

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-

Research Interests: Criminal Law and Procedure, Statutory Interpretation, Constitutional Law

Courses: Criminal Procedure, Statutory Interpretation, Torts

Honors: Selected by 1L class as Professor of the Year in 2022-23
Dean's Award for Excellence in Scholarship in 2022-23
Waves of Excellence Award in Scholarship (selected by colleagues) in 2023
Selected by 3L class as Faculty Speaker for 3L Breakfast in 2024

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

Major-Questions Lenity (working paper)

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

- recommended on Larry Solum's Legal Theory Blog

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

- featured on Larry Solum's Legal Theory Blog

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

- cited in Br. of Amici Curiae Constitutional and Federal Courts Scholars, *Isaacson v. Mayes*, No. 23-15234 (9th Cir.)

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

- featured in Something Offbeat Podcast

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)

- featured on Larry Solum's Legal Theory Blog

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

- cited in *United States v. McDaniels*, 147 F. Supp.3d 427 (E.D. Va. 2015)

- cited in Brief of Petitioner, *Grants Pass v. Johnson*, U.S. No. 23-175

- cited in Br. of Amici Curiae Constitutional and Federal Courts Scholars, *Isaacson v. Mayes*, No. 23-15234 (9th Cir.)

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SHORTER WORKS

[Cert Alert: Supreme Court Cases of Interest](#), 39.1 ABA CRIMINAL JUSTICE MAGAZINE 47 (Spring 2024)

Grants Pass v. Johnson, U.S. No. 23-175, amicus [brief](#) on behalf of Professors Peter W. Low and Joel S. Johnson

[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)

Dubin v. United States, 143 S. Ct. 1557 (2023), amicus [brief](#) on behalf of Professor Joel S. Johnson

[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, *Major-Questions Lenity*, CrimFest, Cardozo School of Law (July 2023)

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*, Southwest Criminal Legal Scholarship Conference,
UNLV Boyd 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)

SERVICE ACTIVITIES

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

Faculty Advisor, Criminal Law Society, Pepperdine Caruso School of Law, 2023-24

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

Member, Pepperdine Caruso School of Law Judicial Clerkship Task Force, 2022-23, 2023-24

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

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

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

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COMMENTARY & POPULAR MEDIA

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 Divided Argument (podcast), *Hope Springs Eternal* (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 Kutnery, *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 on The Legal Docket Podcast, *Season 3, Episode 9: Bitter Pill* (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)

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)

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BRIEFS

Harris v. Maryland, Md. Ct. Spec. App. No. 18-3433 (Jan. 13, 2020)

Representing defendant as appellant (beginning at 0:57)

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

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](#)

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BRIEFS CONT'D

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

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