**William W. Berry III Publications List**

67. Criminal Law, 9th ed.

 —Carolina Academic Press (with P. Marcus, L. Malone, & C. Drinan)(forthcoming 2020).

66. Supplement to Entertainment, Media, and the Law, 5th ed. 2018

 —West Academic (with P. Weiler & G. Myers)

65. *Individualized Executions*

 —U.C. Davis L. Rev. \_\_ (forthcoming 2019)

64. *Individualized Sentencing*

 —76 Wash. & Lee L. Rev. \_\_ (forthcoming 2019)

63. Sports and the Law (6th edition)

 —West Academic Publishing (with Paul Weiler, Gary Roberts, Norman Abrams, Stephen Ross, Jodi Balsam, & Michael Harper)(forthcoming 2018).

62. *The Transfer Litmus Test*

 —18 Va. Sports & Ent. L. J. \_\_ (forthcoming 2018).

61. [*Evolved Standards, Evolving Justices?*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2922796)

 —96 Wash U. L. Rev. 104 (2018).

60. [*Sixth Amendment Sentencing After* Hurst](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3131906) (with Carissa Byrne Hessick)

 —66 UCLA L. Rev. \_\_ (forthcoming 2019).

59. [*Rethinking Capital Felony Murder*](https://crim.jotwell.com/rethinking-capital-felony-murder/)

 —JOTWELL (February 12, 2018) (reviewing Guyora Binder, Brenner Fissell, & Robert Weisberg, Capital Punishment of Unintentional Felony Murder, 92 Notre Dame L. Rev. 1142 (2017)).

58. *Preview of* Currier v. Virginia

 —45 ABA Sup. Ct. Preview 142 (2018).

57. *Preview of* City of Hays, Kansas v. Vogt

 —45 ABA Sup. Ct. Preview 146 (2018).

56*.* *Preview of* Dahda v. United States

 —45 ABA Sup. Ct. Preview 149 (2018).

55. [*Unusual Deference*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2922802)

 —68 Fla. L. Rev. \_\_ (2018).

54. [*The Execution Methods Crisis*](http://jurist.org/academic/2017/04/william-berry-the-execution-methods-crisis.php)

—JURIST—Academic Commentary (Apr. 3, 2017).

53. [*Magnifying Miranda*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3143682)

 —59 Tx. Tech L. Rev. \_\_ (2017)(symposium)

52. [*Enhancing “Education”*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3133771)

 —78 La. L. Rev. 1165 (2017)(symposium)

51. [*Employee-Athletes, Antitrust, and the Future of College Sports*](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2918870)

 —28 Stan. L. & Pol’y Rev. 245 (2017)(symposium)

50. [*Cruel Techniques, Unusual Secrets*](http://www.ohiostatelawjournal.org/wp-content/uploads/2017/09/78-2-Berry-Ryan-Cruel-Techniques.pdf)

 —77 Ohio St. L.J. 403 (2017)(with M. Ryan).

49. [*Normative Retroactivity*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2755107)

 —19 U. Pa. J. Const. L. 485 (2017).

48. [*Restorative Innocence*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2747604)

 —68 Fla. L. Rev. 1569 (2017), *Voices on Innocence* essays (with L. Dervan, V. Beety, G. Gilchrist, R. Leo, and M. Ryan).

47. [*Preview of* Dean v. United States](http://www.americanbar.org/publications/preview_home.html)

 —44 ABA Sup. Ct. Preview 142 (2017).

46. [*Amending Amateurism*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2741896)

 —68 Ala. L. Rev. 551(2016).

45.[*The Retroactivity Roadmap*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2680370)

 —10 NYU J. L. & Liberty 179 (2016).

44.[*Playoff Profits for Academic Programs*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2680371)

 —5 Miss. Sports L. Rev. 1 (2016).

43.[*Remembering Furman’s Comparative Proportionality*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2733961)

 —101 Iowa L. Rev. Online 65 (2016).

42.[*Life-with-Hope Sentencing*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2567963)

 —76 Ohio St. L.J. 1051 (2015).

41.[*Implementing Just Mercy*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2609944)

 —94 Texas L. Rev. 331 (2015).

40. [Entertainment, Media, and the Law (5th edition)](http://www.westacademic.com/Professors/ProductDetails.aspx?NSIID=55346)

 —West Academic Publishing (with Paul Weiler and Gary Myers)(2015).

39.[*Eighth Amendment Presumptions*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2567962)

 —89 S. Cal. L. Rev. 67 (2015).

38. [*Humanizing the Condemned: A Review of The Forgotten Men*](http://clcjbooks.rutgers.edu/books/the-forgotten-men.html)

 —Criminal Law & Criminal Justice Books, (November 2015)(invited contribution).

37.[*Preview of* Montgomery v. Louisiana](http://www.americanbar.org/publications/preview_home.html)

 —43 ABA Sup. Ct. Preview \_\_ (2015).

36.[*Preview of* Kansas v. Gleason](http://www.americanbar.org/publications/preview_home.html)

 —43 ABA Sup. Ct. Preview \_\_ (2015).

35.[*The Perils of Private Adjudication: A Review of Civil Justice, Privatization, and Democracy*](http://icj.sagepub.com/)

—24 Int’l Crim. J. Rev. 411 (2015)(invited contribution)(peer reviewed).

34. [*Assessing Rough Justice and the ICC’s Quest for Legitimacy*](http://icj.sagepub.com/)

—24 Int’l Crim. J. Rev. 135 (2015)(invited contribution)(peer reviewed).

33.[*The Myth of Memorization as Education*](http://cetl.olemiss.edu/eMantle%20Files/2015_11Nov.pdf)

 —E-Mantle Newsletter, Ctr. Educ. Teach. & Learning, Univ. of Miss. (Nov. 2015).

32.[*Ending the Death Lottery*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2589383)

 —76 Ohio St. L.J. 67 (2015).

31. [*Procedural Proportionality*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2564643)

 —22 George Mason L. Rev. 259 (2015).

30. [*Preview of Whitfield v. United States*](http://www.americanbar.org/publications/preview_home.html)

 —42 ABA Sup. Ct. Preview 92 (2014).

29. [*Preview of Johnson v. United States*](http://www.americanbar.org/publications/preview_home.html)

 —42 ABA Sup. Ct. Preview 50 (2014).

28.[*Writing (and re-writing) Federal Criminal Law in the Classroom*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441239)

 —11 Ohio St. J. of Crim. L. 767 (2014).

27.[*Preview of Integrity Staffing Solutions v. Beck*](http://www.americanbar.org/publications/preview_home.html)

 —42 ABA Sup. Ct. Preview 22 (2014).

26. [*How Labor Law Could Save the NCAA*](http://www.slate.com/articles/business/moneybox/2014/03/northwestern_football_players_allowed_to_unionize_how_labor_unions_can_save.html)

 —Slate.com, March 31, 2014.

25.[*The Power of Level Three Thinking*](http://cetl.olemiss.edu/eMantle%20Files/2014-3%20Mar.pdf)

 —E-Mantle Newsletter, Ctr. Educ. Teach. & Learning, Univ. of Miss. (Mar. 2014).

24.[*Preview of* Abramski v. United States](http://www.americanbar.org/publications/preview_home.html)

 —41 ABA Sup. Ct. Preview 162 (2014).

23.[*Preview of* United States v. Castleman](http://www.americanbar.org/publications/preview_home.html)

 —41 ABA Sup. Ct. Preview 166 (2014).

22. [*The Mandate of Miller*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2112820)

 —51 Am. Crim. L. Rev. 327 (2014).

21. [*Criminal Constitutional Avoidance*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214807)

 —104 J. of Crim. L. & Criminology 105 (2014).

20. [*Educating Athletes*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441219)

 —81 Tenn. L. Rev. 795 (2014).

19.[*Preview of* Peugh v. United States](http://www.americanbar.org/publications/preview_home.html)

 —40 ABA Sup. Ct. Preview 208 (2013).

18. [*Preview of* McQuiggin v. Perkins](http://www.americanbar.org/publications/preview_home.html)

 —40 ABA Sup. Ct. Preview 205 (2013).

17. [*Eighth Amendment Differentness*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2259303)

 —78 Mo. L. Rev. 1053 (2013)(symposium).

16.[*Foreword*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049526)

 —1 Miss. Sports L. Rev. 245 (2012).

15. [*Right about Wrongs?*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049527)

 —44 Conn. L. Rev. 1677 (2012)(invited contribution).

14. [*Practicing Proportionality*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1921559)

 —64 Fla. L. Rev. 687 (2012).

* Cited by *State v. Pruitt*, 415 S.W. 180 (Tenn. 2013)(Koch, J., dissenting).

13.[*Separating Retribution from Proportionality*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1921356)

 —97 Va. L. Rev. In Brief 61 (2011).

12. [*The European Prescription for Ending the Death Penalty*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1781412)

 —2011 Wisconsin L. Rev. 1003 (2011).

11.[*Mitigation in Federal Sentencing in the United States*](http://www.cambridge.org/at/academic/subjects/law/criminal-law/mitigation-and-aggravation-sentencing)

 —Mitigation and Aggravation at Sentencing (J. V. Roberts, ed.), Cambridge Univ. Press (2011).

10. [*Promulgating Proportionality*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1768411)

 —46 Ga. L. Rev. 69 (2011).

* Cited by *State v. Cox*, 2016 WL 10789 (Ohio Ct. App. 2016)(Gallagher, J., dissenting).

9. [*Repudiating Death*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1559565)

 —101 J. of Crim. L. & Criminology 439 (2011).

8. [*Preview of* Perry v. New Hampshire](http://www.americanbar.org/publications/preview_home.html)

 —39 ABA Sup. Ct. Preview 80 (2011).

7. [*Preview of* Walker v. Martin](http://www.americanbar.org/publications/preview_home.html)

 —38 ABA Sup. Ct. Preview 118 (2010).

6. [*More Different than Life, Less Different than Death*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1615148)

 —71 Ohio State L.J. 1109 (2010).

* Cited by *State v. Lyle*, 854 N.W. 2d 378 (Iowa 2014).

5.[*Ending Death by Dangerousness*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1568652)

 —52 Ariz. L. Rev. 889 (2010).

4.[*Extraordinary and Compelling*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1287946)

 —68 Md. L. Rev. 850 (2009).

* Reprinted in Parole: Judicial Reflections (R. Satyanarayana, ed.), Amicus Books (2010).

3. [*American Procedural Exceptionalism*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1162325)

 —17 Cornell J. of L. & Pub. Pol’y 481 (2008).

2. [*Discretion without Guidance*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1162287)

 —40 Conn. L. Rev. 631 (2008).

* Cited by *United States v. Elmore*, 743 F.3d 1068 (6th Cir. 2014).

1. [*Following the Yellow Brick Road of the Evolving Standards of Decency*](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1162272)

 —28 Pace L. Rev. 15 (2007).

* Cited by *Connecticut v. Santiago*, No. SC 17413 (Conn. 2015)(Rogers, C.J., dissenting).