society Faculty Conference, Young Legal Scholars Panel, January 4, 2015 (Audio [here](#)).

### 2014

1. Collective Liberty, Loyola Chicago Constitutional Law Colloquium, November 7, 2014 ([Video here](#)).

2. State Judicial Sovereignty, Junior Federal Courts Workshop, University of Georgia, Athens, GA, October 10, 2014.
3. Substantive Federalism, Georgetown Center for the Constitution Workshop, Washington, D.C., May 15, 2014.
4. [Backdoor Zoning in the Unzoned City](#), Association for Law, Property, and Society, Vancouver, BC, May 3, 2014 ([Video](#)).
5. [“Certiorari and the Supreme Court Bar,”](#) Southwestern Political Science Association, San Antonio, TX, April 18, 2014.
6. The 1st Amendment, 2nd Amendment, and 3D Printing, Tennessee Law Review Symposium on the 2nd Amendment, March 1, 2014. ([Video](#)).
7. “What happens if data is speech,” [Federalist Society Faculty Conference](#), New York, NY, January 4, 2014 ([Video](#)).

## 2013

1. “Regulating Crises: Reactions to Shootings,” Connecticut Law Review Symposium, [“Up In Arms: The Second Amendment in the Modern Republic,”](#) November 15, 2013 ([Video available](#)).
2. “Kennedy’s Constitutional Chimera,” Loyola University Chicago School of Law’s [Constitutional Law Colloquium](#), November 2, 2013 ([Audio available](#)).
3. Robot, Esq., George Mason Law & Economics Center, September 20, 2013.
4. “Unprecedented: The Constitutional Challenge to Obamacare,” George Mason University School of Law Levy Workshop, September 19, 2013.
5. Robot, Esq., [International Conference on Artificial Intelligence and the Law](#), Rome, Italy, June 10, 2013.
6. Robot, Esq., Law & Society Annual Meeting, Boston, MA, May 30, 2013.
7. Assisted Decision Making, Conference on Innovation and Communications Law, Traverse City, MI, May 16, 2013.
8. [Freedom of Expression Scholars Conference 2013](#), Yale Law School, New Haven, CT, May 4, 2013 (Discussant).
9. “Human Factors in Robotic Torts,” [We Robot: Getting Down to Business](#), Stanford Law School, Palo Alto, CA, April 8, 2013 ([Video available here](#)).
10. [Constitutional Conversation](#) – “Unprecedented: The Supreme Challenge to Obamacare,” Stanford Constitutional Law Center, Stanford Law School, Palo Alto, CA, April 8, 2013 ([video available here](#)).
11. “Unprecedented: The Supreme Challenge to Obamacare,” Texas Southern University Thurgood Marshall School of Law, Houston, TX, March 1, 2013 ([video available here](#)).
12. “Assisted Decision Making: Big Data and the Law,” on [“Big Data Application in Scholarship and Privacy”](#) Panel at Georgetown Law [“Big Data and Big Challenges for Law and Legal Information,”](#) Georgetown University Law Center, Washington, D.C., January 30, 2013 ([Video available here](#)).
13. “Back to the Future of Originalism,” Federalist Society Faculty Conference, New Orleans, LA, January 4, 2013 ([Video available here](#)).

## 2012

1. “Unprecedented,” Georgetown University Law Center Constitutional Law Colloquium, Washington, D.C., December 3, 2012 ([Video available here](#)).
2. “Assisted Decision Making: Big Data and the Law,” Stanford Law School CodeX, Center for Legal Informatics, Palo Alto, CA, November 9, 2012 ([Video available here](#)).
3. “Unprecedented,” Third Annual Constitutional Law Colloquium at Loyola University, Chicago, IL, November 2, 2012 ([Video available here](#)).
4. “Assisted Decision Making: Big Data and the Law,” Michigan State College of Law ReInvent Law Lab, East Lansing, Michigan, November 1, 2012 ([Video available here](#)).
5. “Unprecedented,” Mid-Atlantic Law & Society Association, Drexel University School of Law, Philadelphia, PA, October 18, 2012 ([Video available here](#)).



6. “Unprecedented,” 2012 Western Michigan University Medical Humanities Conference, Kalamazoo, Michigan, September 28, 2012 ([Video available here](#)).
7. “Unprecedented,” South Texas College of Law, Houston, TX, September 14, 2012 ([Video available here](#)).

## Commentary

### 2016

1. [Contributor](#) to National Review symposium on Justice Thomas’s 25th anniversary on the Court (Jul. 1, 2016).
2. [Obamacare and Executive Overreach](#), InFocus (Jun. 29, 2012).
3. [A ‘No Buy’ List for Suspected Terrorists Would Be Constitutionally Reckless](#), National Review (June 16, 2016).
4. [The government can’t make you use ‘zhir’ or ‘ze’ in place of ‘she’ and ‘he.’](#) Washington Post *In Theory* (June 16, 2016).
5. [“The Supreme Court Has Strengthened Gun Rights and Limited Gun Control,”](#) The New York Times Room for Debate (June 15, 2016).
6. [Texas Judge Rebukes Obama Justice Department for “Bad Faith” in Immigration Case](#), National Review (May 20, 2016).
7. [Cautiously Optimistic about Trump’s SCOTUS Shortlist](#), National Review (May 19, 2016).
8. [The House Stands Up to Unconstitutional Obamacare Payments](#), National Review (May 13, 2016).
9. [Donald Trump’s Constitution of One](#), National Review (May 12, 2016).
10. [Obama Asks Supreme Court to Rewrite His Immigration Policy](#), National Review (April 20, 2016).
11. [Obamacare Again? A Second chance for the Little Sisters](#), The Weekly Standard (March 28, 2016) (with Ilya Shapiro).
12. [Only Eight Justices? So What](#), Wall Street Journal (Feb. 23, 2016) (with Ilya Shapiro).
13. [The Framers Made the Appointment Process Explicitly Political](#), National Review (Feb. 15, 2016).
14. [Immigration at the high court: The coming decision](#), The Philadelphia Inquirer (Feb. 14, 2016).
15. [President Obama, Meet the ‘Take Care Clause,’](#) National Review (Jan. 20, 2016).
16. [“Obama’s Long Game on Guns,”](#) National Review, January 6, 2016.

### 2015

1. [“Justice Thomas: Second Amendment Is Not a ‘Second-Class Right,’”](#) National Review, December 8 2015.
2. [“The Supreme Court Should Hurry Up and Wait on Immigration,”](#) The Federalist, November 24, 2015. ([Reprint](#), [Commentary](#)).
3. [“What Next Year’s Attack on Obamacare Will Look Like,”](#) The Daily Beast, September 29, 2015 (with Ilya Shapiro).
4. [“The Next Justices: A guide for GOP candidates on how to fill Court vacancies,”](#) The Weekly Standard, September 14, 2015 (with Randy E. Barnett) ([PDF](#)).
5. [“How King v. Burwell Will Save the Little Sisters of the Poor,”](#) National Review, July 17, 2015.
6. [“Chief Justice Roberts’s Once Again Saves The ACA with the “Obamacare Canon,”](#) CaseText, June 26, 2015.
7. [“Roberts rewrites Obamacare, again: Opposing view,”](#) USA Today, June 25, 2015.
8. [“President Obama and arguments about pending Supreme Court cases,”](#) National Constitution Center – Constitution Daily, June 17, 2015 ([Cross-Posted](#) at Yahoo! News).
9. [“The Legality of Executive Action after King v. Burwell,”](#) Engage, June 8, 2015.
10. [“Halting Obama’s Immigration End-Run Around Congress,”](#) National Review, May 28, 2015.
11. [“Is Indiana Protecting Discrimination?,”](#) National Review, March 30, 2015.

12. [\*\*“Obama: Giving Immigrants Work Permits Is Vital for National Security,”\*\*](#) National Review, March 24, 2015.
13. [\*\*“The President Cannot Bypass the Courts,”\*\*](#) National Review, March 19, 2015.
14. [\*\*“Federalism Will Sink, Not Save, Obamacare,”\*\*](#) National Review, March 10, 2015.
15. [\*\*“A Litmus Test for ObamaCare and the Rule of Law,”\*\*](#) The Wall Street Journal, February 27, 2015 (with Ilya Shapiro) ([Excerpt](#)).
16. [\*\*Obama’s ‘Complete Abdication’ of the Law,\*\*](#) National Review, February 18, 2015.

## 2014

1. [\*\*“Obama’s Unconstitutional Corner,”\*\*](#) National Review, December 22, 2014 ([Excerpts](#), [PDF](#)).
2. [\*\*“Obama’s overreach? Look in the mirror, Congress,”\*\*](#) Los Angeles Times, November 22, 2014.
3. [\*\*‘Discretion’ on Immigration Enforcement Can Become Abuse of Power,\*\*](#) New York Times, November 18, 2014.
4. [\*\*The Gridlock Clause,\*\*](#) National Review, November 12, 2014 (Updated edition).
5. [\*\*The Gridlock Clause,\*\*](#) National Review, September 8, 2014.
6. [\*\*Obamacare was Designed to Punish Uncooperative States,\*\*](#) The American Spectator, July 29, 2014.
7. [\*\*Democrats are Trying To Rewrite The First Amendment,\*\*](#) The American Spectator, June 25, 2014.
8. [\*\*Our Gun-Shy Justices – The Supreme Court abandons the Second Amendment,\*\*](#) The American Spectator, July/August 2014 issue ([PDF](#)).
9. [\*\*Is there really an epidemic of mass shootings,\*\*](#) The American Spectator, June 9, 2014.
10. [\*\*Technology, Big Data and Tomorrow’s Lawyers,\*\*](#) Texas Lawyer, May 19, 2014. ([PDF](#)).
11. [\*\*Sotomayor and Toobin Push Bigotry By Association,\*\*](#) The American Spectator, May 1, 2014.
12. [\*\*Justice Scalia Publicly Chastised A Lawyer For Reading From His Notes,\*\*](#) Business Insider, January 15, 2014.

## 2013

1. [\*\*Why It’s A Big Problem When A Supreme Court Justice Uses Google,\*\*](#) Business Insider, December 5, 2013.
2. [\*\*The Thanksgiving message President Obama should have given about the Affordable Care Act in 2009,\*\*](#) The Daily Caller, November 28, 2013.
3. [\*\*Obamacare is HillaryCare 2.0,\*\*](#) The Daily Caller, November 14, 2013.
4. [\*\*Obamacare’s Three Broken Promises,\*\*](#) The Daily Caller, November 5, 2013.
5. [\*\*Dems may have to admit Obamacare tax increase,\*\*](#) USA Today, October 30, 2013 (with Randy Barnett).
6. [\*\*The forgotten man of Obamacare,\*\*](#) The Daily Caller, October 29, 2013.
7. Oh Schuette! Did Romer put Seattle School District No. 1 to sleep?, [National Constitution Center Constitutional Daily & Yahoo! News,](#) October 28, 2013.
8. A Tale of Two Constitutions, [National Constitution Center Constitutional Daily & Yahoo! News,](#) October 9, 2013.
9. [\*\*Obamacare’s Four-Year Shutdown,\*\*](#) The Daily Caller, October 4, 2013.
10. [\*\*The Libertarian Challenge to Obamacare,\*\*](#) Reason, September 24, 2013.
11. [\*\*Why the Fight Over Obamacare was Completely Unprecedented,\*\*](#) Business Insider, September 18, 2013.
12. [\*\*Federal policies must support innovation,\*\*](#) The Houston Chronicle, May 6, 2013 (with Lisa Tucker).
13. [\*\*The National Surveillance State 2.0,\*\*](#) Huffington Post Politics, May 1, 2013 (with Lisa Tucker).
14. [\*\*Hawaii should walk away from Steven Tyler Act,\*\*](#) USA Today, February 16, 2013 (with Ilya Shapiro) ([also available here](#)).

## 2012

1. [\*\*Cutting access to InTrade violates Americans’ speech rights,\*\*](#) The Houston Chronicle, December 7, 2012 (with Miriam Cherry and Tom Bell).

## 2011

1. [\*\*FantasySCOTUS: How often was the Solicitor General on the winning side?\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, June 29, 2011
2. [\*\*FantasySCOTUS: Predictions for the final cases of the term\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, June 23, 2011
3. [\*\*Predictions for the final cases: FantasySCOTUS v. SCOTUSBlog\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, June 20, 2011
4. [\*\*FantasySCOTUS: The unpredictability of the Roberts Court\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, June 16, 2011
5. [\*\*FantasySCOTUS: The New "Law & Order" Bloc\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, June 13, 2011
6. [\*\*FantasySCOTUS: Why the Delay for Brown v. EMA?\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, June 6, 2011
7. [\*\*FantasySCOTUS: Predictions, plus the surprise split in Kentucky v. King\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, May 23, 2011
8. [\*\*FantasySCOTUS: Assessing the impact of Justice Kagan's recusals\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, May 11, 2011
9. [\*\*The 10th Justice: Predictions from FantasySCOTUS.net\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, April 25, 2011
10. [\*\*The 10th Justice: Latest predictions from FantasyScotus.net\*\*](#) (with Corey Carpenter) on National Law Journal's Supreme Court Insider, April 18, 2011
11. [\*\*Supreme Court Justice Stephen Breyer shows progressive streak\*\*](#), The Newark Star Ledger, July 12, 2011 (with David Bernstein) (Also available [here](#)).

## 2010

1. [\*\*Gaming the Supreme Court\*\*](#), The Roanoke Times, December 18, 2010.
2. [\*\*Supreme Court opens door to more liberty\*\*](#), The Richmond Times Dispatch, July 11, 2010 (with Ilya Shapiro).
3. [\*\*Supreme Court opens door to more liberty\*\*](#), The Detroit News, July 5, 2010 (with Ilya Shapiro).
4. [\*\*Is Justice Scalia abandoning Originalism?\*\*](#), Washington Examiner, March 8, 2010 (with Ilya Shapiro).
5. [\*\*Using Guns to Protect Liberty\*\*](#), Washington Times, February 24, 2010 (with Ilya Shapiro).

## Media

### 2016

1. Cited in [\*\*What Do the Satanic Temple and Jehovah's Witnesses Have in Common? They Are Champions Against Government Inculcation of Belief\*\*](#), Verdict (Aug. 4, 2016).
2. Quoted in [\*\*Trump and Our National Suicide\*\*](#), The Weekly Standard (Aug. 2, 2016).
3. Quoted in [\*\*Donald Trump: The Constitution Buster\*\*](#), Reason (Aug. 2, 2016).
4. Quoted in [\*\*'That's Not What I Heard,'\*\*](#) Wall Street Journal (Aug. 1, 2016).
5. Quoted in [\*\*Which Side of the Law is Trump On?\*\*](#), Newsweek (Jul. 30, 2016).
6. Quoted in [\*\*Link rot: What happens when the internet isn't forever\*\*](#), GCN (Jul. 26, 2016).
7. Quoted in [\*\*6 ways Donald Trump wants to trample the Constitution\*\*](#), The Week (Jul. 26, 2016).
8. Interviewed by [\*\*Bloomberg BNA, 90 Second Recess\*\*](#) (July 21, 2016).
9. Quoted in [\*\*Judging Justice Ginsburg's Trump Mea Culpa\*\*](#), Wall Street Journal Law Blog (Jul. 14, 2016).
10. Quoted in [\*\*The lady who talks too much\*\*](#), The Washington Times (Jul. 13, 2016).
11. Quoted in [\*\*Ruth Bader Ginsburg back on the warpath as she calls Trump a 'faker' and insists he release his tax returns – but Trump says she's 'a disgrace' and 'I would hope that she would get off the court as soon as possible!'\*\*](#) UK Daily Mail (Jul. 12, 2016).
12. Quoted in [\*\*Did Ruth Bader Ginsburg Cross The Line With Her Donald Trump Comments?\*\*](#), Huffington Post (Jul. 11, 2016).



13. Quoted in [Justice Ginsburg Hints Hillary Will Be POTUS](#), Shudders At Trump, The Daily Caller (Jul. 8, 2016).
14. Quoted in [Federal Judge Tries To Walk Back Constitution Bashing He's Done For Years](#), The Daily Caller (Jul. 5, 2016).
15. Guest on [Airtalk](#), 89.3 KPCC Los Angeles Public Radio, to discuss gun restraining orders (June 28, 2016) ([Audio](#)).
16. Guest on [Houston Matters](#) to discuss Supreme Court Term (Jun. 27, 2016) ([Audio](#)).
17. Guest on [WJIM's The Steve Gruber Show](#) to discuss transgender pronouns (Jun. 27, 2016).
18. Cited in [Federal Judge: U.S. Constitution Is Outdated, Judges Should Stop Studying It](#), Mediaite (Jun. 27, 2016).
19. Cited in [Veteran Federal Judge's Stunning Declaration About the Constitution](#), The Blaze (Jun. 27, 2016).
20. Cited in [President Obama Loses Big On Immigration](#), The Federalist (June 24, 2016).
21. Guest on Federalist Society [Podcast](#) to discuss U.S. v. Texas (June 23, 2016) ([Audio](#)).
22. Guest on [To The Point](#) to discuss U.S. v. Texas (June 23, 2016) ([Audio](#)).
23. Guest on [Houston Matters](#) to discuss U.S. v. Texas (June 23, 2016) ([Audio](#)).
24. Guest on KNX 1070 NEWSRADIO Los Angeles, to discuss U.S. v. Texas (June 23, 2016).
25. Quoted in [Dreamers' Nightmare Deferred by Supreme Court Immigration Split](#), U.S. News & World Report (June 23, 2016).
26. Quoted in [Obama immigration victory could help Trump](#), Houston Chronicle (June 22, 2016).
27. Quoted in [Google Link in Supreme Court Case Shows Struggle on Citation](#), Fortune (June 22, 2016).
28. Guest on [To The Point](#), Public Radio International to discuss Supreme Court Term ([audio](#)).
29. Guest on KURV Radio, McAllen, TX to discuss No-Buy List (June 17, 2016).
30. Guest on [Airtalk](#), 89.3 KPCC Los Angeles Public Radio, to discuss No-Buy List (June 16, 2016) ([Audio](#)).
31. Guest on KURV Radio, McAllen, TX to discuss 9th Circuit's Second Amendment decision (June 10, 2016).
32. Quoted in [Trump U. case shows Donald Trump's dangerous disregard for the Constitution](#), Penn Live (June 7, 2016).
33. Quoted in [Trump's personal attacks on judge spark GOP concerns](#), Associated Press (June 3, 2016).
34. Quoted in [Solicitor general who defended ACA in Supreme Court steps down](#), Modern Healthcare (June 3, 2016).
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36. Quoted in [Mitch McConnell Says Donald Trump Would Respect Limits On Power](#), HuffPost Politics (May 31, 2016).
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63. Interviewed by Boston Globe for article on Justice Stevens’s testimony before the Senate, [John Paul Stevens reaffirms dissent on campaign finance](#), May 1, 2014 ([excerpts here](#)).
64. Interviewed by Houston Business Journal for article on Ashby High Rise, [Ruling most likely won’t be the end of the Ashby high-rise case](#), April 29, 2014 ([excerpts here](#)).
65. Guest on Houston Matters on on 88.7 KUHF Houston Public Radio for segment on the Ashby High Rise, April 29, 2014 ([excerpt here](#) and [audio here](#)).
66. Cited in article in The New Republic, [Liberals Should Be Happy About the Supreme Court’s Affirmative Action Decision](#), April 22, 2014 ([excerpts here](#)).
67. Quoted in article in Houston Chronicle on Ashby High-Rise, [Stakes high as final arguments await Ashby high-rise case](#), April 20, 2014 ([excerpts here](#)).
68. Quoted in article in the Cincinnati Enquirer in article about Susan B. Anthony case, [SCOTUS hears local free speech case Tuesday](#), April 20, 2014 ([Excerpts here](#)).
69. Quoted in article in the house Chronicle about Google Gag Order, [Google fights gag order](#), April 20, 2014 ([Excerpts here](#)).



70. Interviewed for feature in Tablet Magazine, [The Volokh Conspiracy Is Out To Get You—And Everyone in America](#), about the influence of the Volokh Conspiracy, April 3, 2014.
71. Interviewed for news piece on 88.7 KUHF Houston Public Radio on Supreme Court’s ruling in McCutcheon v. FEC campaign finance case, April 3, 2014 ([Audio available here](#)).
72. Quoted in article on CNN Money about robot lawyers, titled “[Here Come the Robot Lawyers](#),” March 28, 2014.
73. Interviewed on KTSA Newsradio San Antonio by Host Don Morgan for segment on Hobby Lobby v. Sebelius, March 24, 2014.
74. Interviewed on WOAI Newsradio San Antonio by Anchor Michael Board for segment on Hobby Lobby v. Sebelius, March 24, 2014 ([article here](#)).
75. Guest on Houston Matters on on 88.7 KUHF Houston Public Radio for segment on what the 28th Amendment to the Constitution should be, March 13, 2014 ([Listen here](#) and [Video here](#)).
76. Quoted in National Law Journal Article, titled “[Supreme Court Acknowledges Protest Audiotape was Redacted](#),” March 3, 2014 ([Excerpt here](#)).
77. Guest on Houston Matters on on 88.7 KUHF Houston Public Radio for segment on Texas Same-Sex Marriage Case, February 27, 2014 ([Listen here](#)).
78. Interviewed for front-page article in [Houston Chronicle](#) on court finding Texas ban on same-sex marriage unconstitutional, February 27, 2014.
79. Interviewed for news piece on 88.7 KUHF Houston Public Radio on Supreme Court’s ruling on Chadbourne & Parke LLP v. Troice case on Stanford Ponzi Scheme Class Action, February 26, 2014 ([Listen here](#)).
80. Appeared as Panelist on “[Red, White, and Blue](#)” on Houston PBS Channel 8 episode on the Supreme Court, March 1, 2014 ([Video here](#)).
81. Interviewed for featured article by Associated Press, republished in hundreds of newspapers, about FantasySCOTUS, [For High Court, A League of Their Own](#), Associated Press, February 15, 2014. (Republished in [Washington Post](#), [ABC News](#), [Newsday](#), [the Sacramento Bee](#), [the Salt Lake Tribune](#), [Huffington Post](#), [Yahoo News](#), [Seattle Times](#), [Detroit Free Press](#), [Denver Post](#), and many others.
82. Quoted in ABC News piece on Virginia Same-Sex Marriage Decision, [Oops! Va. Judge Confuses Constitution, Declaration of Independence in Gay Marriage Ruling](#), ABC News, February 14, 2014.
83. Quoted in WSJ Law Blog piece on Virginia Same-Sex Marriage Decision, [Virginia Gay Marriage Ruling: A Question and An Error](#), Wall Street Journal Law Blog, February 14, 2014.
84. Quoted in Reason Blog post on [The Shooting Cycle](#), “[Why Mass Shootings Haven’t Ushered In a New Age of Gun Control](#),” February 12, 2014.
85. Featured in Houston Business Journal, [Meet a 30 under 30](#), January 2014.
86. Interviewed on Chanel 39 9:00 News about FantasySCOTUS, January 22, 2014.
87. Profiled in Houston Chronicle article, [Online game has law nerds lining up for bragging rights](#), January 21, 2014 ([PDF](#)).
88. Interviewed on Michael Berry Show, KTRH Houston Talk radio, about Unprecedented, January 17, 2014.
89. Featured in Houston Business Journal, [Houston young professionals named among Forbes 30 Under 30](#), January 16, 2014.
90. Featured by Houston Culture Map, [Houston young professionals get national magazine love: A 30 Under 30 with a Bayou City bent](#), January 16, 2014.
91. Interviewed by Utrice Leid on “[Leid Stories](#)” on Progressive Radio Networks, January 16, 2014.
92. Interviewed by Philadelphia Inquirer for article on Unprecedented, [Law Review: Detailing his analysis of the fight over Obamacare](#), Philadelphia Inquirer, January 10, 2014.
93. Interviewed by Main Street about the implementation of the Affordable Care Act, [Does Obamacare Violate the Constitution?](#), January 9, 2014.
94. Interviewed by Wall Street Journal Law Blog for post about The Shooting Cycle and mass shootings, [Why Gun-Controllers Lose Ground After Mass Shootings](#), January 8, 2014.
95. Interviewed by [Texas Lawyer](#) about selection as Forbes 30 under 30, [Josh Blackman \(of fantasySCOTUS.net fame\) is one of Forbes’ 2014 30 under 30 in law & policy](#), January 7, 2014.



96. Selected by Forbes Magazine for Forbes [30 under 30 in Law and Policy](#), Forbes Magazine, January 6, 2014.

## 2013

1. Quoted in Houston Chronicle for article on contraceptive mandate case, "[HBU wins ruling against birth control mandate](#)." The Houston Chronicle, December 27, 2013.
2. Quoted in Houston Chronicle for article on Ashby High Rise verdict and "back-door zoning," "[Verdict in Ashby high-rise trial fuels other fights](#)," The Houston Chronicle, December 19, 2013.
3. Quoted in Houston Chronicle for article on suit against Houston's decision to give benefits to same-sex couples, "[Same-sex benefits on hold after GOP leaders sue city](#)," The Houston Chronicle, December 18, 2013.
4. Featured in [Texas Lawyer 2013 Year in Review article](#), and awarded the "[Pope Pickin' Award](#)" for my work on FantasyPope.com, December 16, 2013.
5. Interviewed on Huffington Post Live "Legalese It!" segment on Supreme Court Justice's googling facts outside the record, [HuffPo Live](#), December 6, 2013.
6. Quoted in article in USA Today in article on other challenges to the Affordable Care Act, [Long-shot legal challenges to health care law abound, USA Today](#), November 29, 2013.
7. Quoted in article in USA Today in article on contraceptive mandate cases, [Justices will hear contraception challenge to Obamacare](#), USA Today, November 26, 2013.
8. Mentioned in article in The Texas Prosecutor for article on South Texas alum who argued before the Supreme Court, [The Texas Prosecutor](#), November 2013.
9. Quoted in article in The Texas Lawyer in article on Big Data and the Law, [Rise of the Machines: Using Big Data to Make Better Decisions](#)," The Texas Lawyer, November 18, 2013 ([PDF](#)).
10. Quoted in article in Houston Chronicle on Ashby High Rise land-use development trial, "[Residents will get day in court against Ashby high-rise](#)," Houston Chronicle, November 18, 2013.
11. Quoted in article on 2nd Amendment Symposium for Connecticut Law Review on [Connecticut News Junkie](#), November 15, 2013.
12. Interviewed on The David Webb Show on Sirius XM Radio about Obamacare, October 25, 2013.
13. Interviewed for news piece on 88.7 KUHF Houston Public Radio for report on Arms Control Treaty and the Second Amendment, October 22, 2013 (audio available [here](#)).
14. Interviewed for full hour on Jim Bohannon Show, October 17, 2013 (Audio at [40:00 mark](#)).
15. Interviewed for live radio hit on KTRH Houston on Michigan Affirmative Action case, October 17, 2013.
16. Interviewed and quoted in piece on [WSJ Market Watch](#) on Google and Privacy, October 16, 2013.
17. Interviewed for radio hit on KTRH Houston with Nik Rajkovic on Michigan Affirmative Action Case, October 16, 2013.
18. Interviewed by Utrice Leid on "[Leid Stories](#)" on Progressive Radio Networks, October 7, 2013.
19. [Interviewed by Shon Hopwood](#) for interview on the Cockle Bur, October 5, 2013.
20. [Interviewed by Damon Root on Reason.tv](#), October 2, 2013.
21. Interview with Jeff [Schecthman's "Specific Gravity,"](#) September 26, 2013.
22. C-SPAN Book TV, [Unprecedented the Constitutional Challenge to Obamacare](#), September 13, 2013.
23. Interviewed for [Cato Daily Podcast](#) on Unprecedented, September 16, 2013.
24. Interviewed on Pacifica Radio, KPFA's Letters and Politics, with Mitch Jeserich, about Unprecedented, September 16, 2013 ([audio available here](#)).
25. Interviewed by the Daily Caller on Unprecedented: "[New book takes you behind the scenes of the constitutional challenge to Obamacare](#)," September 10, 2013.
26. Interviewed on 88.7 KUHF Houston Public Radio for report on the Texas and Voting Rights Act, August 22, 2013 (audio available [here](#)).
27. Interviewed on KTSA Radio, San Antonio by Bill O'Neil for feature on DOJ Voting Rights suit against Texas, August 22, 2013.
28. Interviewed for CQ Roll Call for article on constitutionality of Supreme Court Ethics Act, on August 8, 2013 (article [here](#), quote [here](#)).

29. Interviewed on Houston matters on 88.7 KUHF Houston Public Radio for [program](#) on the Voting Rights Act, August 2, 2013 (audio available [here](#)).
30. Article on Justice Harlan's constitutional law lectures profiled in [National Law Journal](#), July 31, 2013 (PDF [here](#)).
31. Interviewed for Fox 26 Houston for feature on 5:00 News on TSA searching valet-parked cars, July 18, 2013.
32. Interviewed by Jess Bravin for an article in the Wall Street Journal about Samuel Alito's views on privacy in 1971, July 10, 2013 (article [here](#)).
33. Interviewed on Newsmakers on NBC 2 Houston to talk about the Supreme Court Term, June 30, 2013 (post [here](#)).
34. Interviewed on Houston matters on 88.7 KUHF Houston Public Radio for program on the end of the Supreme Court term, June 27, 2013 (audio available [here](#)).
35. Interviewed on The Near 90.3 FM Radio Program "The Brief" on Irish Public Radio about the end of the Supreme Court term, June 27, 2013 (audio available here at the [30 minute mark](#)).
36. Interviewed for article in Houston Chronicle on implementing Voter ID laws in Texas following Supreme Court Voting Rights Act case, June 27, 2013.
37. Interviewed for ABC TV affiliate KTRK Houston for feature about aftermath of DOMA and Prop 8 decisions at [11:00](#), 11:30, and on 4:00 and 6:00 news, June 25, 2013 ([Video available here](#)).
38. Interviewed for [article](#) in Houston Chronicle on Voting Rights Act, June 25, 2013.
39. Interviewed for article in Tyler Morning Telegraph on Voting Rights Act, June 25, 2013.
40. Interviewed for ABC TV affiliate KTRK Houston for feature about future of Voting Rights Act on 4:00 and 6:00 news, June 25, 2013 ([Video available here](#)).
41. Interviewed for ABC TV affiliate KTRK Houston for live broadcast on [11:00 news](#) on Fisher v. Texas, and feature about future of affirmative action on 4:00 and 6:00 news, June 24, 2013 ([Video available here](#)).
42. Interviewed on The Near 90.3 FM Radio Program "The Brief" on Irish Public Radio about the Supreme Court, June 6, 2013 (audio available [here](#). I come on in the last 5 minutes).
43. Interviewed for feature article in [The Houston Lawyer](#) about FantasySCOUTS, May 2013.
44. Interviewed on the [Dan Cofall Show](#), 1190 AM, Dallas-Ft. Worth, June 5, 2013 (podcast [here](#)).
45. Quoted in MSN Autos about We Robot Conference, "[Will lawsuits kill the autonomous car?](#)," April 15, 2013.
46. Quoted in CNET story about We Robot Conference, "[Robo-cars face a new threat: Lawyers](#)," April 9, 2013 ([excerpts here](#)).
47. Interviewed for News 92FM Houston for feature about FantasySCOTUS and Same-Sex Marriage Cases, March 26, 2013.
48. Interviewed for ABC TV affiliate KTRK Houston for feature about FantasyPope.com, March 12, 2013. [Houston Law Professor behind papal prediction website](#).
49. Interviewed for CBS Newsradio KRLD Dallas for feature about FantasyPope.com, March 12, 2013.
50. Interviewed for article in Bloomberg BNA The United States Law Week, "[Supreme Court Interprets FTCA To Revive Medical Battery Claims Against Government](#)," 81 U.S.L.W. 1232, March 5, 2013.
51. Interviewed for the Texas Lawyer Tex Parte Blog for [article](#) on FantasyPope.com, March 1, 2013.
52. Interviewed on The Near 90.3 FM Radio Program "The Brief" on Irish Public Radio about the passing of Ronald Dworkin, February 14, 2013.
53. Interviewed on Huffington Post Live for [segment](#) on the Second Amendment and civil liberties, February 4, 2013 ([Video available here](#)).
54. Panelist on Al Jazeera English program "[The Stream](#)" with Nassim N. Taleb, to discuss "Antifragile," January 3, 2013 ([Video available here](#)).

## 2012

1. [The Year in Quotes: Predictions for the High Court](#), The National Law Journal, December 24, 2012.
2. Interviewed on [The Near 90.3 FM Radio Program "The Brief"](#) on Irish Public Radio about the Defense of Marriage Act Litigation, December 13, 2012 ([Audio available here](#)).

3. Interviewed on Huffington Post Live for [segment](#) on the 7th Circuit's Second Amendment Opinion, December 12, 2012.
4. Interviewed on [The Near 90.3 FM Radio Program "The Brief"](#) on Irish Public Radio about the Defense of Marriage Act Litigation, November 2, 2012 ([Audio available here](#)).
5. Interviewed on [The Near 90.3 FM Radio Program "The Brief"](#) on Irish Public Radio about the Supreme Court term, October 12, 2012([Audio available here](#)).
6. Interviewed [live](#) on KRTK Channel 13, Houston's ABC Affiliate, about Fisher v. University of Texas, October 7, 2012 ([Video available here](#)).
7. Interviewed on Huffington Post Live for [segment](#) on the opening of the October 2012 Supreme Court term, October 1, 2012.
8. Interviewed on Huffington Post Live for [segment](#) on granting concealed carry permits, September 6, 2012.
9. Interviewed on Huffington Post Live for [segment](#) on Texas Voting Rights Act cases, August 31, 2012.
10. [Databases Will Help Lawyers Craft Arguments](#), Make Lawsuit Decisions, ABA Journal, June 5, 2012.
11. Interviewed by Tam Herbert for article in the June 2012 issue of Law Technology News, titled [Can Computers Predict Trial Outcomes From Big Data?](#).
12. Interviewed by Tam Herbert for article in the June 2012 issue of Law Technology News, titled [Place Your Bets: Website Speculates on Supreme Court Outcomes](#).
13. Interviewed by Liz Goodwin of Yahoo! News for article titled ['FantasySCOTUS,' a Supreme Court fantasy league, has players split over health care mandate](#). April 3, 2012.

## 2011

1. Guest on To The Best of My Knowledge on WPSU-TV to discuss Online Privacy. April 19, 2011 ([Video available here](#)).
2. Interviewed by Leslie A. Gordon for article in the [February 2011 issue of the ABA](#) Journal, titled [Pending High Court Decisions Fan Interest in Fantasy League](#). February 1, 2011.

## 2010

1. ['Fantasy' website helps students learn about Supreme Court](#), on [CNN.com](#), November 23, 2010.
2. [Fantasy Supreme Court league challenges enthusiasts, educates students](#) in The Washington Post, November 4, 2010
3. [Supreme Court Prediction Market: An interview with FantasySCOTUS.net's Josh Blackman](#) in Reason Magazine, October 2010 Issue.
4. [Courtside: Gaming the Supreme Court](#) in the National Law Journal on Law.com, September 22, 2010.
5. [Chicago City Council passes new gun ordinance on handgun possession proposed by Mayor Daley](#), The Daily Caller, July 2, 2010.
6. Interviewed on [Hearst Broadcasting Television](#) about pending Supreme Court nomination, May 10, 2010.
7. [Breyer and Scalia Take Their Road Show Inside](#), The Blog of the Legal Times, March 24, 2010.
8. [Gun rights advocates anticipate positive ruling in McDonald case](#), The Daily Caller, March 3, 2010.
9. [Tailgating Outside the Supreme Court, Without the Cars](#) in The New York Times, March 2, 2010.
10. [The NRA Muscles into McDonald v. Chicago](#), Reason, February 10, 2010.

## 2009

1. Interviewed by Steven Portnoy for spot on ABC News Radio, December 17, 2009.
2. [Frustrated with fantasy football? Try the Supreme Court on CNN.com](#), December 16, 2009.
3. Interviewed by Tony Mauro for article in *National Law Journal* on *Citizens United v. FEC*, titled [The Long Vigil for Citizens United](#), December 14, 2009.
4. [Like To Gamble? Know the Supreme Court? It's Your Lucky Day](#) on Wall Street Journal Law Blog, November 11, 2009.

## Other Presentations

## 2016

1. 1st Amendment, 2nd Amendment, and 3D-Printed Guns, Nashville Federalist Society Lawyer's Chapter (July 20, 2016) ([Video](#)).
2. "[Donald Trump's Constitution of One](#)," Greater Houston Pachyderm Club (June 14, 2016).
3. Panelist on "[The Next Supreme Court Confirmation Battle](#)," National Constitution Center (May 26, 2016).
4. Panelist, "[The Legacy of Justice Scalia: Remembering a Conservative Legal Titan's Impact on the Law](#)," The Heritage Foundation (May 19, 2016) ([Video](#)).
5. "The Future of the Supreme Court," Tri-County Republican Women, Pearland, TX (May 10, 2016).
6. Panel at South Texas College of Law Federalist Society on [Free Speech on Campus](#) (April 14, 2016).
7. "Free Speech on Campus," University of Pennsylvania Federalist Society Chapter (April 13, 2016).
8. "The Future of the Supreme Court," Keynote at Houston Metropolitan Paralegal Association (April 8, 2016) ([Video](#)).
9. Panel on Chief Justice Roberts and the Supreme Court as an Institution, John Marshall Law School ACS and Federalist Society Chapter, April 4, 2016 ([Audio](#)).
10. [Debate on the Constitutionality of DAPA, Northern Illinois University Federalist Society Chapter, April 4, 2016 \(Video\)](#).
11. [A Preview of Zubik v. Burwell on the Eve of Oral Argument](#), Cato Institute (March 18, 2016).
12. [The Future of the Supreme Court](#), Triangle Federalist Society Chapter (March 7, 2016).
13. [The Constitutionality of DAPA](#), Duke Law School Federalist Society Chapter (March 7, 2016).
14. [The Future of the Supreme Court](#), Hampton Roads Federalist Society Chapter (Feb. 29, 2016).
15. [Supreme Court Roundup](#), Regent University Federalist Society Chapter (Feb. 29, 2016).
16. [Remembering Justice Scalia and Selecting the Next Justice](#), Austin Federalist Society Chapter, February 19, 2016.
17. Remembering Justice Scalia and Selecting the Next Justice, Rutgers-Camden Federalist Society, February 17, 2016 ([Video](#)).
18. [Has the President Gone Too Far on Immigration?](#), National Constitution Center, February 16, 2016 ([Video](#)).
19. 1st Amendment, 2nd Amendment, and 3D-Printed Guns," University of Colorado Federalist Society Chapter, February 10, 2016 ([Video](#)).
20. United States v. Texas, Colorado Lawyers Federalist Society Chapter, February 10, 2016.
21. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Stanford Law School Federalist Society Chapter, January 28, 2016 ([Video](#)).
22. "Selecting the Next Justice," Berkeley Law School Federalist Society Chapter, January 27, 2016 ([Video](#)).
23. "Lawless" featuring David Bernstein and Josh Blackman at South Texas College of Law Federalist Society (January 21, 2016) ([Video](#)).

## 2015

1. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," University of Nebraska Federalist Society Chapter, November 19, 2015.
2. Debate on the Constitutionality of DAPA, Columbia Law School, November 11, 2015 ([Video](#)).
3. "Debate on the Constitutionality of DAPA," Brooklyn Law School, November 10, 2015 ([Video](#)).
4. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," John Marshall Law School Federalist Society Chapter, November 5, 2015.
5. Debate on the Constitutionality of DAPA, University of Chicago Federalist Society Chapter, November 5, 2015 ([Audio and Video](#)).
6. Georgia State Federalist Society Chapter, October 29, 2015 ([Video](#)).
7. Selecting the Next Justice, Chicago Federalist Society Chapter, October 15, 2015 ([Video](#)).
8. Selecting the Next Justice, New Jersey Federalist Society Lawyer's Chapter, October 6, 2015 ([Video](#)).



9. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Rutgers Federalist Society, October 6, 2015 ([Video](#)).
10. "The Constitutionality of DAPA," NYU Federalist Society Chapter, October 6, 2015, with Adam Cox ([Audio](#)).
11. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Philadelphia Federalist Society Lawyer's Chapter, October 5, 2015 ([Video](#)).
12. Debate on the Constitutionality of DAPA, Drexel University Federalist Society Chapter, October 5, 2015 ([Video](#)).
13. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," University of Texas, Austin, Federalist Society Chapter, October 1, 2015.
14. Supreme Court Roundup, South Texas College of Law Federalist Society, September 29, 2015 ([Video](#)).
15. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," George Washington University Federalist Society Chapter, September 17, 2015 ([Audio](#)).
16. Debate on the Constitutionality of DAPA with Stephen Vladeck, American University Federalist Society Chapter, September 16, 2015 ([Audio and Video](#)).
17. Supreme Court Term Roundup, Houston Federalist Society Chapter, August 4, 2015.
18. [Supreme Court Term Roundup](#), Colorado Federalist Society Chapter, July 13, 2015.
19. [Religious Liberty after Same-Sex Marriage, Puget Sound Federal Society Lawyers Chapter](#), June 22, 2015.
20. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Birmingham Federalist Society Chapter, May 28, 2015 ([Video here](#)).
21. "Magna Carta and the Constitution," Galveston County Bar Association Law Day, May 7, 2015 ([Video here](#)).
22. "Gridlock and Executive Power," Texas Tech Federalist Society Chapter, April 15, 2015 ([Video here](#)).
23. The Constitutional Challenge to Obamacare, Stetson University Law School Federalist Society Chapter, April 13, 2015 ([Video here](#)).
24. Keynote at Austin County Peace Officers 2015 Annual Awards Banquet, April 10, 2015 ([Video here](#)).
25. "Borderline Executive Action: Is President Obama's Immigration Action Constitutional?," Rutgers-Newark Federalist Society Chapter, April 1, 2015 ([Video here](#)).
26. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," NYU Federalist Society Chapter, April 2, 2015 ([Audio here](#)).
27. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Brooklyn Law School Federalist Society Chapter, April 2, 2015 ([Audio here](#)).
28. "ISIS, Immigration, and Obamacare," New Jersey Federalist Society Chapter, April 1, 2015 ([Audio here](#)).
29. "Borderline Executive Action: Is President Obama's Immigration Action Constitutional?," Rutgers-Newark Federalist Society Chapter, April 1, 2015 ([Video here](#)).
30. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Creighton University Federalist Society Chapter, March 19, 2015 ([Audio here](#)).
31. "Hobby Lobby, Obamacare, and Religious Liberty," University of Nebraska Federalist Society Chapter, March 18, 2015 ([Video](#)).
32. "What Happens if Data is Speech?," Northwestern University Federalist Society Chapter, March 17, 2015 ([Audio and video](#)).
33. "Gridlock and Executive Power," University of Michigan Federalist Society Chapter, March 16, 2015 ([Audio here](#)).
34. "Gridlock and Executive Power," Loyola University New Orleans College of Law Federalist Society Chapter, March 11, 2015 ([Audio here](#)).
35. "Gridlock and Executive Power," Gridlock and Executive Power, Tulane Law School Federalist Society Chapter, March 11, 2015 ([Audio here](#)).
36. "1st Amendment, 2nd Amendment, and 3D-Printed Guns," Phoenix Lawyers Federalist Society Chapter, March 2, 2015 ([Video here](#)).



37. “1st Amendment, 2nd Amendment, and 3D-Printed Guns,” University of Arizona Federalist Society Chapter, March 2, 2015 ([Audio and video here](#)).
38. “Religion in the Courts: Hobby Lobby, Chic-Fil-A, and Gay Wedding Cakes,” American Cases & Talmudic Law, Jewish Ethics Institute, February 26, 2015 ([audio here](#)).
39. “The Constitutionality of the President’s Executive Actions on Immigration,” John Marshall Law School Federalist Society Chapter, February 19, 2015 ([audio here](#)).
40. “What Happens if Data is Speech?,” University of Illinois Federalist Society Chapter, February 19, 2015 ([audio and video here](#)).
41. “Gridlock and Executive Power,” Loyola Law School, Chicago Federalist Society Chapter, February 18, 2015 ([audio here](#)).
42. “Gridlock and Executive Power,” Northern Kentucky University Federalist Society Chapter, February 11, 2015 ([audio here](#)).
43. “Supreme Court Roundup,” University of Kentucky Federalist Society Chapter, February 11, 2015 ([video here](#)).
44. “1st Amendment, 2nd Amendment, and 3D-Printed Guns,” Southwestern Law School Federalist Society Chapter, February 2, 2015 ([video here](#)).

## 2014

1. “Gridlock and Executive Power,” University of Chicago Law School Federalist Society Chapter, November 6, 2014 ([audio here](#)).
2. “Hobby Lobby, Obamacare, and Religious Liberty,” University of Houston Federalist Society Chapter, November 4, 2014.
3. “Gridlock and Executive Power,” Indianapolis Lawyers Federalist Society Chapter, October 31, 2014 ([video here](#)).
4. “Gridlock and Executive Power,” University of Indiana, Indianapolis, Federalist Society Chapter, October 30, 2014 ([video here](#)).
5. “Hobby Lobby, Obamacare, and Religious Liberty,” University of Indiana, Bloomington Federalist Society Chapter, October 30, 2014 ([video here](#)).
6. “1st Amendment, 2nd Amendment, and 3D-Printed Guns,” University of Memphis Federalist Society Chapter, October 28, 2014 ([video here](#)).
7. “1st Amendment, 2nd Amendment, and 3D-Printed Guns,” University of Little Rock, Arkansas, Federalist Society Chapter, October 28, 2014 ([video here](#)).
8. “Gridlock and Executive Power,” Sacramento Federalist Society Chapter, October 24, 2014 ([audio here](#)).
9. “Gridlock and Executive Power,” U.C. Davis Federalist Society Chapter, October 23, 2014 ([video here](#)).
10. Forbes 30 Under 30 Summit, Philadelphia, PA, October 21, 2014 ([audio here](#)).
11. “Gridlock and Executive Power,” Philadelphia Federalist Society Lawyers Chapter, October 20, 2014 ([audio here](#)).
12. “Gridlock and Executive Power,” University of Georgia School of Law Federalist Society Chapter, October 9, 2014.
13. “Gridlock and Executive Power,” with Professor Eric Segall, Georgia State University College of Law Federalist Society Chapter, October 9, 2014.
14. “Gridlock and Executive Power,” Baylor University College of Law Federalist Society Chapter, September 30, 2014.
15. “Supreme Court Roundup,” Rice University Federalist Society Chapter, September 29, 2014.
16. “Hobby Lobby, Obamacare, and Religious Liberty,” Ohio State University College of Law Federalist Society Chapter, September 23, 2014.
17. “Hobby Lobby, Obamacare, and Religious Liberty,” University of Maryland School of Law Federalist Society Chapter, September 18, 2014.
18. “The Separation of Powers Heading into—and After—the Midterms.,” with Prof. Steve Vladeck, American University Washington College of Law Federalist Society Chapter, September 17, 2014.
19. [Constitution Day](#), South Texas College of Law, September 15, 2014.

20. "Hobby Lobby, Obamacare, and Religious Liberty," Grand Rapids Federalist Society Chapter, September 11, 2014.
21. "Hobby Lobby, Obamacare, and Religious Liberty," Michigan State University College of Law Federalist Society, September 11, 2014.
22. "[Predicting the Behavior of the Supreme Court](#)," [Texas Bar Advanced Civil Appellate Practice Course](#), Austin, Texas, September 4, 2014.
23. "Unprecedented: The Constitutional Challenge to Obamacare," Stanford Law School Federalist Society Chapter, May 8, 2014.
24. "Unprecedented: The Constitutional Challenge to Obamacare," Orange County Lawyers Federalist Society Chapter, May 7, 2014.
25. "Unprecedented: The Constitutional Challenge to Obamacare," Los Angeles Lawyers Federalist Society Chapter, May 6, 2014.
26. "Unprecedented: The Constitutional Challenge to Obamacare," Fordham Law School Federalist Society Chapter, April 10, 2014.
27. "Unprecedented: The Constitutional Challenge to Obamacare," IU Bloomington School of Law Federalist Society Chapter, March 28, 2014.
28. "Unprecedented: The Constitutional Challenge to Obamacare," Indianapolis Lawyers Federalist Society Chapter, March 27, 2014.
29. "Unprecedented: The Constitutional Challenge to Obamacare," Santa Clara Law School Federalist Society Chapter, March 20, 2014.
30. "Unprecedented: The Constitutional Challenge to Obamacare," San Francisco Lawyers Federalist Society Chapter, March 19, 2014.
31. "Unprecedented: The Constitutional Challenge to Obamacare," Tallahassee Lawyers Federalist Society Chapter, March 6, 2014.
32. "Unprecedented: The Constitutional Challenge to Obamacare," Florida State University School of Law Federalist Society Chapter, March 6, 2014 ([Video here](#)).
33. "Unprecedented: The Constitutional Challenge to Obamacare," Detroit Mercy College of Law Federalist Society Chapter, February 13, 2014.
34. "Unprecedented: The Constitutional Challenge to Obamacare," University of Michigan School of Law Federalist Society Chapter, February 13, 2014.
35. "Unprecedented: The Constitutional Challenge to Obamacare," New York Law School Federalist Society Chapter, February 6, 2014 ([video available here](#)).
36. "Unprecedented: The Constitutional Challenge to Obamacare," New York City Federalist Society Young Lawyer's Chapter, February 4, 2014 ([photo here](#)).
37. "Unprecedented: The Constitutional Challenge to Obamacare," University of Minnesota School of Law Federalist Society Chapter, January 31, 2014 ([Video here](#)).
38. "Unprecedented: The Constitutional Challenge to Obamacare," William Mitchell School of Law Federalist Society Chapter, January 30, 2014 ([Video here](#)).
39. "Unprecedented: The Constitutional Challenge to Obamacare," University of Arizona School of Law Federalist Society Chapter, January 23, 2014 ([Video here](#)).
40. "Unprecedented: The Constitutional Challenge to Obamacare," Arizona State University School of Law Federalist Society Chapter, January 23, 2014 ([Video here](#)).
41. "Unprecedented: The Constitutional Challenge to Obamacare," Houston Lawyers Federalist Society Chapter, January 10, 2014 ([Video here](#)).
42. "Unprecedented: The Constitutional Challenge to Obamacare," Philadelphia Lawyers Federalist Society Chapter, January 6, 2014 ([Video here](#)).

## 2013

1. "Unprecedented: The Constitutional Challenge to Obamacare," University of Houston Law Center, Health Law Organization and Federalist Society Chapter with commentary by Professor Peter Linzer, November 20, 2013 ([Video here](#)).

2. “Unprecedented: The Constitutional Challenge to Obamacare,” William & Mary School of Law Federalist Society Chapter, November 18, 2013 ([Video here](#)).
3. “Unprecedented: The Constitutional Challenge to Obamacare,” George Mason University School of Law Students for Liberty Chapter with commentary by Professor Ilya Somin, November 13, 2013 ([Video here](#)).
4. “Unprecedented: The Constitutional Challenge to Obamacare,” University of Chicago Law School Federalist Society Chapter, with commentary by Professor Nick Stephanopoulos, November 4, 2013 ([Audio here](#)).
5. “Unprecedented: The Constitutional Challenge to Obamacare,” Chicago-Kent College of Law Federalist Society Chapter, with commentary by Professor Mark Rosen, November 4, 2013 ([Photo here](#)).
6. “Unprecedented: The Constitutional Challenge to Obamacare,” University of Pennsylvania Law School Federalist Society Chapter, with commentary by Professor Ted Ruger, October 28, 2013 ([Video available here](#)).
7. “Unprecedented: The Constitutional Challenge to Obamacare,” Yale Law School Federalist Society Chapter, with commentary by Professor Jack Balkin, September 23, 2013 ([Video available here](#)).
8. “Unprecedented: The Constitutional Challenge to Obamacare,” American University Washington College of Law Federalist Society Chapter, September 18, 2013.
9. “Unprecedented: The Constitutional Challenge to Obamacare,” George Washington University School of Law Federalist Society Chapter, with commentary by Professor Orin Kerr, September 17, 2013 ([Video available here](#)).
10. “Unprecedented: The Constitutional Challenge to Obamacare,” Georgetown Supreme Court Institute, Georgetown University Law Center, September 16, 2013 ([Video available here](#)).
11. “Unprecedented: The Constitutional Challenge to Obamacare,” Cato Book Forum, Cato Institute, with commentary by Professors Randy Barnett & Jeff Rosen, September 13, 2013 ([Video available here](#)).
12. “Unprecedented: The Constitutional Challenge to Obamacare,” Rutgers-Newark School of Law Federalist Society Chapter, September 11, 2013 ([Video available here](#)).
13. “Unprecedented: The Constitutional Challenge to Obamacare,” NYU School of Law Federalist Society Chapter, with commentary by Professor Barry Friedman, September 9, 2013 ([Video available here](#)).
14. “Unprecedented: The Constitutional Challenge to Obamacare,” with commentary by Professor David Pozen, Columbia University School of Law Federalist Society Chapter, September 9, 2013 ([Video available here](#)).
15. “Publishing Online: How to Stay Out of Legal Trouble,” Right Online, Defending the Dream Summit, Orlando, FL, August 31, 2013.
16. “Robot, Esq.” [ReInvent Law London](#), London, England, June 14, 2013.
17. “Unprecedented: The Supreme Challenge to the Obamacare,” University of Washington Federalist Society Chapter, Seattle, WA, May 6, 2013 ([Video available here](#)).
18. “Robot, Esq.,” ReInvent Law Silicon Valley, Computer History Museum, Mountain View, CA, March 8, 2013.
19. “Unprecedented: The Supreme Challenge to Obamacare,” Young Americans for Liberty, Stephen F. Austin State University, Nacogdoches, TX, February 25, 2013 ([Video available here](#)).
20. “Living with Integrity: Navigating Everyday Ethical Dilemmas,” Jewish Learning Institute CLE on the Ethics of Charitable Giving and Pro Bono, Houston, TX, February 20, 2013. ([Video available here](#)).
21. “Unprecedented: The Supreme Challenge to the ObamaCare,” Houston Metropolitan Paralegal Association 34<sup>th</sup> Annual Full Day Business & Litigation CLE Seminar, Houston, TX, February 15, 2013 ([Video available here](#)).

## 2012

1. “[Assisted Decision Making: Big Data and the Law](#),” LawTechCamp 2012, London, England, June 29, 2012. (Video and presentation slides available here).
2. “The Second Amendment’s Social Costs,” NRA Civil Rights Defense Fund Scholar’s Conference, Washington, D.C., January 10, 2012. ([Video available here](#)).

3. “McDonald v. Chicago and the Future of the Privileges or Immunities Clause,” NRA Civil Rights Defense Fund Scholar’s Conference, Washington, D.C., January 9, 2012 (with Ilya Shapiro). ([Video available here](#)).

## 2010

1. “*McDonald v. Chicago* and the Privileges or Immunities Clause,” Georgetown University Law Center Federalist Society Chapter, Washington D.C., March 2, 2010 (with Ilya Shapiro) ([Video available here](#)).
2. “*McDonald v. Chicago* and the Privileges or Immunities Clause,” George Mason University Federalist Society Chapter, Arlington, VA, March 1, 2010. ([Video available here](#)).
3. “Incorporation of the Second Amendment,” NRA Civil Rights Defense Fund Scholar’s Conference, New Orleans, LA, January 10, 2010, New Orleans, LA (on panel). ([video available here](#)).

## Education

### George Mason University School of Law

J.D. *Magna Cum Laude*, May 2009

Articles Editor, *George Mason Law Review*

### The Pennsylvania State University

B.S. *High Distinction (Magna Cum Laude)* in Information Sciences & Technology, December 2005

Minor, Supply Chain & Information Sciences

## Clerkships

### Judge Danny J. Boggs, U.S. Court of Appeals for the Sixth Circuit

*Law Clerk* (2011-2012)

### Judge Kim R. Gibson, U.S. District Court for the Western District of Pennsylvania

*Law Clerk* (2009-2011)

## Awards

- Selected to [Forbes Magazine 30 Under 30 For Law and Policy](#), 2014.
  - [ABA Journal](#), [Above the Law](#), [The Texas Lawyer](#), [The Houston Chronicle](#)
- Selected to ABA Journal’s Blawg 100 in [2010](#), [2013](#), [2014](#), and to the Hall of Fame in [2015](#)
- Selected to [2013 Fast Case 50](#), as one of the top innovators in the law.

## Activities and Service

[JoshBlackman.com](#) (9/09-Present)

- Authored over 10,000 posts on law, policy, and legal theory.
- Honoree in 2010, 2013, 2014, 2015 ABA Blawg 100 as one of top 100 legal blogs on the Internet.
- Personal blog, receiving average of 60,000 views a month, where I analyze recent cases, track developments in the law, and discuss my scholarship and teaching.
- Featured on CNN.com, Wall Street Journal Law Blog, Volokh Conspiracy, How Appealing, SCOTUSBlog, Legal Theory Blog, Instapundit, Faculty Lounge, PrawfsBlawg, Above The Law, National Law Journal, Blog of the Legal Times, and others.

[FantasySCOTUS](#) (11/09-Present)

- Created the Internet’s First Supreme Court Fantasy League

- Over 30,000 members make predictions for pending Supreme Court cases.
- Generates prediction market that accurately forecasts 75% of Supreme Court cases.
  - Empirical data published in Northwestern journal of Technology & Intellectual Property.
- Featured in The New York Times, The Washington Post, The ABA Journal, and on CNN.com.

**The Harlan Institute ([www.HarlanInstitute.org](http://www.HarlanInstitute.org))** (2/2010-Present)

- Co-Founder & President of a Washington, D.C. based 501(c)(3), dedicated to educating high school students about the rule of law and the Supreme Court through social media and interactive games.
- Organized, coordinated, and developed Supreme Court Fantasy League ([FantasySCOTUS.org](http://FantasySCOTUS.org)) for high school students to learn about the Constitution, in which over 1,000 students participate.
- Collaborated with Justice Sandra Day O'Connor and her iCivics.org organization.

**United States Commission on Civil Rights, Texas State Advisory Committee** (1/2013 – Present)

- [Member](#)

**TORCH, Houston** (3/14 – Present)

- Member of Board of Directors

**LexPredict** (7/14 – Present)

- Director of Judicial Research

**Institute for Humane Studies** (2/14-8/14)

- Adjunct Program Officer – mentoring students interested in legal academia

**Guidepoint Global** (12/14 – Present)

- Consultant – Consult informally with Guidepoint clients (investment funds, consultancies, and corporations) regarding Supreme Court and appellate cases

**Cato Institute** (7/15 – Present)

- [Adjunct Scholar](#)