

BEN A. MCJUNKIN

Associate Professor of Law

Sandra Day O'Connor College of Law, Arizona State University
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ACADEMIC EXPERIENCE

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

Associate Professor of Law (with tenure), 2024–present

Associate Professor of Law, 2019–2024

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; Homelessness

Service: Curriculum Committee (chair); Colloquium Committee (co-chair); Clerkship
Committee; Criminal Law Association; Unhoused Legal Assistance Project

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*

PUBLICATIONS & WORKS IN PROGRESS

Consent & Causation, 112 VA. L. REV. ____ (2026)

Grants Pass and the Pathology of the Criminal Law, 102 WASH. U. L. REV. ____ (2025)

Rape as Indignity, 109 CORNELL L. REV. 385 (2024)

Cited in *Campbell v. Commonwealth*, 242 N.E.3d 580 (Mass. 2024)

The Negative Right to Shelter, 111 CALIF. L. REV. 127 (2023)

Cited in Brief of Amici Curiae Thirteen California Cities in Support of Petitioner, *Grants Pass v. Johnson*, No. 23-175 (S. Ct. 2024)

Collusive Prosecution, 108 IOWA L. REV. 1653 (2023) (with J.J. Prescott)

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

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)

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 CRIMINAL LAW: AN INTRODUCTION TO KEY CONCEPTS AND CASES (Henry F. Fradella ed., 2022)

INVITED WORKS

Harm and Wrongdoing in the Law of Rape, 35 WIDENER COMMONWEALTH L. REV. ____ (forthcoming 2025) (symposium essay)

Homeless Residency Restrictions, 125 W. VA. L. REV. 407 (2023) (symposium essay)

Ensuring Dignity as Public Safety, 59 AM. CRIM. L. REV. 1643 (2022)

(response to Barry Friedman, *Are Police the Key to Public Safety?: The Case of the Unhoused*)

Massachusetts v. Blache, in FEMINIST JUDGMENTS: REWRITTEN CRIMINAL LAW OPINIONS (I. Bennett Capers, Sarah Deer, & Corey Rayburn Yung eds., 2022)

Homelessness, Indignity, and the Promise of Mandatory Citations for Urban Camping, 52 ARIZ. ST. L.J. 955 (2020) (symposium essay)

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

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

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

SPEECHES, PRESENTATIONS, & PANELS

Consent & Causation, February 2025

Northeastern University Junior Scholars Conference, Boston, MA

A Legal Retrospective and Prospective of Ferguson and Policing, January 2025

ABA Midyear Meeting, Phoenix, AZ

Consent & Causation, November 2024

Academy for Justice Workshop, Phoenix, AZ

Consent & Causation, October 2024

Southwest Criminal Law Conference, Las Vegas, NV

Grants Pass v. Johnson, September 2024

American Constitution Society, Phoenix, AZ

Qualified Immunity (moderator), September 2024

Federalist Society, Phoenix, AZ

Consent & Causation, May 2024

ASU–UofA Joint Workshop, Phoenix, AZ

The Negative Right to Shelter, April 2023

Federalist Society, Phoenix, AZ

The Negative Right to Shelter, March 2023

University of Ottawa Public Law Centre, Ottawa, ON

Rape as Indignity, March 2023
ASU Law Faculty Colloquium, Phoenix, AZ

Homeless Residency Restrictions, March 2023
West Virginia Law Review Symposium Series, Morgantown, WV

Policing and Homelessness: A Working Roundtable Discussion, September 2022
National Organization of Black Law Enforcement Executives, Phoenix, Arizona

Counter-Terrorism Policing, July 2022
Interdisciplinary Counter-Terrorism Working Group, Birmingham, England

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

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

Ensuring Dignity as Public Safety, 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, Phoenix, AZ

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

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

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

MEDIA APPEARANCES

Police Reforms in Ferguson, Missouri, Remain Elusive Nearly 10 Years Later,
AM. BAR ASS'N (Feb. 1, 2025)

Jimmy Jenkins, *Given Charles Ryan Plea Deal, Is Being Drunk a Defense to Crime in Arizona?*,
ARIZ. REPUBLIC (Apr. 3, 2024)

Miguel Torres, *What Could Federal Oversight Mean for Phoenix Police?*,
ARIZ. REPUBLIC (Nov. 29, 2023)

James Doyle Brown Jr., *Honorlock Room Scans Erode Students' Right to Privacy*,
STATE PRESS (Sep. 8, 2022)

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)

WTF is a Grand Jury?, BULLSHIDO PODCAST (Oct. 30, 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)

Unsheltered: Assembly Line Justice, NPR PODCAST (Aug. 3, 2020)

Mending Relationships in the Community: Where Do We Go from Here?, LEGAL-EASE PODCAST
(Jul. 16, 2020)

William Vogeler, *Can Courts Track Sex Offenders with GPS?*, FINDLAW (Mar. 21, 2019)

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)