



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

DOMESTIC VIOLENCE – 400A

Wednesday Evenings 6:40-9:50pm

Professor Holly M. Woesner

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Spring 2018



Required Text:

Lemon, *Domestic Violence Law* (Fourth Edition, West Publishing)

Recommended Text:

Fajans & Falk, *Scholarly Writing for Law Students-Seminar Papers, Law Review Competition Papers*, (Fourth or Fifth Edition, West Publishing)



COURSE OVERVIEW

This course will address the topics of domestic violence in a scholarly fashion with a very strong emphasis on practical application in our justice system. We will examine the manner in which domestic violence touches the lives of our community members while focusing on its intended and unintended consequences while traveling through the criminal, civil, juvenile, and family law courts.

Students will receive material and engage in discussions, which will call upon the need to exercise their analytical and advocacy skills. The students will be required to synthesize these skills and produce a final writing project, all of which will prepare the student for the “every day” practice of law.

COURSE OBJECTIVES

1. To understand the criminal law and family law definitions of domestic violence in California and their interplay among the family law, criminal law, juvenile law, and evidentiary aspects of the justice system.
2. To understand the psychosocial dynamics of domestic violence.

3. To increase the ability to form and articulate legal arguments based on the facts of a case.
4. To understand the interplay amongst the statutory framework of domestic violence law.
5. To understand the roles of the justice partners within and outside of the justice system.
6. To improve oral argument skills.
7. To utilize the analytical and advocacy skills in a legal research paper of publishable quality.

GENERAL GUIDELINES AND GRADE DISTRIBUTION

This class is designed to satisfy the Western State College of Law (WSCL) upper level writing requirement (ULWR), which is based on guidelines established by the American Bar Association. Your final grade will be based on an outline (10%), class participation & professionalism (20%), and a 15-20 page research paper of publishable quality (70%).

You will work on the research paper throughout the semester. In a WSCL ULRW course, you must earn a 2.0 or higher on the research paper to obtain ULRW credit.

CLASS ATTENDANCE AND PARTICIPATION

Students are expected to be present and ready to participate at each class and to stay for the entire class. A late arrival or early departure may be treated as an absence. You must be prepared to meaningfully participate in each class. This class is most productive (and fun) if you have read the required material and thought about it before class, and are willing to discuss it together. All viewpoints are welcome. I will be providing guest speakers throughout the course which will afford a unique opportunity to engage with practitioners in the field. I may also from time to time assign additional reading in the form of short current event or scholarly articles. We will be fortunate to have a relatively small number of students which will allow this seminar to incorporate a great deal of participation and flexibility in attaining our objectives. The class participation & professionalism component of your final grade will be based on your preparation for class, class attendance, punctuality, class participation, a group in-class presentation, and overall professionalism. It is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class.

A student who misses more than two class sessions will be withdrawn from the class pursuant to WSU's academic policy and the provisions set forth in the Student Handbook.

Please turn off or silence your cell phones during class and feel free to use your computer in the classroom in accordance with WSU computer use policy.

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also

demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

C. Argosy University Institutional Learning Outcomes:

- 1. Analytical Reasoning:** Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems.
- 2. Effective Communication:** Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation.
- 3. Information Competency:** Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action.
- 4. Interpersonal Effectiveness:** Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals.
- 5. Personal and Professional Integrity and Ethical Behavior:** Demonstrate a multi-dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.
- 6. Professional Competence:** Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.

GROUP PRESENTATIONS

Every student must sign-up for, and participate in, a group presentation of a topic to the class. Groups must be comprised of at least two and no more than three people. On the first day of class, I will pass out a sign-up sheet. The topics and dates correspond with the syllabus and have an asterisk next to them, so please look through the text and start thinking about what topic you would be most interested in presenting. Generally speaking, students will present for the first

hour, and I will present the rest of the class. The schedule may sometimes be interrupted by guest speakers. Please be creative with your presentations. You may, of course, utilize the information in the text and any outside sources. You are encouraged to “think outside the box” and present with various media formats.

FORMAT REQUIREMENTS AND POLICY FOR LATE ASSIGNMENTS

Written assignments must conform to the following requirements:

- (1) Typewritten, double-spaced, Times New Roman or Tahoma 12-point font, with footnotes in 10-point font.
- (2) One-inch margins for the top, bottom, left and right margins. Note that if you are using Microsoft Word, you must set the margins to one-inch each, as the default setting for the left and right margins is 1.25 inches.
- (3) Each page must contain your name and page number in either the header or footer.
- (4) The final version of your paper must contain citations that conform to the ALWD 4th edition or to the Bluebook 19th edition format. Footnotes are required. No endnotes.

Unless otherwise instructed, all assignments are to be submitted at the start of class. Your final paper will be uploaded to Safe Assign via the course Lexis Blackboard, as well as submitted as a date/time-stamped hardcopy to my inbox on the first floor. As a professional, you are responsible for submitting all assignments on time. A late assignment is one handed in any time after it is due, even if it is late by one minute. Penalties for lateness are as follows: (1) submitted within 24 hours after deadline: 10% grade reduction; (2) after the first 24 hours, an additional 20% grade reduction for each additional 24 hour time period in which the assignment is past due. For example, if the assignment is due on Wednesday by 6:30 p.m., then your grade on the assignment would be reduced by 10% if submitted at any time between Wednesday at 6:31 p.m. and Thursday at 6:30 p.m. The same assignment would be reduced by 30% if submitted at any time between Thursday at 6:31 p.m. and Friday at 6:30 p.m. The same assignment would be reduced by 50% if submitted at any time between Friday at 6:31 p.m. and Saturday at 6:30 p.m.

DISABILITY SERVICES STATEMENT

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SYLLABUS

WEEK 1: Wednesday, January 17

Topic: Course Overview; History and Overview of DV; Causes, Effects, and Treatment

Read: Chapter 1; Chapter 2: pp. 29-88

WEEK 2: Wednesday, January 24

Topic: Cross-Cultural Issues: Survivors of DV Who Face Multiple Oppressions*

Read: Chapter 3

Speaker: Adam Dodge from Laura's House

WEEK 3: Wednesday, January 31

Topic: The Writing Process: Creating an Outline and a Draft (lecture)

WEEK 4: Wednesday, February 7

Topic: Children in Homes where DV Takes Place; Law Enforcement Response

Read: Chapters 7, 9, 10; Chapter 15: pp. 944-952

Speakers: Roxanne Vidrio, Human Options

WEEK 5: Wednesday, February 14

Topic: Battering in Gay, Lesbian, Bisexual, Transgender, and Queer Relationships*

Read: Chapter 4

Topic: Victims of DV as Criminal Defendants

Read: Chapter 13

Documentary: *Every F-ing Day of My Life*

WEEK 6: Wednesday, February 21

Topic: Prosecutorial Response

Read: Chapter 11

Speaker: Isabel Apkarian, Deputy Public Defender; Katie Walsh, Esq.; Beth Zuber, Deputy District Attorney

WEEK 7: Wednesday, February 28

Topic: Rape of Intimate Partners*

Footnotes and the Ethical Use of Borrowed Materials (lecture)

The Writing Process: Revising and Polishing (lecture)

Statement of Purpose Due

WEEK 8: Wednesday, March 7

Office Conferences in Lieu of Class - be ready to discuss the topic of your research paper

WEEK 9: Wednesday, March 14 - SPRING BREAK

WEEK 10: Wednesday, March 21

Outline Due (10%)

Topic: Judges, Courts, and Sentencing Batters

Read: Chapter 12

Speaker: The Honorable Cheri Pham

WEEK 11: Wednesday, March 28

Outlines Returned

Peer Review of Outlines

WEEK 12: Wednesday, April 4

Topic: Civil Restraining Orders*

Read: Chapter 6

WEEK 13: Wednesday, April 11

Office Conferences in Lieu of Class – Bring rough draft (free write) to conference to discuss

WEEK 14: Wednesday, April 18

Topic: Suing Batterers in Tort Actions*

Read: Chapter 5: pp. 217-266

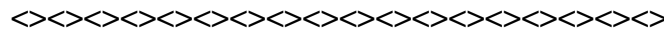
Topic: Federal Responses: Violence Against Women Act (VAWA)*

Read: Chapter 14: pp. 819-887

WEEK 15: Wednesday, April 25

Rough Draft (nearly complete) Due – Bring to Class for Peer Review

Writing with Care and Style (lecture)



The ULWR paper is due on Wednesday, May 2, 2018 by 6 p.m. PST. It must be uploaded to Safe Assign by this date and time (note: Safe Assign uses EST, so don't freak out if the digital time-stamp is three hours later than you expected). A hardcopy must be placed in my inbox on the first floor by this date and time as well. Both the hardcopy and the softcopy must be timely in order to comply with the due date. You may always turn your final paper in early! ☺