

JOEL S. JOHNSON

Pepperdine Caruso School of Law
24255 Pacific Coast Highway, Malibu, CA 90263
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[SSRN](#) | [Google Scholar](#) | [HeinOnline](#)

ACADEMIC APPOINTMENT

PEPPERDINE UNIVERSITY CARUSO SCHOOL OF LAW, Malibu, CA

Associate Professor of Law, August 2022-

Straus Research Professor, 2024-25

Expertise: Criminal Law and Procedure, Statutory Interpretation, Constitutional Law, Torts

Awards: 1L Professor of the Year in 2023 (selected by 1L class)
Dean's Award for Excellence in Scholarship in 2023 & 2026
Faculty Speaker for 3L Breakfast in 2024 (selected by 3L class)
Waves of Excellence Award in Scholarship in 2023 & 2026 (selected by colleagues)
Waves of Excellence Award in Teaching in 2025 (selected by colleagues)

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA

J.D. 2015, Order of the Coif

Honors: Faculty Award for Academic Excellence (first in class at graduation)
Hyde Award (highest all-around award given at graduation)
Raven Society (University's oldest honor society)

Activities: VIRGINIA LAW REVIEW, Articles Development Editor; Supreme Court Litigation Clinic
Research Assistant, Professor A. E. Dick Howard

BELMONT UNIVERSITY, Nashville, TN

B.A. 2011, *magna cum laude*, Philosophy & Film Studies, Honors Program

ARTICLES

Bruen's *Legality Defect* (with Jacob D. Charles) (working paper)

The New Criminal Docket and the Clemency Court, 136 YALE L.J. (forthcoming 2027)

Legality Canons, 80 VAND. L. REV. (forthcoming 2027)

Major-Questions Lenity, 110 MINNESOTA L. REV. 617 (2025)

- won Runner-Up in 2025 AALS Criminal Law Section Junior Scholars Paper Competition
- deemed "very interesting and recommended" on Larry Solum's Legal Theory Blog

Ad Hoc Constructions of Penal Statutes, 100 NOTRE DAME L. REV. 73 (2024)

- won 2026 Emerging Scholar Award from AALS Legislation and Law of the Political Process Section
- featured in Divided Argument podcast

Vagueness Avoidance, 110 VIRGINIA L. REV. 71 (2024)

Vagueness and Federal-State Relations, 90 U. CHICAGO L. REV. 1565 (2023)

Dealing with Dead Crimes, 111 GEORGETOWN L.J. 95 (2022)

Vagueness Attacks on Searches and Seizures, 107 VIRGINIA L. REV. 347 (2021)

- cited in *State v. Robertson*, No. 22AP-227, 2023 WL 5091867 (Ohio Ct. App. 2023)

Changing the Vocabulary of the Vagueness Doctrine, 101 VIRGINIA L. REV. 2051 (2015) (with Peter Low)

- cited in *United States v. Bronstein*, 849 F.3d 1101 (D.C. Cir. 2017)

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ACADEMIC AMICUS BRIEFS

United States v. Hemani, 146 S. Ct. 1677, amicus [brief](#) for Professor Joel S. Johnson
Harris v. United States, No. 25-372, cert-stage amicus [brief](#) for Professor Joel S. Johnson
Thompson v. United States, 145 S. Ct. 821 (2025), amicus [brief](#) for Professor Joel S. Johnson
Grants Pass v. Johnson, 144 S. Ct. 2202 (2024), amicus [brief](#) for Professors Peter W. Low and Joel S. Johnson
Dubin v. United States, 143 S. Ct. 1557 (2023), amicus [brief](#) for Professor Joel S. Johnson

SHORTER WORKS

Cert Alert: Supreme Court Cases of Interest, 41.2 ABA CRIMINAL JUSTICE MAGAZINE 46 (Summer 2026)
A victory for the defendant in Hemani v. United States, but little guidance for the lower courts, SCOTUSblog (June 22, 2026)
Cert Alert: Supreme Court Cases of Interest, 41.1 ABA CRIMINAL JUSTICE MAGAZINE 53 (Spring 2026)
The Learning Resources Roadmap for Hemani, DIVIDED ARGUMENT BLOG (Feb. 26, 2026)
Cert Alert: Supreme Court Cases of Interest, 40.4 ABA CRIMINAL JUSTICE MAGAZINE 46 (Winter 2026)
An off-ramp for the court's next big gun case, SCOTUSblog (Dec. 18, 2025)
Cert Alert: Supreme Court Cases of Interest, 40.3 ABA CRIMINAL JUSTICE MAGAZINE 42 (Fall 2025)
Cert Alert: Supreme Court Cases of Interest, 40.2 ABA CRIMINAL JUSTICE MAGAZINE 37 (Summer 2025)
Cert Alert: Supreme Court Cases of Interest, 40.1 ABA CRIMINAL JUSTICE MAGAZINE 40 (Spring 2025)
Cert Alert: Supreme Court Cases of Interest, 39.4 ABA CRIMINAL JUSTICE MAGAZINE 43 (Winter 2025)
Cert Alert: Supreme Court Cases of Interest, 39.3 ABA CRIMINAL JUSTICE MAGAZINE 41 (Fall 2024)
Cert Alert: Supreme Court Cases of Interest, 39.2 ABA CRIMINAL JUSTICE MAGAZINE 41 (Summer 2024)
Cert Alert: Supreme Court Cases of Interest, 39.1 ABA CRIMINAL JUSTICE MAGAZINE 47 (Spring 2024)
Cert Alert: Supreme Court Cases of Interest, 38.4 ABA CRIMINAL JUSTICE MAGAZINE 46 (Winter 2024)
Cert Alert: Supreme Court Cases of Interest, 38.3 ABA CRIMINAL JUSTICE MAGAZINE 44 (Fall 2023)
Cert Alert: Supreme Court Cases of Interest, 38.2 ABA CRIMINAL JUSTICE MAGAZINE 52 (Summer 2023)
Cert Alert: Supreme Court Cases of Interest, 38.1 ABA CRIMINAL JUSTICE MAGAZINE 37 (Spring 2023)
Cert Alert: Supreme Court Cases of Interest, 37.4 ABA CRIMINAL JUSTICE MAGAZINE 40 (Winter 2023)
Note, *Benefits of Error in Criminal Justice*, 102 VIRGINIA L. REV. 237 (2016)
- response by Daniel Epps, *One Last Word on the Blackstone Principle*, 102 Va. L. Rev. Online 34 (2016)

PRESENTATIONS & PANELS

Presenter, *The New Criminal Docket and the Clemency Court*, Arizona State University, Sandra Day O'Connor College of Law (April 2026)
Presenter, *The New Criminal Docket and the Clemency Court*, National Conference of Constitutional Law Scholars, University of Arizona Rogers College of Law (Mar. 2026)
Moderator, *Oral argument live blog for United States v. Hemani*, SCOTUSblog (Mar. 2026)

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PRESENTATIONS & PANELS CONT'D

Presenter, *The New Criminal Docket and the Clemency Court*, Criminal Procedure Works in Progress, Association of American Law Schools Annual Meeting 2026, New Orleans, LA (January 2026)

Faculty Interviewee, President's Briefing, Pepperdine University (December 2025)

Panelist, *Exploring Practice Areas*, Pepperdine Caruso School of Law (November 2025)

Presenter, *The Clemency Court*, 2025 Criminal Justice Roundtable, Vanderbilt Law School (November 2025)

Interviewer of Kannon Shanmugam, William French Lecture, Pepperdine Caruso School of Law (September 2025)

Presenter, *The Clemency Court*, CrimFest, University of Pennsylvania Carey School of Law (July 2025)

Presenter, *Major-Questions Lenity*, National Conference of Constitutional Law Scholars, University of Arizona Rogers College of Law (Mar. 2025)

Master of Ceremonies, *The Future of Executive Power: Can Congress and the Courts Check the President?*, Pepperdine Law Review Symposium (Mar. 2025)

Presenter, *Major-Questions Lenity*, Texas A&M University School of Law (Jan. 2025)

Presenter, *Major-Questions Lenity*, Legislation and Law of the Political Process Section Panel – New Voices in Legislation, Association of American Law Schools Annual Meeting 2025, San Francisco, CA (Jan. 2025)

Presenter, *Major-Questions Lenity*, SW Criminal Legal Scholarship Conference, UNLV School of Law (Oct. 2024)

Presenter, *Ad Hoc Constructions of Penal Statutes*, Pepperdine Caruso School of Law (Oct. 2024)

Presenter, *Ad Hoc Constructions of Penal Statutes*, University of Georgia School of Law (Sept. 2024)

Presenter, *Major-Questions Lenity*, CrimFest, Cardozo School of Law (July 2024)

Presenter, *Ad Hoc Constructions of Penal Statutes*, Markelloquium! Criminal Law Workshop, Brooklyn Law School (May 2024)

Moderator of Panel on Criminal Law at the Supreme Court, *Crime and Punishment: The Future of Our Criminal Legal System*, Pepperdine Law Review Symposium (Mar. 2024)

Presenter, U.S. Supreme Court Preview, David G. Sillis Award Dinner, Orange County Bar Association, Appellate Law Section (Nov. 2023)

Presenter, *Ad Hoc Constructions of Penal Statutes*, SW Criminal Legal Scholarship Conference, UNLV School of Law (Oct. 2023)

Presenter, *Ad Hoc Constructions of Penal Statutes*, CrimFest, Brooklyn Law School (July 2023)

Moderator of Panel of Federal Court of Appeals Judges, *En Banc: The Future of Consensus Building, Dissent, and Technology in the Federal Court of Appeals*, Pepperdine Law Review 50th Anniversary Symposium (Mar. 2023)

Presenter, *Vagueness and Federal-State Relations*, Pepperdine Caruso School of Law (Oct. 2022)

Presenter, *Dealing with Dead Crimes*, Pepperdine Caruso School of Law (Oct. 2021)

COMMENTARY & POPULAR MEDIA

Interviewed in *United States v. Hemani: Decision with Jake Charles and Joel Johnson*, Drugs on the Docket (podcast) (July 2026)

Interviewed in *The World and Everything in it: June 30, 2026*, WORLD RADIO (June 2026)

Featured in *Alcoholic Originalism*, Divided Argument (podcast) (June 2026)

Interviewed in *United States v. Hemani: Oral Arguments with Jake Charles and Joel Johnson*, Drugs on the Docket (podcast) (May 2026)

Quoted in Maureen Groppe, *Can You Have a Gun if You Smoke a Lot of Pot? Supreme Court to Decide*, USA TODAY (March 2026)

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COMMENTARY & POPULAR MEDIA CONT'D

Featured in [Ayn Rand Graffiti](#), Divided Argument (podcast) (February 2026)

Interviewed in [The World and Everything in it: July 21, 2025](#), WORLD RADIO (July 2025)

Featured in [Reticulated Python](#), Divided Argument (podcast) (August 2024)

Quoted in Alan Feuer & Eileen Sullivan, [Dismissal Brings New Scrutiny to Judge With a History of Unorthodox Decisions](#), NEW YORK TIMES (July 2024)

Quoted in Katherine Doyle, [Trump seeks to turn Supreme Court win in election case to scuttle classified docs case](#), NBC NEWS (July 2024)

Featured in [Hope Springs Eternal](#), Divided Argument (podcast) (June 2024)

Quoted in Alan Feuer & Eileen Sullivan, [For Judge in Trump Documents Case, Unusual Rulings Are Business as Usual](#), NEW YORK TIMES (June 2024)

Featured in Abbie VanSickle, [Eighth Amendment Features in Supreme Court Case on Homelessness](#), NEW YORK TIMES (April 2024)

Quoted in Ben Penn, [Garland Elevates Appellate Unit He Used in Oklahoma Bombing Case](#), BLOOMBERG LAW (Aug. 2023)

Interviewed in Something Offbeat Podcast, [A law against cohabitation: Are you guilty of a 'dead crime'?](#) (May 2023)

Featured in Avalon Zoppo & Brad Kutner, [Supreme Court Brief: ID Theft Sentence Enhancement](#), LAW.COM (Feb. 2023)

Interviewed in Brendan Cullerton, [Supreme Court tackles identity theft statute](#), GRAY TELEVISION (Feb. 2023)

Featured in [Psychologist, Professor Urge High Court to Construe Identity Theft Law Narrowly](#), 29-8 MEALEY'S LITIG. REP. INS. FRAUD 24 (Jan. 2023)

Interviewed in [Bitter Pill](#), The Legal Docket, WORLD RADIO (Oct. 2022).

Quoted in Jack Rodgers, [Meet Biden's Most Recent Picks for the DC Courts](#), LAW360 PULSE (July 2022)

Featured in Brooke Kaufman, [Dangerous 'Dead Crimes' That Are Still on the Books](#), CRIMINAL LEGAL NEWS (Apr. 2022)

Featured in Eva Herscovitz, [Dead Crimes Are Alive—and Dangerous](#), THE CRIME REPORT (April 2022)

Cited in James B. Cutchin, [Do psychics need a license to tell the future in the desert?](#), The DESERT SUN (Jan. 2022)

SERVICE ACTIVITIES

Professor Reviewer, [GEO. L.J. ANN. REV. CRIM. PROC.](#) (52d. ed. 2023)

Faculty Advisor, PEPPERDINE LAW REVIEW, 2024-25, 2025-26, 2026-27

Faculty Advisor, Criminal Law Society, Pepperdine Caruso School of Law, 2023-24, 2024-25, 2025-26

Member, Pepperdine Caruso School of Law Judicial Clerkship Task Force, 2022-23, 2023-24, 2024-25, 2025-26, 2026-27

Member, Pepperdine Caruso School of Law Assessment, Resources, and Cost Impact Committee, 2024-25, 2025-26, 2025-26

Member, Pepperdine Caruso School of Law Admissions and Financial Aid Committee, 2023-24

Member, Pepperdine Caruso School of Law Curriculum Committee, 2022-23

Participant, Pepperdine University Dialogue Dinners (University-wide discussion group), 2022-23

Judge, Semifinal Round of Pepperdine Caruso School of Law Arabian Moot Court Competition, 2025

Judge, Semifinal Round of Pepperdine Caruso School of Law Arabian Moot Court Competition, 2024

Judge, Final Round of Pepperdine Caruso School of Law Arabian Moot Court Competition, 2022

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PROFESSIONAL EXPERIENCE

U.S. DEPARTMENT OF JUSTICE, CRIMINAL DIVISION, APPELLATE SECTION, Washington, D.C.
Attorney, 2021–2022

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, Washington, D.C.
Founding Associate in Supreme Court and Appellate Practice, 2019–2020

WILLIAMS & CONNOLLY LLP, Washington, D.C.
Associate, 2017–2019; *Summer Associate*, 2014

THE HON. ROBERT D. SACK, U.S. Court of Appeals for the Second Circuit, New York, NY
Law Clerk, 2016–2017

THE HON. T.S. ELLIS, III, U.S. District Court for the Eastern District of Virginia, Alexandria, VA
Law Clerk, 2015–2016

ORAL ARGUMENTS

United States v. Romero-Lobato, 9th Cir. 20-10280 (May 18, 2022)
[Representing](#) government as appellee (beginning at 17:40)

United States v. Shelton, 6th Cir. No. 20-6348 (Dec. 9, 2021)
[Representing](#) government as appellee (beginning at 12:40)

United States v. Davis, 5th Cir. No. 20-30593 (Oct. 4, 2021)
[Representing](#) government as appellee (beginning at 11:22)

Harris v. Maryland, Md. Ct. Spec. App. No. 18-3433 (Jan. 13, 2020)
[Representing](#) defendant as appellant (beginning at 0:57)

BRIEFS

Concepcion v. United States, 142 S. Ct. 2389 (2022)
Merits [brief](#) for government

Van Buren v. United States, 141 S. Ct. 1648 (2021)
Amicus [brief](#) for over 40 media entities

Carr v. Saul, 141 S. Ct. 1352 (2021)
Merits [brief](#) for petitioner; cert [petition](#) and [reply](#)

Goldman Sachs v. Arkansas Teacher Retirement System, 141 S. Ct. 1951 (2021)
Cert [petition](#) and [reply](#)

Seila Law v. CFPB, 140 S. Ct. 2183 (2020)
Merits [brief](#) and [reply](#) for petitioner

Obduskey v. McCarthy & Holthus LLP, 139 S. Ct. 1029 (2019)
Merits [brief](#) for respondent and [brief](#) in opposition to cert

Musta v. Mendota Heights Dental Center, U.S. No. 21-676
Government's CVSG [brief](#) at certiorari stage

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BRIEFS CONT'D

Acevedo v. United States, U.S. No. 21-7116

Government's [brief](#) in opposition to cert

Knights v. United States, U.S. No. 21-198

Government's [brief](#) in opposition to cert

Campbell v. United States, U.S. No. 20-1790

Government's [brief](#) in opposition to cert

Lechuga v. United States, U.S. No. 20-745

Government's [brief](#) in opposition to cert

Sanders v. United States, U.S. No. 20-8053

Government's [brief](#) in opposition to cert

Rodriguez v. United States, U.S. No. 20-7491

Government's [brief](#) in opposition to cert

Ivers v. United States, U.S. No. 20-7304

Government's [brief](#) in opposition to cert

Davis v. United States, U. S. No. 20-6448

Government's [brief](#) in opposition to cert

Figueroa-Serrano v. United States, U.S. No. 20-7528

Government's [brief](#) in opposition to cert

Mastin v. United States, U.S. No. 20-518

Cert [petition](#)

OTO, LLC v. Kho et al., U.S. No. 19-875

Cert [petition](#) and [reply](#)

Crown Asset Management LLC v. Barbato, U.S. No. 19-100

Cert [petition](#) and [reply](#)

Eli Lilly & Co. v. Erfindergemeinschaft UroPep GbR, U.S. No. 18-1515

Cert [petition](#) and [reply](#)

Suhl v. United States, U.S. No. 17-1687

Cert [petition](#) and [reply](#)

Henry v. Weiss, U.S. No. 17-1210

Cert [petition](#) and [reply](#)

United States v. Romero-Lobato, 9th Cir. 20-10280

Appellee [brief](#) for government

United States v. Newby, 4th Cir. No. 21-4018

Appellee [brief](#) for government

United States v. Shelton, 6th Cir. No. 20-6348

Appellee [brief](#) for government

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BRIEFS CONT'D

United States v. Davis, 5th Cir. No. 20-30593

Appellee [brief](#) for government

United States v. Cardenas, 5th Cir. No. 20-10708

Appellee [brief](#) for government

In re Tribune Co., 2d Cir. No. 19-449

Merits [brief](#) for appellees

United States v. Gramins, 2d Cir. No. 18-2007

[Petition](#) for rehearing en banc for defendant-appellee

United States v. Greebel, 2d Cir. No. 18-2667

Reply [brief](#) for defendant-appellant

Harris v. Maryland, Md. No. 20-18, Md. Ct. Spec. App. No. 18-3433

Cert [petition](#) and [reply](#); merits [brief](#) and reply [brief](#) for defendant-appellant

BAR AND COURT ADMISSIONS

District of Columbia; Virginia (inactive)

Supreme Court of the United States; Second Circuit Court of Appeals; Fifth Circuit Court of Appeals;
Ninth Circuit Court of Appeals; Eastern District of Virginia