

DOMESTIC VIOLENCE – 400A

Thursday Evenings 6:00-9:00 p.m. – Room

Professor Brian R. Foxx

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Spring 2022



Required Texts:

Lemon, *Domestic Violence Law* (Fifth Edition, West Publishing) – students are encouraged to share the text or borrow a copy from the library

Recommended Texts:

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.

ADVISEMENT

Intimate partner violence (IPV) is a significant yet preventable public health problem that affects millions of people regardless of age, economic status, race, religion, ethnicity, sexual orientation, or educational background. Individuals who are subjected to IPV may have lifelong consequences, including emotional trauma, lasting physical impairment, chronic health problems, and even death.

Our classroom provide an open space for the critical and civil exchange of ideas. Some readings and other content in this course will include topics that some students may find offensive and/or traumatizing. I'll aim to forewarn students about potentially disturbing content and I ask all students to help create an atmosphere of mutual respect and sensitivity.

This content is disturbing, so I encourage you to prepare yourself emotionally beforehand. If you believe that you will find the discussion to be traumatizing, you may choose not to participate in the discussion or to leave the classroom. You will still, however, be responsible for material that you miss, so if you leave the room for a significant time, please arrange to get notes from another student or see me individually.

The content and discussion in this course will necessarily engage with violence and triggering topics every week. Much of it will be emotionally and intellectually challenging to engage with. I will flag especially graphic or intense content that discusses or represents violence, sexual content or racism and will do my best to make this classroom a space where we can engage bravely, empathetically, and thoughtfully with difficult content every week

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 (Especially when in the classroom). 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 per week. Some week's classroom preparation will require more preparation than others depending on the assigned reading or assignment due.

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. This is without approval from the administration for the student to remain in the class on a student by student basis.

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.

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.

The Associate Dean of Academic Affairs may designate an upper level course as satisfying the (ULWR) pursuant to these guidelines. To earn ULWR credit, each of the following requirements must be met:

- i. A substantial written product that demonstrates legal research, analysis, and contains ample citation to legal authority. Categories may include: a scholarly article, a legal memorandum, or trial or appellate brief. In some cases, a compilation of shorter submissions from a single semester-long course might satisfy the ULWR. If a compilation is submitted, then the underlying research completed must be fully documented for review and approval by the instructor. Journals, diaries, and other writings that do not reflect such research and analysis do not meet this requirement.
- ii. At least one outline or draft of the written product that receives individualized feedback in writing from the instructor.
- iii. At least one student-instructor conference for the purpose of individualized assessment of the student's written product.
- iv. At least one of the following: a research log; a self-critique or peer-critique experience; feedback on further drafts at the option of the instructor. Our class will be conducting a peer review.
- v. The final written product must be evaluated by the instructor and the student must earn a grade of at least 2.0 or its equivalent on the written product.
- vi. The instructor certifies in writing to the Associate Dean of Academic Affairs that the student has complied with requirements i through v.

GROUP PRESENTATIONS

Every student must sign-up for, and participate in, a presentation of a topic to the class. Groups must be comprised of two people (one person may be allowed depending on the class size). 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 Bluebook 21st 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 tentatively to turnitit.com for plagiarism checking, 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

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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. 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."

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.

CLASS ASSIGNMENTS AND SCHEDULE

WEEK 1: Thursday, January 20

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

Read: Chapter 1, pp. 1-8, 11-13, 21-29; Chapter 2: pp. 38-48, 51-71, 75-81, 87-88, 94-97

WEEK 2: Thursday, January 27

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

Read: Chapter 3

Speaker: Anaheim Police Department Detective

WEEK 3: Thursday, February 3

Topic: Children in Homes where DV Takes Place

Read: Chapter 7, pp. 343-347, 355-358, 365-377, 401-417

Speaker: Marissa Presley, Human Options

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

Read: Chapter 4

WEEK 4: Thursday, February 10

Topic: Law Enforcement Response

Read: Chapter 10, pp. 497-517, 523-528, 559-563; Chapter 15: pp. 795-802

Speaker: TBA – Anaheim Police Department DV Investigator

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

WEEK 5: Thursday, February 17

Topic: Judges, Courts, and Sentencing Batterers

Read: Chapter 12, pp. 620-624, 641-650

Speaker: Judicial Officer Orange County Superior Court

Topic: Victims of DV as Criminal Defendants (cont'd to next page)

Read: Chapter 13, pp. 653-675, 686-696, 701-707

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

WEEK 6: Thursday, February 24

Topic: Restraining Orders

Court Visit – Sign up for a 2-hour observation this week (9am-11am) at the Lamoreaux Justice Center located at 341 The City Drive in the City of Orange. I have made arraignments for Judge Michael Perez in L-11 to expect students for DV restraining orders.

Write a 3-page paper (double-spaced) about your observations and turn in via email by Wednesday, April 29

Be prepared for airport-style screening and to pay for parking.

WEEK 7: Thursday, March 3

Statement of Purpose Due

Speaker: Research Methodologies Presentation by Librarian Sarah Eggleston

WEEK 8: Thursday, March 10

Office Conferences in Lieu of Class – Bring outline to conference to discuss your prepared questions

WEEK 9: Thursday, March 17 – NO CLASS – SPRING BREAK

WEEK 10: Thursday, March 24

Outline Due (10%)

Topic: Prosecutorial Response

Read: Chapter 11, pp. 569-574, 578-593, 614-618

Speakers: Kira Rubin, Deputy Public Defender; Thursday, Family Justice Prosecutor, Anaheim City Attorney

WEEK 11: Thursday, April 7

Outlines Returned

Topic: Rape of Intimate Partners* Group

Read: Chapter 9

Topics: Footnotes and the Ethical Use of Borrowed Materials (lecture)

The Writing Process: Revising and Polishing (lecture)

WEEK 12: Thursday, April 14

Topic: Suing Batterers in Tort Actions* Group

Read: Chapter 5, pp. 217-266

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

Read: Chapter 14, pp. 819-887

WEEK 13: Thursday, April 21

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

Topic: Writing with Care and Style (lecture) / Phone conferences as needed scheduled the week of 4/25/22-5/03/21

WEEK 14: Week of April 28

Office Conferences in Lieu of Class – Bring rough draft to conference to discuss



The ULWR paper is due on **Tuesday, May 3, 2018 by 5 p.m. PST. It must be uploaded (TENTATIVELY) to turnitin.com by this date and time (note: if turnitin.com uses EST 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!**