

## **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, 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 (co-chair); 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

*Rape as Indignity*, 109 CORNELL L. REV. \_\_\_\_ (forthcoming 2024)

*The Negative Right to Shelter*, 111 CALIF. L. REV. \_\_\_\_ (forthcoming 2023)

*Collusive Prosecution*, 108 IOWA L. REV. \_\_\_\_ (forthcoming 2023) (with J.J. Prescott)

*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)

*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)

*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)

*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)

## 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)

## 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

*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

*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**

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)

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)