

# BEN TRACHTENBERG

Associate Dean for Academic Affairs, Isidor Loeb Professor of Law  
& Director of Undergraduate Studies  
University of Missouri School of Law  
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## CURRENT ACADEMIC POSITION

**Associate Dean for Academic Affairs, School of Law (since January 2021)**  
**Isidor Loeb Professor of Law, University of Missouri School of Law**

Teaching: Evidence, Criminal Procedure, and undergraduate American law survey course  
Research: Focus on higher education law, criminal procedure, legal ethics, and evidence

**Director of Undergraduate Studies, School of Law (since 2019)**

Leading creation of new undergraduate program in law. Responsibilities include course design, course approval process, teaching law survey course, and coordinating with other academic units.

**Previously: Special Advisor to the Chancellor (January 2020–May 2021)**

Coordinated various projects among Chancellor's Office, Faculty Council, and Provost's Office, with focus on improvement of shared governance, administration-faculty relations, and honorary degrees.

## EDUCATION

**Columbia Law School, J.D., 2005**

Honors: *Columbia Law Review*, Articles Editor  
James Kent Scholar (2002–2003 and 2003–2004)  
Harlan Fiske Stone Scholar (2004–05)  
Class of 1912 Prize (2003) – *given to the 1L “most proficient” in Contracts*

**University of Limerick, Ireland, M.A. in International Studies, 2002**

Honors: First Class Honors  
George J. Mitchell Scholarship – *one of twelve Americans selected for a year of study in Ireland based on academics, leadership, and character*

Thesis: “Cool Under Fire: Israel During the Persian Gulf War of 1991”

**Yale University, B.A. in Political Science, with distinction in the major, 2001**

Honors: Sigma Chi Fraternity, International Balfour Award, 2001 – *selected as the Fraternity's most outstanding senior in the United States and Canada*  
Ezra Stiles College Heinrich von Staden Cup – *awarded to the senior “who most consistently challenged the social and intellectual conscience of the College”*  
Yale Daily News Board of 1912 Prize – *for “general excellence in reporting and writing”*

## PUBLICATIONS

*Fighting the Last Free Speech War*, AMERICAN PURPOSE (Apr. 7, 2021), at <https://www.americanpurpose.com/articles/fighting-the-last-free-speech-war/>

*Hiring and Training Competent Title IX Hearing Officers*, 86 MO. L. REV. 261 (2021), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3663503](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3663503)

*Criminal Procedure: A Free Law School Casebook* (with Anne Alexander) (2020) (an “open educational resources” casebook released gratis to students, and others, with Creative Commons license) (published by CALI eLangdell Press, based on *Show Me Criminal Procedure*, listed below), available at <https://www.cali.org/books/criminal-procedure-trachtenberg-alexander>

*US Universities Must Rein in Fees to Curb Rise in Republican Antagonism*, TIMES HIGHER EDUCATION (LONDON) (July 18, 2019)

*The People v. Their Universities: How Popular Discontent Is Reshaping Higher Education Law*, 108 KY. L.J. 47 (2019), available at <https://ssrn.com/abstract=3417967>

*Show Me Criminal Procedure* (with Anne Alexander) (2018) (an “open educational resources” casebook released gratis to students, and others, with Creative Commons license); (2d ed. Spring 2019), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3426184](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3426184)

*The 2015 University of Missouri Protests and their Lessons for Higher Education Policy and Administration*, 107 KY. L.J. 61 (2018), available at <https://ssrn.com/abstract=3217199>

“*Much of What You Know Is Probably Wrong: A Mizou Professor Explains the Racial Protests that Toppled a Presidency*,” WASH. POST GRADE POINT (July 25, 2018), available at [goo.gl/dms4WY](https://goo.gl/dms4WY)

“*Why Let the Klan March at a Private Historically Black College? This is Not a First Amendment Thing, Man.*” WASH. POST ANSWER SHEET (May 31, 2018), available at <https://goo.gl/4K4hy1>

*Private Universities and the First Amendment*, 2018 J. DISP. RESOL. 71, available at <https://ssrn.com/abstract=3183785>

*Advice for a New Faculty Senate Chair*, ACADEME (May-June 2018), available at <https://goo.gl/gwXtvr>

“*Racial Bias in Campus Discipline: When Will Universities Look in the Mirror?*,” WASH. POST ANSWER SHEET (Apr. 22, 2018), available at <https://goo.gl/amhzrn>

*The Complexities of Shared Governance and Freedom of Speech* (book chapter), in LEADING COLLEGES AND UNIVERSITIES (Johns Hopkins University Press 2018)

*How University Title IX Enforcement and Other Discipline Processes (Probably) Discriminate Against Minority Students*, 18 NEV. L.J. 107 (2017), available at <https://ssrn.com/abstract=3035999>

*How Missouri Used Shared Governance to Preserve Free Speech on Campus*, CHRONICLE OF HIGHER EDUC. (May 18, 2017) (commentary), available at <https://www.chronicle.com/article/How-Missouri-Used-Shared/240099>

## Publications (continued from previous page)

*Choosing a Criminal Procedure Casebook: On Lesser Evils and Free Books*, 60 ST. LOUIS U. L.J. 543 (2016), available at <https://ssrn.com/abstract=2799313>

*One More Call to Respect the Time of Grand Jurors*, 80 MO. L. REV. 1127 (2015), available at <http://ssrn.com/abstract=2754214>

*No, You “Stand Up”:* *Why Prosecutors Should Stop Hiding Behind Grand Juries*, 80 MO. L. REV. 1099 (2015), available at <http://ssrn.com/abstract=2642470>

*Testimonial Is as Testimonial Does*, 66 FLA. L. REV. 467 (2014), available at <http://ssrn.com/abstract=2434266>

*Regulators, Mount Up*, 5 NEB. L. REV. BULLETIN 22 (2013), available at <http://lawreviewbulletin.unl.edu/?p=1150>

*Law School Marketing and Legal Ethics*, 91 NEB. L. REV. 866 (2013), available at <http://ssrn.com/abstract=2192694>

*Confronting Coventurers: Coconspirator Hearsay, Sir Walter Raleigh, and the Sixth Amendment Confrontation Clause*, 64 FLA. L. REV. 1669 (2012), available at <http://ssrn.com/abstract=2192625>

*A Law-School Lesson, Learned the Hard Way*, CHRONICLE OF HIGHER EDUC. (Jan. 18, 2013) (commentary), available at <https://chronicle.com/article/A-Law-School-Lesson-Learned/136635/>

*Reducing the Discount Rate*, ENVIRONMENTAL FORUM (Nov.-Dec. 2012), available at <http://ssrn.com/abstract=2178129>

*Rethinking Pro Bono*, N.Y. TIMES (May 14, 2012) (op-ed), available at <http://www.nytimes.com/2012/05/14/opinion/a-better-pro-bono-plan.html>

*Tinkering with the Machinery of Life*, 59 UCLA L. REV. DISCOURSE 128 (2012), available at <http://ssrn.com/abstract=2021290>

*Health Inflation, Wealth Inflation, and the Discounting of Human Life*, 89 OR. L. REV. 1313 (2011), available at <http://ssrn.com/abstract=1845504>

*Coconspirators, “Coventurers,” and the Exception Swallowing the Hearsay Rule*, 61 HASTINGS L.J. 581 (2010), available at <http://ssrn.com/abstract=1358530>

*Incarceration Policy Strikes Out: Exploding Prison Population Compromises the U.S. Justice System*, A.B.A. JOURNAL (Feb. 2009) (winning entry in Ross Essay Contest)

*An Exchange of E-mails* (with James J. White), in Bruce W. Frier & James J. White, *The Modern Law of Contracts* 102-03 (2005) (additional material in instructor’s supplement) (also printed in 2d ed. 2008)

*State Sentencing Policy and New Prison Admissions*, 38 U. MICH. J.L. REFORM 479 (2005), available at <http://ssrn.com/abstract=703921>

## TEACHING EXPERIENCE

**University of Missouri School of Law**, Isidor Loeb Professor of Law (since Fall 2020)

Associate Professor, 2011–2020

Teach Criminal Procedure, Evidence, Professional Responsibility, and an Undergraduate Course

University Honors:

President's Award for University Citizenship in Leadership, UM System, 2019

Selected as Fellow, SEC Academic Leadership Development Program, 2018–2019

Provost's Award for University Citizenship in Leadership, University of Missouri, 2018

Husch Blackwell Distinguished Faculty Award, University of Missouri School of Law, 2015

Provost's Outstanding Junior Faculty Teaching Award, University of Missouri, 2014

Gold Chalk Award for excellence in teaching, Graduate Professional Council, 2012

**DePaul University College of Law**, Visiting Associate Professor, Fall 2019

Taught Criminal Procedure and Legal Profession

**University of Missouri School of Law**, Visiting Associate Professor, 2010–2011

Taught Criminal Procedure, Evidence, and Trial Practice

**Brooklyn Law School**, Visiting Assistant Professor, 2008–2010

Taught first-year Criminal Law and an elective survey course on Environmental Law

**Columbia Law School**, Teaching Assistant, 2004–2005

Assistant for Professor Melvin Eisenberg's first-year course on Contracts (Fall 2004) and Professor Edward Lloyd's Environmental Law Clinic (Spring 2005)

**LLM Bar Exam**, Faculty, 2010–2016

Taught Criminal Law, Criminal Procedure, Evidence, and Legal Ethics in bar preparation course

## SELECTED PRESENTATIONS

**PEN America**, "Common Room" Panel Discussion, April 2021

"Free Expression Statements and Policies: Why and How," video available at

<https://pen.org/event/the-common-room-free-expression-statements-and-policies-why-and-how/>

**Mississippi Bar**, Continuing Legal Education presentation, April 2021

"21 Things Lawyers Should Know About the Ethics of Lawyering Remotely in 2021" (panelist)

**Boone County Bar Association**, Continuing Legal Education presentation, May 2020

"Legal Ethics and the Coronavirus"

**Association of American Law Schools**, Annual Meeting, Jan. 2020

Member of panel on "The Future of Affirmative Action," hosted by Section on Education Law

Selected as speaker from a call for papers

**West Virginia University**, Neil S. Bucklew Lecture in Higher Education Administration, Apr. 2019

"Lessons Learned from the Mizzou Protests"

## **Presentations (continued from previous page)**

**UNLV William S. Boyd School of Law**, lecture, Mar. 2019  
“Higher Education Leadership During Rapid Legal Change”

**Harvard EdCast**, podcast, Oct. 17, 2018  
“Responding to Student Protests on Campus,” *available at*  
<https://www.gse.harvard.edu/news/18/10/harvard-edcast-responding-student-protests-campus>

**Harvard Graduate School of Education**, lecture, Oct. 2018  
“When Voices Rise: Race, Resistance, and Campus Response”

**Show Me Title IX Conference**, University of Missouri System, panel presentation, June 2018  
“Improving Your Institution’s Title IX Policies: Engaging Stakeholders for Success”

**Harvard Graduate School of Education**, lecture, Feb. 2018  
“The Hands that Feed Us: When Student Activists Meet with the Administration”

**Association of American Law Schools**, Annual Meeting “Hot Topic” panel, Jan. 2018  
Member of panel on “Rethinking Campus Response to Sexual Violence: Betsy DeVos, Title IX, and the Continuing Search for Access to Justice”

**Humanity In Action**, New York Conference on “The State of the States,” Oct. 2017  
“The Hands that Feed Us—When Liberal Student Activism Meets Conservative Electorates”

**Drake Law School**, faculty colloquium, Aug. 2017  
“Does College and University Discipline Discriminate Against Minority Students?”

**Missouri Attorney General’s Office**, annual retreat, Sept. 2016  
CLE ethics presentation on “Who Is the Attorney General’s Client?”

**University of Limerick, Ireland**, guest lecture, March 2016  
“The power of prosecutors and the struggle for criminal justice reform in America”

**Trinity College Dublin**, guest lecture, March 2016  
“What’s going on with the American Supreme Court?”

**Jackson County Prosecutor’s Office**, training conference, May 2015  
CLE presentation on effect of technology on Fourth Amendment search and seizure law

**University of Kansas School of Law**, faculty colloquium, April 2014  
Presented on ongoing research concerning criminal procedure law

**Queen’s University Belfast and Trinity College Dublin**, various lectures, March 2014  
Spoke in Ireland about American criminal procedure and evidence law topics

**Missouri Organization of Defense Lawyers**, annual meeting, June 2013  
Spoke on ethics panel concerning discovery, the insurer-insured relationship, and other topics

**Mid-Missouri Young Lawyers Association**, annual ethics CLE, June 2013  
Discussed the application of legal ethics rules to law school marketing

## **Presentations (continued from previous page)**

**Association of American Law Schools**, Annual Meeting “Hot Topic” panel, Jan. 2013  
Selected to moderate panel on “Transparency Revisited: New Data, New Directions”

**University of Nebraska College of Law**, faculty colloquium, Dec. 2012  
Work-in-progress presentation on *Law School Marketing and Legal Ethics*

**Washington University Law School**, regional junior faculty workshop, Dec. 2011  
Work-in-progress presentation concerning criminal procedure law

**Missouri Attorney General’s Office**, annual retreat, Sept. 2011  
CLE presentation on admissibility of expert testimony in Missouri and federal courts

## **SELECTED UNIVERSITY AND EXTERNAL SERVICE**

American Association of Law Schools, Section on Education Law, Treasurer (since 2021)

American Law Institute, Member (elected December 2020)

Associate Dean for Academic Affairs, MU School of Law (since January 2021)

Special Advisor to the Chancellor, University of Missouri (January 2020–May 2021)

Director of Undergraduate Studies, MU School of Law (since 2019)

Chair, MU Faculty Council on University Policy (Chair during 2015–2016 and 2016–2017, representative of School of Law from 2014 to 2019)

Chair, Faculty Affairs Committee of MU Faculty Council (2018-2019)

Member of MU Provost’s Task Force on Academic Program Analysis, Enhancement and Opportunities (2017–2018)

Member of Search Committee for MU Chancellor (2017)

Member of Intercampus Faculty Council, University of Missouri System (2015–2017)

Chair, Campus Standing Committee on Honorary Degrees, University of Missouri (2017–2019)

Member of Fraternity & Sorority Life Advisory Board, University of Missouri (2018)

Chair, Mark Twain Fellowship Committee, University of Missouri (since 2013)

Faculty Advisor, Chabad Jewish Student Organization, University of Missouri (since 2012)

Faculty Advisor, Xi Xi Chapter of Sigma Chi Fraternity, University of Missouri (2011–2019)

Member of Diversity Committee, University of Missouri School of Law (2017–2019)

## **University and External Service (continued from previous page)**

Member of Honor Code Committee, University of Missouri School of Law (2014–2018)

Member of Law Journals Advisory Committee (in capacity as the *Missouri Law Review* faculty advisor), University of Missouri School of Law (2014–2020)

Member of Judicial Clerkships Committee, University of Missouri School of Law (2012–2017)

Member of Policy Committee, Board of Education, Columbia Public Schools (2013–2016)

Member of Board of Directors, Congregation Beth Shalom (since 2019)

Chairman, Governing Laws Committee, Sigma Chi Fraternity (since 2007)

## **JUDICIAL CLERKSHIP**

**United States Court of Appeals for the Second Circuit, Judge José A. Cabranes,**  
Judicial Clerk—New Haven, Conn., 2005–2006

## **LAW PRACTICE AND BAR ADMISSIONS**

**Covington & Burling LLP,** Litigation Associate—New York, 2006–2008

Assigned to white collar investigations and civil securities cases. *Pro bono* representation of a tenant in Bronx Housing Court and of an employment law (“wage & hour”) plaintiff in federal district court

**Admitted to Practice:** New York State (Third Department), various federal courts