

## BENJAMIN LEVIN

University of Colorado Law School, Associate Professor of Law  
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### ACADEMIC POSITIONS

- University of Colorado Law School, *Associate Professor of Law* July 2017 – Present  
Courses: Criminal Law  
Criminal Procedure: Adjudicative Process  
Advanced Criminal Justice (Seminar)
- Awards: Gordon J. Gamm Justice Award (2020)  
Excellence in Teaching Award (2018)  
Outstanding New Faculty Member Award (2018)
- Harvard Law School, *Climenko Fellow and Lecturer on Law* July 2014 – July 2017  
Courses: First-Year Legal Research and Writing  
Overcriminalization and the Limits of Criminal Law
- Award: HLS Student Government Teaching & Advising Award (2016)

### EDUCATION

- Harvard Law School, J.D., *cum laude*, May 2011  
Activities: *Civil Rights-Civil Liberties Law Review*, Executive Editor  
*Unbound: Harvard Journal of the Legal Left*, Editor-in-Chief  
Research Assistant: Professor Janet Halley, Professor Brishen Rogers  
Teaching Assistant: Professor Jed Shugerman  
Labor Employment Action Project
- Awards: Irving Oberman Memorial Award for Law and Social Change  
Summer Academic Fellow (Summers 2009 – 2011)
- Yale University, B.A., with distinction in Film Studies, May 2007  
Activities: *Yale Daily News*, Film Critic  
*York Street Muse Literary Journal*, Editor-in-Chief  
Club Ice Hockey Team, Captain
- Awards: National Merit Scholar

### LAW REVIEW ARTICLES

- Imagining the Progressive Prosecutor*, 105 MINNESOTA LAW REVIEW \_\_ (forthcoming 2021)
- Wage Theft Criminalization*, 54 UC DAVIS LAW REVIEW \_\_ (forthcoming 2021)
- What's Wrong with Police Unions?*, 120 COLUMBIA LAW REVIEW 1333, 1333–1401 (2020)
- Recipient of the 2020 Gordon J. Gamm Justice Award
- Mens Rea Reform and Its Discontents*, 109 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 491, 491–558 (2019)

*The Consensus Myth in Criminal Justice Reform*, 117 MICHIGAN LAW REVIEW 259, 259–318 (2018)

*Criminal Employment Law*, 39 CARDOZO LAW REVIEW 2265, 2265–2327 (2018)

*Guns and Drugs*, 84 FORDHAM LAW REVIEW 2173, 2173–2226 (2016)

*Criminal Labor Law*, 36 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 43, 43–100 (2016)

*Inmates for Rent, Sovereignty for Sale: The Global Prison Market*, 23 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW REVIEW 509, 509–54 (2014)

*American Gangsters: RICO, Criminal Syndicates, and Conspiracy Law as Market Control*, 48 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 105, 105–64 (2013)

*De-Naturalizing Criminal Law: Of Public Perceptions and Procedural Protections*, 76 ALBANY LAW REVIEW 1777, 1777–1804 (2013) (invited contribution)

*Made in the USA: Corporate Responsibility and Collective Identity in the American Automotive Industry*, 53 BOSTON COLLEGE LAW REVIEW 821, 821–75 (2012)

*Blue Collar Crime: Conspiracy, Organized Labor, and the Anti-Union Civil RICO Claim*, 75 ALBANY LAW REVIEW 559, 559–631 (2012)

Note, *A Defensible Defense?: Reexamining Castle Doctrine Statutes*, 47 HARVARD JOURNAL ON LEGISLATION 523, 523–53 (2010)

## BOOK CHAPTER

*Carceral Progressivism and Animal Victims*, in CARCERAL LOGICS: HUMAN INCARCERATION AND ANIMAL CONFINEMENT (Lori Gruen & Justin Marceau, eds.) (forthcoming Cambridge University Press 2021)

## REVIEWS AND SHORTER PUBLICATIONS

*Decarceration and Default Mental States*, ARIZONA STATE LAW JOURNAL (forthcoming 2021) (invited symposium contribution)

*Criminal Law in Crisis*, COLORADO LAW REVIEW FORUM (2020)

- Reviewed in Jessica Eaglin, *COVID-19's Effect on Criminal Administration in the Era of Mass Incarceration*, JOTWELL, July 30, 2020

*De-Democratizing Criminal Law*, 39 CRIMINAL JUSTICE ETHICS 74, 74–90 (2020) (peer reviewed; invited contribution)

*Rethinking the Boundaries of "Criminal Justice"*, 15 OHIO STATE JOURNAL OF CRIMINAL LAW 619, 619–37 (2018) (peer reviewed; invited contribution)

*Values and Assumptions in Criminal Adjudication*, 129 HARVARD LAW REVIEW FORUM 379, 379–87 (2016)

## **COLUMNS AND COMMENTARY**

*Colorado Supreme Court Fails to Protect State Residents as Coronavirus Grows Exponentially in Jails*, THE APPEAL, April 17, 2020 (with Aya Gruber)

*Elizabeth Warren’s Proposal to Imprison More Corporate Executives Is a Bad Idea*, SLATE, April 4, 2019 (with Carissa Byrne Hessick)

*Prosecutorial Power, Prisons, and the Problem with Wage Theft Criminalization: A Reply*, ONLABOR, April 30, 2018

*Rethinking Wage Theft Criminalization*, ONLABOR, April 13, 2018

*Dear Jeff Sessions, Prosecuting Guns More Aggressively Won’t Make Us Safer*, IN JUSTICE TODAY, July 19, 2017

*Criminal Employment Law*, ONLABOR, April 13, 2017

*It’s Time to Rethink “Violent” Crime*, SALON, June 19, 2016

*Obama’s Post-Prison Jobs Plan Is Not Enough*, TIME, May 12, 2016

*It’s Worse Than Just the ’94 Crime Bill*, SALON, May 6, 2016

*Second Circuit Drops the Ball on Workers’ Rights*, ONLABOR, April 27, 2016

*After Friedrichs: Exclusive Representation and Workplace Democracy*, CASETEXT, April 4, 2016

*Free Riding and Friedrichs*, ONLABOR, January 13, 2016

*N.L.R.B. Missed Shot by Declining Jurisdiction in Northwestern Football Case for “Stability”*, ONLABOR, August 20, 2015

## **MEDIA & PRESS APPEARANCES (SELECTED)**

*What’s Wrong with Police Unions?*, WHAT HAPPENS NEXT?, October 4, 2020 (presentation)

Charles Stile, Opinion, *Black Lives Matter Moment Strains Rep. Bill Pascrell’s Long Ties to NJ Police Union*, THE RECORD (NJ), September 28, 2020 (interview)

Rae Ellen Bichell & Matt Bloom, *Protesters Brought Violins to a Vigil for Elijah McClain. Police Brought Pepper Spray and Riot Gear*, KUNC, July 1, 2020 (interview)

Michael Karlik, *Rio Grande Sheriff’s Employees Can Be Sued for Inmate Self-Mutilation, 10th Circuit Rules*, COLORADO POLITICS, June 26, 2020 (interview)

Gregory Krieg, *There's No Playbook for the Battle Between Mayors and Police Right Now*, CNN, June 20, 2020 (interview)

Amanda Pampuro, *Colorado Blocks Qualified Immunity for Police*, COURTHOUSE NEWS SERVICE, June 19, 2020 (interview)

Andrea Cipriano, *COVID-19 Exposed Flaws of the Justice System: Paper*, THE CRIME REPORT, June 16, 2020 (discussion of scholarship)

*Debating Law Enforcement Integrity Act*, KOA NEWS RADIO, June 10, 2020 (interview)

*Defining Qualified Immunity*, KOAA NEWS 5, June 10, 2020 (television interview)

*Criminal Minds*, HI-PHI NATION, May 2, 2020 (podcast interview)

Vaidya Gullapalli, *Democrats Should Deliver On Gun Control That Doesn't Feed Mass Incarceration*, THE APPEAL, November 13, 2019 (discussion of scholarship)

*Benjamin Levin on Mens Rea Reform*, IPSE DIXIT PODCAST, April 30, 2019 (podcast interview)

Chris Outcalt, *Judge: Sentence Requested by Government "Absurd"*, LAW WEEK COLORADO, July 30, 2018 (interview)

Noah Berlatsky, *Striking a Balance*, WE STAND UP, April 30, 2018 (interview and discussion of scholarship)

*Beware Carceral Gun Control*, THE DIG, October 6, 2017 (podcast interview)

Doug Chartier, *Supreme Court Upholds 'Tactical' Tool for Criminal Defendants*, LAW WEEK COLORADO, September 18, 2017 (interview)

Joshua Vaughn, *Beyond Bars: The Economic Impacts of the Criminal Justice System*, THE SENTINEL (PA), July 16, 2017 (interview)

Daniel Denvir, *A Better Gun Control*, JACOBIN, September 15, 2016 (interview and discussion of scholarship)

Joshua Vaughn, *Color of Crime: The Ongoing Consequences of Crime*, THE SENTINEL (PA), May 23, 2016 (interview)

Alex Gourevitch, *Gun Control's Racist Reality: The Liberal Argument Against Giving Police More Power*, SALON, June 24, 2015 (discussion of scholarship)

## **PRESENTATIONS (SELECTED)**

“Criminal Justice Expertise,” presented at:

Vanderbilt Criminal Justice Roundtable, Vanderbilt University Law School, Nashville, TN, November 6, 2020 (scheduled)  
Cardozo Criminal Law Virtual Summer Series, Cardozo Law School, New York, NY (Virtual), July 27, 2020

“Decarceration and Default Mental States,” Guilty Minds: A Virtual Conference on Mens Rea and Criminal Justice Reform, Arizona State Sandra Day O’Connor College of Law, Phoenix, AZ (Virtual), September 25, 2020

“Wage Theft Criminalization,” presented at:

Decarceration Professors Virtual Works-in-Progress Series, July 21, 2020

“Bad Bosses: Turing the Tables on Wage Theft,” *Journal of Law in Society* Symposium, Wayne State University Law School, Detroit, MI, February 28, 2020

Southwest Criminal Legal Scholarship Conference, Las Vegas, NV, October 18, 2019

CrimFest, Brooklyn Law School, Brooklyn, NY, July 16, 2019

ClimenkoFest Reunion, Harvard Law School, Cambridge, MA, March 29, 2019

Becoming a Law Professor Reading Group, Harvard Law School, Cambridge, MA, March 25, 2019

Commentator, “Week Against Mass Incarceration: Police Accountability,” University of Colorado Law School, Boulder, CO, March 10, 2020.

“Carceral Progressivism and Animal Victims,” Against Cages and Carceral Logics, University of Denver Sturm College of Law, Denver, CO, November 21, 2019

“Abolitionisms” (with Aya Gruber), Prison Abolition, Human Rights, and Penal Reform: From the Local to the Global, University of Texas at Austin, Austin, TX, September 27, 2019

“A Brief Overview of Collateral Consequences in the Labor Market,” Ban-the-Box Kickoff Event, Colorado Law, Boulder, CO, September 18, 2019

“What’s Wrong With Police Unions?,” presented at:

Colorado Junior Criminal Law Workshop, Colorado Law, Boulder, CO, June 30, 2019

Law and Society Association National Conference, Toronto, Canada, June 7, 2018

“Moving Beyond Critiques of the War on Drugs,” Week Against Mass Incarceration: Prison Abolition Panel, University of Colorado Law School, Boulder, CO, March 6, 2019

Commentator, “Week Against Mass Incarceration: Marijuana Crimes,” University of Colorado Law School, Boulder, CO, March 4, 2019.

Panelist, “Roundtable Discussion on Criminal Prosecution & Workplace Violations,” Labor and Worklife Program, Harvard Law School, Cambridge, MA, January 18, 2019

“Mens Rea Reform and Its Discontents,” presented at:

University of Washington School of Law, Seattle, WA, January 10, 2019

Southwest Criminal Legal Scholarship Conference, Las Vegas, NV, October 26, 2018

UNLV William S. Boyd School of Law, Las Vegas, NV, October 25, 2018

CrimFest, Cardozo Law School, New York, NY, July 16, 2018

“Critical Criminal Legal Histories (Or Their Absence),” Historiography/Ideology/Law II, Boston College Law School, Newton Center, Massachusetts, September 22, 2018

“The Consensus Myth in Criminal Justice Reform,” presented at  
Criminal Justice Roundtable, Harvard Law School, Cambridge, MA, May 4, 2018  
Southwest Criminal Law Conference, Santa Clara Law, Santa Clara, CA, March 30, 2018  
Becoming a Law Professor Reading Group, Harvard Law School, Cambridge, MA,  
March 26, 2018  
University of Colorado Law Works-in-Progress Series, Boulder, CO, February 7, 2018  
Rocky Mountain Junior Scholars Forum, J. Reuben Clark Law School, Brigham Young  
University, Provo, UT, November 17, 2017

Discussant, “Conditions of the Criminal System in Historical Context,” Law and Society  
Association National Conference, Toronto, Canada, June 8, 2018

Discussant, “The Right to Strike,” Law and Society Association National Conference, Toronto,  
Canada, June 7, 2018

Commentator, “Anti Mass Incarceration Week: Kickoff,” University of Colorado Law School,  
Boulder, CO, February 26, 2018

Panelist, “Author Meets Reader, *The Last Great Strike: Little Steel, the CIO, and the Struggle for Labor  
Rights in New Deal America* by Ahmed White,” Law and Society Association National  
Conference, Mexico City, Mexico, June 23, 2017

Commentator, “Becoming Ungovernable: Liberation as Process and Destination,” Harvard Law  
School, Cambridge, MA, April 19, 2017

“Criminal Employment Law,” presented at  
ABA Criminal Justice Roundtable, Washington, DC, November 3, 2016  
CrimFest, Benjamin N. Cardozo School of Law, New York, NY, July 11, 2016  
Law and Society Association National Conference, New Orleans, LA, June 4, 2016  
Becoming a Law Professor Reading Group, Harvard Law School, Cambridge, MA, February  
1, 2016

“Guns and Drugs,” presented at  
Southwest Criminal Law Workshop, University of Utah S.J. Quinney College of Law, Salt  
Lake City, UT, September 25, 2015  
CrimFest, Benjamin N. Cardozo School of Law, New York, NY, July 21, 2015  
Law and Society Association National Conference, Seattle, WA, May 28, 2015  
Becoming a Law Professor Reading Group, Harvard Law School, Cambridge, MA, February  
2, 2015

“The Limits of Progressive Criminalization,” A Logic from Hell: Fundamental Critiques of  
Punishment Conference, Harvard Law School, Cambridge, MA, April 11, 2015

“Reform of Substantive Criminal Law to Reduce Over-Criminalization,” Forum on Criminal Justice and Policing After Events in Ferguson, Staten Island, Cleveland, & Elsewhere: Next Steps, Harvard Law School, Cambridge, MA, March 11, 2015

“Police Violence, Race, and the Grand Jury Process: Explaining Ferguson and Staten Island,” Cambridge Friends School, Cambridge, MA, December 5, 2014

“Inmates for Rent, Sovereignty for Sale: The Global Prison Market,” Law and Society Association National Conference, Boston, MA, June, 1, 2013

## **JUDICIAL CLERKSHIPS**

The Hon. Leonard I. Garth, U.S. Court of Appeals, Third Circuit, Newark, NJ (2013 – 2014)

The Hon. Lawrence E. Kahn, U.S. District Court, N.D.N.Y, Albany, NY (2012 – 2013)

## **LEGAL EXPERIENCE**

Neufeld Scheck & Brustin, LLP, New York, NY (2011 – 2012)

Represented clients in state and federal civil rights and tort litigation arising from police and prosecutorial misconduct. Drafted motions, interviewed clients, and assisted in trial preparation.

Committee for Public Counsel Services, Public Defender Div., Somerville, MA (Summer 2010)

Drafted motions and interviewed clients. Argued bail motions and second-chaired a felony jury trial.

Capital Defense Pro Bono Project, Cambridge, MA (2009 – 2010)

Worked with a team assisting the New Hampshire Public Defender in a capital appeal. Researched sentencing outcomes in nationwide capital cases.

## **OTHER PROFESSIONAL EXPERIENCE (SELECTED)**

Office of Law Enforcement Oversight, Seattle, WA (2016 – 2017)

Prepared report on police union collective bargaining agreements.

Racing Horse Productions, Cambridge, MA (2016 – 2017)

Provided consultation on issues relating to gun control, gun manufacturer civil liability, and gun crime for documentary television series.

## **ACADEMIC SERVICE**

University of Colorado Law School

Admissions and Career Services Committee (2019 – Present)

Academic Advisor, Academic Advising Program (2019 – Present)

Clerkship Committee (2017 – 2019)

Colloquium Committee (2018 – 2019)

Advisor, National Lawyers Guild, Student Chapter (2020 – present)

Judge, Marshall-Brennan Moot Court Competition (2018, 2020)

#### Harvard Law School

Advisor to The Harvard Black Law Students Association in preparation of “Independent Lens: Toward Transparency, Accountability, and Effectiveness in Police Tactics – Model State Legislation for Body-Worn Cameras” (2014 – 2015)

Advisor to The Cambridge City Council Fellows on Community Policing in preparation of “Select Evaluations of Community Policing Programs & Strategies in Cambridge, Mass.” (2014 – 2015)

Written Work Supervision: Melissa Greenberg (2016 – 2017); Alice Kim (2016)

#### Harvard University

Non-Resident Tutor, Eliot House (2018 – 2019)

#### Conferences Organized

Colorado Junior Criminal Law Workshop (2019)

#### Peer Reviewer

*Columbia Law Review*  
*Law & Social Inquiry*  
*Northwestern University Law Review*  
*University of Colorado Law Review*  
Wolters Kluwer

### **BAR ADMISSION**

New York