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South Texas Law Prof Becomes Go-To Guy for National Media

Houston Law Professor Josh Blackman is a 'Media Machine'

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As a rock star among the legal media, Houston law professor Josh Blackman is on a roll.

He's long been media savvy, but it reached a fever pitch this year as reporters from some of the biggest news organizations called on him to comment about President Donald Trump's orders and actions dealing with the law and the courts.

Blackman, a professor at South Texas College of Law Houston, tracked 116 news shows and articles that quoted or cited him in just the first two months of 2017. They came all the way from local newspapers and radio stations to such national media as The New York Times, NPR and CNN, to international media such as The Globe and Mail of Canada and the BBC World Service.

Many of the calls were about Trump's first immigration executive order—since replaced—which originally banned entry to the United States for people from seven majority-Muslim countries. On Jan. 20, the night Trump signed the first order, Blackman, 32, wrote real-time blog and Twitter posts about the order and the court action that quickly followed. Reporters noticed and picked up the phone. The media rewards sources who react quickly to breaking news, Blackman noted.

"From the inauguration to about a week or two ago was by far the busiest of my entire career," said Blackman in late February. "I think what I provide is a very timely analysis to breaking news. The key element is quality analysis, quickly."

It's great exposure for South Texas to have so many people exposed to Blackman's legal analysis, said South Texas Dean Donald Guter. He said that in 2012 when he hired Blackman, who had been clerking for the U.S. Court of Appeals for the Sixth Circuit, he knew he could be a "superstar."

"He has exceeded our expectations in all areas, and that includes his ability to manage his workload and still find time to make himself so accessible to the media," Guter said. "The number of times he is quoted is hard to fathom, but he is so consistent that we've come to expect success in all his endeavors."

South Texas spokeswoman Claire Caton, who closely tracks media mentions of the law school, said Blackman has made her job easy. Blackman is "his own media machine," she said. There's been a huge uptick in his quotes since Trump took office, and Caton said it's because of the nature of the topics coming up: constitutional issues, the U.S. Supreme Court vacancy, Second Amendment matters and immigration orders.

"It runs the gamut of issues he can address directly. Very few people, I believe, have his expertise in those areas—at least at the level that he does," Caton said. "He positions South Texas College of Law Houston on an international stage."

Making of a National Spokesman

Blackman's media firestorm was sparked from a blog he launched in 2009 while working as a law clerk for U.S. District Judge Kim Gibson in Pennsylvania. The blog today includes over 10,000 posts that focus on explaining complicated legal news and events in an understandable and timely fashion. He's also cultivated a sizable Twitter following—over 9,000 people as of early March.

"It's my job as a professor, not just for students, but for the world, who want to understand complicated topics. I consider it a mission to make complex things understandable," Blackman said. "It's a very powerful message, sharing your knowledge with The New York Times, and millions of people over the world read it."

Blackman earned his law degree in 2009 from George Mason University School of Law in Arlington, Virginia, which was renamed in July 2016 as Antonin Scalia Law School. He clerked for Gibson from 2009 to 2011. He then served as a law clerk for Judge Danny Boggs of the Sixth Circuit Court of Appeals from 2011 to 2012. He entered academia in 2012.

At South Texas, Blackman teaches constitutional law and property, and does much more with his free time. He co-founded the Harlan Institute, a nonprofit that distributes free resources to teach high school students about U.S. Supreme Court cases. He launched FantasySCOTUS, a website that allows users to predict the outcome of Supreme Court cases and compete for \$10,000 in prizes. The site also lets people predict nominees to Supreme Court vacancies—back in November 2016, it predicted Trump's nomination of Judge Neil Gorsuch of the U.S. Court of Appeals for the Tenth Circuit.

In addition to writing for his websites, Blackman has published more than 30 articles in law review journals. He wrote two books about the Affordable Care Act, "Unprecedented: The Constitutional Challenge to Obamacare" in 2013 and "Unraveled: Obamacare, Religious Liberty, and Executive Power" in 2016. Blackman took a sabbatical from teaching in the fall of 2016 semester, traveling to 30 book talks about "Unraveled."

Houston attorney Raffi Melkonian said he met Blackman on Twitter and the pair are now friends who have lunch occasionally. He said it's remarkable that Blackman is so "ridiculously prolific." In a tweet, Melkonian, a partner in Wright & Close in Houston, recently joked that Blackman must have four clones and one hologram. In person, Blackman comes across as smart and intense, talking quickly about a lot of topics, he said.

Although Blackman gets quoted in many political articles, Melkonian said he doesn't think Blackman has a passion for politics.

"I think it's law and how it plays in national controversies. I don't think he's interested in team blue winning or team red winning. It's 'What can I bring to this debate all of us are having?' He is very passionate about that," he said. "He believes in originalism and textualism with respect to statutes and the Constitution. That kind of tinge. I would say he's trying to get to the right answer and do so in an evenhanded way, understanding he's got these beliefs."

Blackman describes himself as a libertarian. He's an adjunct scholar at the Cato Institute, a libertarian think tank in Washington, D.C. He was an adviser to the presidential campaign of Rand Paul. But he said journalists have written he is a "conservative," and he no longer bothers with correcting the label. Blackman added that he's "not a fan" of Trump and was critical of him even before his election.

Blackman keeps a close watch on his media hits and compiles a list of articles on his website. People often email him when they see him on television or hear him on the radio. Even with such evidence that people are paying attention, he said it's hard to measure the impact of his work. He just tries to share his ideas with as big an audience as possible.

"The reason why I teach and the reason I do what I do is I believe strongly in the rule of law and our constitutional republic. The more people are aware of what the Constitution means, what separation of powers are, and how checks and balances and the law operate, then it becomes stronger," Blackman noted. "That's what I care profoundly about, and if I can use these channels to explain to people about the aspects of the rule of law, I think our society will be stronger and a place I want to live in."

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