

# BENJAMIN C. McMURRAY

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## EDUCATION

**J. Reuben Clark Law School**, Juris Doctor, *magna cum laude*, Provo, UT (Apr 2003)

Honors: Order of the Coif  
Rex E. Lee Public Service Award, 2003  
Scholarly Writing Award, 2003  
Faculty Award for Meritorious Achievement, 2002  
J. Reuben Clark Award for academic excellence, leadership, and service, 2001  
High Grade Award: Civil Procedure, Advocacy, Administrative Law, Ancient Laws

Activities: BYU Law Review, Senior Editor  
Trial Advocacy Traveling Team  
Negotiations Traveling Team  
Public Interest Law Foundation, President  
Government and Politics Law Society, Board Member

**Brigham Young University**, Bachelor of Arts, *magna cum laude*, Provo, UT (Aug 2000)

Major: Philosophy; Minors: Logic and Jewish Studies

Honors: Edwin Hinckley Scholar, for demonstrated leadership and community service

Activities: BYU Writing Fellows (writing tutors), Senior Fellow  
*Aporia* (philosophy journal), Associate editor

## LEGAL EXPERIENCE

**U.S. Supreme Court Fellows**, Washington, DC

Supreme Court Fellow assigned to U.S. Sentencing Commission, Aug 2008–Aug 2009

**U.S. Sentencing Commission**, Washington, DC

Special Counsel, Jun 2007–May 2008

**Utah Federal Public Defenders**, Salt Lake City, UT

Attorney, Aug 2004–Aug 2005, Aug 2006–Aug 2008

**Judge Timothy M. Tymkovich, Tenth Circuit Court of Appeals**, Denver, CO

Law Clerk, Aug 2005–Aug 2006

**Judge Paul G. Cassell, Federal District of Utah**, Salt Lake City, UT

Law Clerk, Aug 2003–Aug 2004

**Department of Justice - Civil Rights Division - Criminal Section**, Washington, DC

Summer Law Intern, May–Aug 2003

**White House Counsel's Office**, Washington, DC

Law Clerk, Jul–Aug 2002

**Parr Waddoups Brown Gee & Loveless**, Salt Lake City, UT

Summer Associate, May–Jun 2002

**BYU Office of General Counsel**, Provo, UT

Law Clerk, May–Dec 2001

**Justice Matthew B. Durrant, Utah Supreme Court**, Salt Lake City, UT

Extern, April–Aug 2001

**Kirton & McConkie**, Salt Lake City, UT

Immigration legal Assistant, April–Aug 2000

## ACADEMIC EXPERIENCE

**J. Reuben Clark Law School**, Provo, UT

Adjunct Professor (Criminal Procedure), Aug–Dec 2006

**Professor Michael Goldsmith, J. Reuben Clark Law School**, Provo, UT

Research Assistant, Sep 2002–April 2003

**BYU Philosophy Department**, Provo, UT

Instructor (Philosophical Reasoning and Writing), Sep 1999–Apr 2000; Jan–Apr 2002

## VOLUNTEER

**Rocky Mountain Innocence Center**, Salt Lake City, UT

Board of Directors, Oct 2007–present

**FCI Englewood**, Littleton, CO

Prison Volunteer, Feb 2006–Aug 2006

**Ute Indian Tribe of the Uintah and Ouray Reservation**, Dushesne, UT

Juvenile Advocate in Tribal Court, Jan–Apr 2003

**Church of Jesus Christ of Latter-day Saints**, Córdoba, Argentina

Missionary, Jul 1995–Jul 1997

## INTERESTS

- Fluent written and spoken Spanish
- Cycling, hiking, camping

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- PUBLICATIONS**     *Hands Off the Gun! A Critique of United States v. Jameson and Constructive Possession Law in the Tenth Circuit*, 85 DENV. U. L. REV. 531 (2008).
- The Mitigating Power of a Victim Focus at Sentencing*, 19 FED. SENT’G REP. 125 (2006).
- Challenging Untested Facts at Sentencing: The Applicability of Crawford at Sentencing After Booker*, 37 MCGEORGE L. REV. 589 (2006).
- PRESENTATIONS**    “Restitution in the Federal Courts,” U.S. Sentencing Commission Annual Seminar, June 12, 2009 (New Orleans, LA).
- “Introduction to the U.S. Supreme Court and the Federal Judiciary,” Lectures given to groups of attorneys, scholars, judges, and politicians visiting the U.S. Supreme Court from China, Taiwan, Israel, France, and South Asia, periodically during my Supreme Court Fellowship (U.S. Supreme Court, Washington, DC).
- “Introducción a la Corte Suprema de los Estados Unidos y la Judicatura Federal,” Lectures given in Spanish to groups of attorneys, scholars, judges, and politicians visiting the U.S. Supreme Court from Mexico, Argentina, and Colombia, periodically during my Supreme Court Fellowship (U.S. Supreme Court, Washington, D.C.).
- “Dealing with Disparity in the Federal System: Civil Rights and Sentencing,” J. Reuben Clark Law Society Conference, February 13, 2009 (Harvard Law School, Boston, MA).
- “The Crime Victims’ Rights Amendment,” Federal Judicial Center’s Sentencing Institute, June 25, 2008 (Long Beach, CA).
- “Developments in 4th Amendment Law in the Tenth Circuit Court of Appeals and the U.S. Supreme Court,” Lorman Training Seminar, Spring 2007 (Salt Lake City, UT).
- Presentation to the *McGeorge Law Review* Symposium on post-*Booker* sentencing issues, March 10, 2006 (McGeorge Law School, Sacramento, CA).
- REFERENCES**        Kenneth Cohen  
                          General Counsel  
                          U.S. Sentencing Commission  
                          202-502-4500
- Steven Killpack  
                          Federal Defender for the District of Utah  
                          801-524-4010
- The Honorable Timothy M. Tymkovich  
                          Tenth Circuit Court of Appeals  
                          303-335-3300
- Professor Paul G. Cassell  
                          University of Utah, S.J. Quinney School of Law  
                          801-585-5202
- Professor Michael Goldsmith  
                          BYU, J. Reuben Clark Law School  
                          801-422-4934
- Professor Tom Lee  
                          BYU, J. Reuben Clark Law School  
                          801-422-9024