

Howard Merrill Wasserman

Books:

INFIELD FLY RULE IS IN EFFECT: THE STORY OF BASEBALL'S FAMOUS RULE (McFarland Press) (forthcoming 2018)

[UNDERSTANDING CIVIL RIGHTS LITIGATION](#) (LexisNexis) (2013)

[INSTITUTIONAL FAILURES: DUKE LACROSSE, UNIVERSITIES, THE NEWS MEDIA, AND THE LEGAL SYSTEM](#) (Howard M. Wasserman, ed.) (Ashgate Publishing) (2010)

Articles and Chapters:

Holmes and Brennan, ___ ALA. L. REV. ___ (forthcoming 2016)

Just a Bit Aside: Perverse Incentives, Cost-Benefit Imbalances, and the Infield Fly Rule, ___ 164 U. PENN. L. REV. ONLINE ___ (forthcoming 2016)

The Uncertain Hope of Body Cameras, in FERGUSON FAULT LINES: LEGAL AND SOCIAL REVERBERATIONS (Kimberly Norwood, ed.) (ABA Publishing) (forthcoming 2016)

The Process of Marriage Equality, 42 HASTINGS CONST. L.Q. 243 (2015) (*with* Josh Blackman)

[Fletcherian Standing, Substantive Merits, and Spokeo, Inc. v. Robins](#), 68 VAND L. REV. EN BANC 257 (2015)

[Crazy in Alabama: The Judicial Process and the Crawl Towards Marriage Equality in the Land of George Wallace](#), 110 NW. U. L. REV. ONLINE 1 (2015)

[Catalyzing Fans](#), 6 HARV. J. SPORTS & ENT. L. 1 (2015) (*with* Michael McCann and Dan Markel²⁷¹)

[Epilogue: Moral Panics and Body Cameras](#), 92 WASH. U. L. REV. 845 (2015); [WASH. U. L. REV. COMMENTARIES](#) (Jan. 26, 2015),

[Moral Panics and Body Cameras](#), 92 WASH. U. L. REV. 831 (2015); [WASH. U. L. REV. COMMENTARIES](#) (Nov. 18, 2014)

[Mixed Signals on Summary Judgment](#), 2014 MICH. ST. L. REV. 1331

[An Empirical Analysis of the Infield Fly Rule](#), 4 J.L. (3 J. LEGAL METRICS) 127 (2014)

[Football and the Infield Fly Rule](#), 61 UCLA L. REV. DISCOURSE 272 (2014)

[The Economics of the Infield Fly Rule](#), 2013 UTAH L. REV. 479 (2013)

Reappropriating Judicial Activism, 16 GREEN BAG 2D 463 (2013)

[A Jurisdictional Perspective on New York Times v. Sullivan](#), 107 NW. U. L. REV. 901 (2013)

**Other
Publications:**

[*Argument analysis: The First Amendment, political inactivity, and improper government motive*](#), SCOTUSBlog, Jan. 20, 2016

[*Argument preview: The First Amendment, public employees, and misperceived political association*](#), SCOTUSBlog, Jan. 12, 2016

[*Opinion analysis: Removing discretion in convening three-judge district courts*](#), SCOTUSblog, Dec. 8, 2015

[*Argument analysis: "Wow . . . That's my comment"--a passive Court and a predictable outcome on three-judge courts*](#), SCOTUSblog, Nov. 5, 2015

[*Argument preview: Is a three-judge court "not required" when a pleading fails to state a claim?*](#) SCOTUSblog, Oct. 19, 2015

[*Opinion Analysis: Clear Statements, sovereign immunity, and timeliness*](#), SCOTUSblog, Apr. 23, 2015

[*Crazy in Alabama, but not for the reasons everything thinks*](#), JURIST, Mar. 14, 2015

[*University of Oklahoma expels the First Amendment*](#), JURIST, Mar. 14, 2015

[*Opinion analysis: Finality, appealability, and single-claim actions*](#), SCOTUSblog, Jan. 21, 2015

[*Argument analysis: A living Federal Tort Claims Act?*](#), SCOTUSblog, Dec. 12, 2014

[*Argument analysis: Finality and a tale of two rules*](#), SCOTUSblog, Dec. 11, 2014

[*Argument preview: Jurisdictionality, timeliness, and the Federal Tort Claims Act*](#), SCOTUSblog, Dec. 8, 2014

[*Argument preview: Finality, consolidation, and multi-district litigation*](#), SCOTUSblog, Dec. 5, 2014

[*Judicial Retention Meets Due Process*](#), JOTWELL, Sept. 30, 2014 (review essay)

[*Opinion recap: Operational consistency and predictability prevail in defining when a judgment is final*](#), SCOTUSblog, Jan. 16, 2014,

[*Argument recap: Finding simple rules is not always so simple*](#), SCOTUSblog, Dec. 10, 2013

[*Argument preview: Attorney's fees and the final judgment rule*](#), SCOTUSblog, Dec. 2, 2013

[*The Truth About Empathy*](#), JOTWELL, July 2013 (review essay)

[*In Defense of Baseball's Infield Fly Rule*](#), THE ATLANTIC, Oct. 12, 2012

**Ongoing
Writing:**

Section Editor, [JOTWELL Courts Law](#)

Contributor and Editor, [PrawfsBlawg](#)

Editor, [Sports Law Blog](#)

Guest Contributor, [SCOTUSBlog](#)

Guest Contributor, [Concurring Opinions](#)

Guest Contributor, [ACSBlog](#)