

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 (with tenure), 2024–present

Associate Professor of Law, 2019–2024

Associate Deputy Director, Academy for Justice

Affiliated Faculty, School of Criminology & Criminal Justice

Research: Criminal Law; Criminal Procedure; Sex Crimes; Homelessness

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

Service: Curriculum Committee (chair); Colloquium Committee (co-chair); Clerkship Committee; Dean Search Committee; Criminal Law Association Faculty Advisor; Unhoused Legal Assistance Project Faculty Advisor; Gender Violence Project Faculty Advisor

National: Mentorship Secretary, AALS Criminal Procedure Section
Commissioner, ABA Commission on Homelessness and Poverty

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),
Marc Spindelman (gender, sexuality, & law), and 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

PUBLICATIONS

- Exploring Unhoused Agency*, 106 B.U. L. REV. ____ (forthcoming 2027)
- Reckless Accomplices*, 121 NW. U. L. REV. ____ (forthcoming 2026)
- Consent & Causation*, 112 VA. L. REV. 265 (2026)
- Grants Pass and the Pathology of the Criminal Law*, 102 WASH. U. L. REV. 1583 (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

- Homelessness and Violent Crime*, in RETHINKING VIOLENT CRIME AND THE LAW (Cambridge Univ. Press, forthcoming 2026)
- Harm and Wrongdoing in the Law of Rape*, 35 WIDENER COMMONWEALTH L. REV. 1 (2026) (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

PRESENTATIONS

Exploring Unhoused Agency

Annual Poverty Law Conference, Los Angeles, CA, February 2026

AALS Poverty Law Section Main Program, New Orleans, LA, January 2026

CrimFest!, Philadelphia, PA, July 2025

Reckless Accomplices

Law & Society Annual Meeting, San Francisco, CA, May 2026

ABA Criminal Justice Academic Workshop, Zoom, December 2025

Southwest Criminal Legal Scholarship Conference, Las Vegas, NV, November 2025

Academy for Justice Workshop, Phoenix, AZ, July 2025

Harm and Wrongdoing in the Law of Rape

Widener Commonwealth Law Review Symposium, Harrisburg, PA, April 2025

Consent & Causation

ASU–UofA Junior Scholars Workshop, Tucson, AZ, March 2025

Northeastern University Junior Scholars Conference, Boston, MA, February 2025

Academy for Justice Workshop, Phoenix, AZ, November 2024

Southwest Criminal Legal Scholarship Conference, Las Vegas, NV, October 2024

The Negative Right to Shelter

Federalist Society, Phoenix, AZ, April 2023

University of Ottawa Public Law Centre, Ottawa, ON, March 2023

ASU Law Faculty Colloquium, Phoenix, AZ, November 2021

Rape as Indignity

ASU Law Faculty Colloquium, Phoenix, AZ, March 2023
ASU Law Junior Scholars Workshop, Phoenix, AZ, December 2022

Homeless Residency Restrictions

West Virginia Law Review Symposium, Morgantown, WV, March 2023

Collusive Prosecution

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

Ensuring Dignity as Public Safety

Academy for Justice Distinguished Lecture, Phoenix, AZ, November 2021

Deconstructing Rape by Fraud

University of Vermont Gender & Law Seminar, Burlington, VT, October 2014
Michigan Law School Future Law Professor's Workshop, Ann Arbor, MI, September 2013
Michigan Law School Student Research Roundtable, Ann Arbor, MI, October 2008

SELECTED SPEECHES & PANELS

Criminal Procedure Works in Progress (moderator), January 2026

AALS Annual Meeting, New Orleans, LA

Critical Coalitions for Housing Justice, October 2025

Biennial LatCrit Conference, Denver, CO

Excessive Force: A Civil Perspective, June 2025

Arizona State Bar Convention, Phoenix, AZ

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

American Bar Association Midyear Meeting, Phoenix, AZ

Grants Pass v. Johnson, September 2024

American Constitution Society, Phoenix, AZ

Qualified Immunity (moderator), September 2024

Federalist Society, Phoenix, AZ

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

Balancing Policing and Public Safety, April 2021

Justice in the Southwest Conference, Las Vegas, NV

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

MEDIA APPEARANCES

- Rick Rojas, Jacey Fortin, & Johnny Kauffman, *Parents of School Shooters Are Being Prosecuted. Should They Be?* N.Y. TIMES (Mar. 5, 2026)
- Ray Stern, *Suspect Faces 60 Criminal Counts After Fatal Flagstaff Helicopter Crash*, ARIZ. REPUBLIC (Feb. 14, 2026)
- Ray Stern, *This Arizona Republican Wants Sex Offender Registry Reform. Here's Why*, ARIZ. REPUBLIC (Feb. 4, 2026)
- Mark Brodie, *Court Ruling Dismisses Valid Complaints About Arizona's Sex Offender Registry, Expert Says*, KJZZ RADIO (Dec. 9, 2025)
- Carolyn Muyskens, *Mich. AG's Loss Spells Trouble for Other Fake Elector Cases*, LAW360 (Sep. 12, 2025)
- 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 Amici Curiae 775 Law Professors in Support of Plaintiff's Motion for Summary Judgment and Declaratory and Permanent Injunctive Relief, *Susman Godfrey LLP v. Executive Office of the President*, No. 25-cv-1107-LLA (D.C. Cir. 2025) (signatory)

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)