

BEN A. MCJUNKIN

Associate Professor of Law

Sandra Day O'Connor College of Law, Arizona State University
MC 9520 • 111 E. Taylor St. Phoenix, AZ 85004

(480) 965-6386 • ben.mcjunkin@asu.edu • @benmcjunkin

ACADEMIC EXPERIENCE

SANDRA DAY O'CONNOR COLLEGE OF LAW, ARIZONA STATE UNIVERSITY, Phoenix, AZ

Associate Professor of Law, 2019–present

Associate Deputy Director, Academy for Justice

Affiliated Faculty, School of Criminology & Criminal Justice

Teaching: Criminal Law; Police, Law, and Society; Contemporary Legal Issues in Policing;
Sex Crimes Seminar

Research: Criminal Law; Criminal Procedure; Gender & Sexuality; Jurisprudence

Service: Faculty Colloquium Committee; Student Clerkship Committee

Referee: Criminal Law & Philosophy

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI

Alumni Fellow, 2017–2019

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI

J.D., magna cum laude, 2009

Activities: Editor-in-Chief, *Michigan Journal of Gender & Law*
Research Assistant, J.J. Prescott (criminal law; empirical law and economics)
Research Assistant, Marc Spindelman (gender, sexuality, & law)
Research Assistant, E. Philip Soper (contracts)

Honors: Certificate of Merit Awards (top student):
Sex Equality
Sexuality, Violence, & Law
Contracts
Selected to President's Advisory Commission on Women's Issues

UNIVERSITY OF VERMONT, Burlington, VT

B.A., Philosophy and Political Science, cum laude, 2006

Honors: Departmental Prize (top senior student) in American Politics & Government

Thesis: *The Myth of the Mountain Rule: An Empirical Analysis of Geographic Determinism in Nineteenth-Century Vermont*

PUBLICATIONS & WORKS IN PROGRESS

The Negative Right to Shelter, 111 CALIF. L. REV. ____ (forthcoming 2023)

Collusive Prosecutions (with J.J. Prescott) (under submission)

Ensuring Dignity as Public Safety, 59 AM. CRIM. L. REV. ____ (forthcoming 2022)
(invited response to Barry Friedman, *Policing the Homeless: Rethinking Public Safety*)

Massachusetts v. Blache, in FEMINIST JUDGMENTS: REWRITTEN CRIMINAL LAW OPINIONS
(forthcoming 2022)

Homelessness, Indignity, and the Promise of Mandatory Citations,
52 ARIZ. ST. L.J. 955 (2020)

The Private-Search Doctrine Does Not Exist, 2018 WISC. L. REV. 971 (2018)

Cited in Petition for Writ of Certiorari, *Shaffer v. Pennsylvania*, No. 19-618 (S. Ct. 2019)

Cited in Petition for Writ of Certiorari, *Miller v. United States*, No. 20-1202 (S. Ct. 2021)

Fourth Amendment Constraints on the Technological Monitoring of Convicted Sex Offenders,
21 NEW CRIM. L. REV. 379 (2018) (with J.J. Prescott)

Adapted in *Sex Offenders: Technological Monitoring and the Fourth Amendment*,
46 SEARCH & SEIZURE L. REP. 75 (2019)

Rank Among Equals, 113 MICH. L. REV. 855 (2015) (reviewing JEREMY WALDRON, DIGNITY,
RANK, & RIGHTS (2012))

Deconstructing Rape by Fraud, 28 COLUM. J. GENDER & L. 1 (2014)

Cited in SEX, SEXUALITY, LAW, & (IN)JUSTICE (Hank F. Fradella & Jennifer M. Sumner, eds.
2016)

PROFESSIONAL EXPERIENCE

BUSH, SEYFERTH & PAIGE PLLC, Troy, MI

Of Counsel, Litigation & Government Investigations, 2018–19

KING & SPALDING LLP, Atlanta, GA

Senior Associate, Special Matters / Government Investigations, 2015–17

COVINGTON & BURLING LLP, Washington, DC

Associate, White Collar Defense & Government Investigations, 2011–15

Summer Associate, 2008

JUDICIAL CLERKSHIPS

HONORABLE KERMIT V. LIPEZ

United States Court of Appeals for the First Circuit, Portland, ME
Law Clerk, 2010–11

HONORABLE PETER J. RUBIN

Massachusetts Appeals Court, Boston, MA
Law Clerk, 2009–10

OTHER PUBLICATIONS

The Misguided Prominence of Homeless Shelters, CRIME TO BE POOR BLOG (2021)

Task Force Report and NIST Revisions Highlight Need for Increased Private-Sector Cybersecurity Efforts, KING & SPALDING ENERGY NEWSLETTER (2017)
(with Christopher Burris, Nicholas Oldham, and Erin East)

Maritime Cybersecurity Regulation on the Horizon: Part 2, LAW360 (2017)
(with Christopher Burris and Nicholas Oldham)

Maritime Cybersecurity Regulation on the Horizon: Part 1, LAW360 (2017)
(with Christopher Burris and Nicholas Oldham)

SPEECHES, PRESENTATIONS, & PANELS

Collusive Prosecutions, February 2022
Western Society of Criminologists Annual Meeting, Honolulu, HI

The Negative Right to Shelter, November 2021
ASU Law Faculty Colloquium, Phoenix, AZ

Are Police the Key to Public Safety? The Case of the Unhoused, November 2021
Academy for Justice Distinguished Lecture, Phoenix, AZ

Balancing Policing and Public Safety, April 2021
Justice in the Southwest Conference

Policing the Police: The Qualified Immunity Debate, November 2020
The Federalist Society Webinar

WTF is a Grand Jury?, October 2020
Bullshido Podcast

Assembly Line Justice, August 2020
NPR Unsheltered Podcast

Mending Relationships in the Community: Where Do We Go from Here?, July 2020
Legal-Ease Podcast

Police Violence in America: Obvious Problem, Obvious Solution (moderator), July 2020
Academy for Justice Webinar, Phoenix, AZ

Here We Stand: Justice for All, January 2020
Arizona Commission on African-American Affairs Panel, Phoenix, AZ

The Role of Judicial Clerks, March 2018
University of Vermont Law and Politics Lecture, Burlington, VT

Legal Writing and Reasoning, March 2018
University of Vermont Constitutional Law Lecture, Burlington, VT

Top Law Schools and Legal Careers, March 2018
University of Vermont Alumni Panel, Burlington, VT

Responding to Data Breaches: Advice for Corporate Counsel, February 2016
King & Spalding Special Matters Practice Group Panel, Atlanta, GA

Rape (three-day co-instruction), February 2015
University of Michigan Law School Criminal Law Lecture, Ann Arbor, MI

Deconstructing Rape by Fraud, October 2014
University of Vermont Gender & Law Seminar, Burlington, VT

Learning from the General Motors Recall, October 2014
Japan Auto Parts Industries Association, Detroit, MI

Post-Recall Investigations, July 2014
Covington & Burling Consumer & Advertising Law Panel, Washington, DC

Deconstructing Rape by Fraud, September 2013
Michigan Law School Future Law Professor's Workshop, Ann Arbor, MI

Complaints and Answers, September 2013
Covington & Burling Nuts-and-Bolts Litigation Training, Washington, DC

Deconstructing Rape by Fraud, October 2008
Michigan Law School Student Research Roundtable, Ann Arbor, MI

MEDIA APPEARANCES

Miguel Torres, *George Floyd Act, City Budget Aim to Bring Changes to Policing in Phoenix*, ARIZ. REPUBLIC (Jun. 7, 2021)

Lauren Castle, *What Are Your Rights When You Get Pulled Over in Traffic Stop?*, ARIZ. REPUBLIC (Apr. 17, 2021)

BrieAnna Frank, *What Happened to 2020's Viral 'Penis Man'? He Pleaded Guilty and is Awaiting Sentencing*, ARIZ. REPUBLIC (Jan. 23, 2021)

Niala Charles, *How the Criminal Justice System Failed to Prevent the Death of a Chandler Woman*, NBC 12 NEWS (Dec. 4, 2020)

Allie Barton & Megan Marples, *Vote-Counting Anxiety Rises as Trump-Biden Race Tightens in Arizona*, AZ PBS (Nov. 7, 2020)

Sean Hendrik Holstege, *Jury: Arizona Deputy Not at Fault for Fatal Shooting of Unarmed Man*, ZENGER NEWS (Oct. 28, 2020)

Steve Goldstein, *Arizona Ruling on Juvenile Sentences May Contradict U.S. Supreme Court*, KJZZ (Oct. 14, 2020)

Mikenzie Hammel, *Prop. 207 Could Affect Arizona in Different Ways, Experts Say*, DOWNTOWN DEVIL (Oct. 5, 2020)

Melissa Stanger, *Men Are Teaching Each Other How to Trick Women into Having Sex Without a Condom*, REVELIST (May 5, 2017)

Tone Frank Dandanell, *Our Culture is a Culture of Rape*, INFORMATION (May 14, 2016)

AMICUS BRIEFS

Brief of the National Association of Criminal Defense Lawyers and Criminal Procedure Professors as *Amici Curiae* in Support of Petitioner, *Caniglia v. Strom*, No. 20-157 (S. Ct. 2020) (filed Jan. 2021) (signatory)

Brief for *Amicus Curiae* Professor Ben A. McJunkin in Support of Petitioner, *Shaffer v. Pennsylvania*, No. 19-618 (S. Ct. 2019) (Filed Dec. 16, 2019)

BAR ADMISSIONS

New York
District of Columbia (inactive)