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News/Columns

# Pryor, Kethledge Lead 'Fantasy' Poll to Predict Trump's SCOTUS Pick

Tony Mauro, The National Law Journal

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A "Fantasy SCOTUS" poll launched Tuesday to predict President-elect Donald Trump's first nominee to the U.S. Supreme Court has put federal appeals judges Raymond Kethledge and William Pryor in the lead.

The crowdsourcing survey, the brainchild of Supreme Court blogger and scholar Josh Blackman, got it right in 2010 when Elena Kagan "floated to the top" before President Barack Obama nominated her, as Blackman put it in an interview. "No doubt, President Obama checked our site," Blackman joked on his [blog](#).

Kethledge is a judge on the U.S. Court of Appeals for the Sixth Circuit and a former law clerk to Justice Anthony Kennedy. Pryor is an Eleventh Circuit judge whose nomination, if it comes to pass, will infuriate liberals because he has called *Roe v. Wade* the "worst abomination in the history of constitutional law."

Also trending on the list was Texas Supreme Court Judge Don Willett and Seventh Circuit Judge Diane Sykes.

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For the competition, Blackman posted 22 names of possible nominees for participants to choose from, including the 21 that Trump announced before the election plus Sen. Ted Cruz, R-Texas, whose name has also been bandied about in recent days.

Blackman, an associate professor at the South Texas College of Law in Houston, said Cruz has a "nontrivial" chance to be nominated and confirmed, in part because some senators would like nothing better than for him to leave the Senate. "I'm from Texas, and if Ted Cruz stays in the Senate, he'll be re-elected until he is 90," Blackman said.

Thousands of law students as well as lawyers in private and government practice will likely vote in the FantasySCOTUS competition, Blackman said. Voting will be allowed until Inauguration Day, next Jan. 20. LexPredict is providing assistance.

Blackman has used the fantasy league model for more than seven years, mainly as an educational tool to encourage high school students and others to learn about pending Supreme Court cases and predict their outcomes. He claims a 71 percent accuracy rate in predicting outcomes of cases.

In April, high school student teams that participated in FantasySCOTUS converged on the National Constitution Center in Philadelphia to compete with briefs and oral arguments. The Harlan Institute and the Constitutional Sources Project helped sponsor the event.

Will FantasySCOTUS have an impact on Trump's pick? Blackman said he was not sure, but added, "Donald Trump loves polls."

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