HOUSTON CHRONICLE
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Online game has law nerds lining up for bragging rights

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Constitutional law professor, Josh Blackman, talks about the fantasy league he created to follow Supreme Court decisions shown South Texas School of Law, 1303 San Jacinto St., Thursday, Jan. 16, 2014, in Houston. (Melissa Phillip / Houston Chronicle)

By Brian Rogers

January 21, 2014 | Updated: January 21, 2014 10:06pm

It started as a lark. What odds would Las Vegas give on the next Supreme Court decision? What if you could compete with others on what the nine judges were going to decide - like players in a fantasy football league?

FantasySCOTUS, now in its fourth season and with 20,000 players online, is the brainchild of Josh Blackman, a 29-year-old professor at Houston's South Texas College of Law.

"It's free to sign up, it's free to play and the prize is bragging rights," Blackman said from his office, a showcase of technology and whimsy. Shelves of judicial bobbleheads overlook a desk with three giant computer monitors and a laptop all running different programs.

In September 2009, Blackman said he and a friend joked about what oddsmakers might say about an upcoming decision from the U.S. Supreme Court.

A few weeks later, he had his FantasySCOTUS site up and running online.

"I've been doing Web design since I was 13, so I could do a lot of the work myself," Blackman said.

Overnight, he said, 1,000 people signed up.

"I didn't think anybody but a few nerds would sign up, maybe a couple dozen," he said.

Now thousands of players are scattered across the globe, and by sheer coincidence the current No. 1 player is a husband-wife team also from Houston.

Nicole Casarez, a non-practicing attorney and journalism professor at the University of St. Thomas, and her husband, a corporate lawyer, are trying to hold onto their top spot.

"We are Supreme Court junkies and total law geeks," Casarez said. "So, it's the perfect thing for people as nerdy as we are."

Casarez made headlines in 2010 after death row inmate Anthony Graves, whom she had spent years working to get exonerated, was finally released from a Texas prison. Graves spent 18 years behind bars, including 12 on death row, before he was exonerated, largely through Casarez's work.

She and her husband, Ruben, research every facet of the court's cases, Casarez said, including reading lower courts' rulings and decisions from decades ago. They also pore over history books about the court and biographies of the justices.

The couple came in third for two years in a row after missing rulings that were released earlier than expected - before they could make their predictions.

Like the best games, FantasySCOTUS is appealing because it takes a minute to learn but a lifetime to master. A player just drags and drops a photo of each justice into boxes to either affirm, reverse or recuse for each ruling.

Casarez said she and her husband have had "many spirited conversations" about what Justice Anthony Kennedy, the court's traditional swing vote, will decide next. Their competitiveness leaves their adult children rolling their eyes, she said.

"The geek factor is very strong," Casarez laughed. "But if you like the Supreme Court, it's a lot of fun."

Last year when the Supreme Court ruled on Obamacare, players had to decide what the justices were going to do on each of four issues that the court said they were going to take up related to the legislation.

When the ruling came down, each issue was addressed in some way by each judge, making the ruling very hard to accurately predict.

Whenever a ruling is handed down, all of the players' predictions are averaged together for a total score. The wisdom of the crowd, Blackman said, has proved better than predictions by the so-called experts.

Top players can be right 80 percent of the time, he said. "A study a few years ago with a pool of 'Supreme Court experts' was about 60 percent accurate."

To do well, he said, players must put bias aside and predict what the court will do - not what they want the court to do.

"There's no magic formula," said Blackman, also in the news as the author of "Unprecedented," a book about the Affordable Care Act's legal implications. "You have to read everything imaginable to see what a justice might be thinking and then you might get a sense of where they are, but often you'll have no idea."

It was amazing to see how FantasySCOTUS went viral, he said.

That popularity has allowed Blackman to create the Harlan Institute, a nonprofit dedicated to teaching high school students about the U.S. Constitution. Online tools and lesson plans are offered free to teachers, underwritten by Westlaw, a legal research service.

"It started off as a joke and it's remarkable how far it's come," said Blackman, who was named this month to Forbes magazine's 30 Under 30 for law and public policy. "This fascination with the Supreme Court has just spawned so many avenues."