



# WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

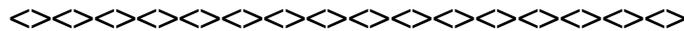
## **DOMESTIC VIOLENCE – 400A**

**Tuesday Evenings 6:30-9:45 p.m.**

**Professor Holly M. Woesner**

**[Hollydavis76@gmail.com](mailto:Hollydavis76@gmail.com) or [holly.woesner@da.ocgov.com](mailto:holly.woesner@da.ocgov.com)**

**Spring 2015**

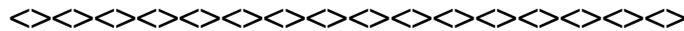


### **Required Text:**

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

### **Recommended Text:**

Fajans & Falk, *Scholarly Writing for Law Students-Seminar Papers, Law Review Competition Papers*, (Fourth 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.

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.

## **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 third 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 Tuesday by 6:30 p.m., then your grade on the assignment would be reduced by 30% 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 50% if submitted at any time between Thursday at 6:31 p.m. and Friday 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 Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto: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 Associate Dean of Students Charles Sheppard at [csheppard@wsulaw.edu](mailto:csheppard@wsulaw.edu) or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

## **SYLLABUS**

### **WEEK 1: Tuesday, January 13**

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

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

### **WEEK 2: Tuesday, January 20**

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

**Read:** Chapter 3

**Speaker:** Adam Dodge from Laura's House

### **WEEK 3: Tuesday, January 27**

**Topic:** Children in Homes Where Domestic Violence Takes Place

The Writing Process: Creating an Outline and a Draft; Footnotes and the Ethical Use of Borrowed Materials (lecture)

**Read:** Chapter 7

**Speaker:** Human Options

**WEEK 4: Tuesday February 3**

**Topic:** Rape of Intimate Partners\*; Law Enforcement Response

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

**Speaker:** Detective Irene Crews, Brea Police Department

**WEEK 5: Tuesday February 10**

**Topic:** Prosecutorial Response

The Writing Process: Revising and Polishing (lecture)

**Read:** Chapter 11

**Speaker:** Lori Smith, Deputy District Attorney; Michael Molfetta, Esq.

**WEEK 6: Tuesday, February 17 – NO CLASS – LEGISLATIVE DAY**

\*\*Email me by this date (6:30PM) with a brief summary of the topic of your research paper

**WEEK 7: Tuesday February 24**

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

**WEEK 8: Tuesday, March 3**

**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 9: Tuesday, March 10 - SPRING BREAK**

**WEEK 10: Tuesday, March 17**

**Outline Due (10%)**

**Topic:** Judges, Courts, and Sentencing Batterers

**Read:** Chapter 12

**Speaker:** The Honorable Cheri Pham

**WEEK 11: Tuesday, March 24**

**Outlines Returned**

**Class Discussion on Topics of Research Paper**

**Peer Review of Outlines**

**WEEK 12: Tuesday, March 31**

**Topic:** Civil Restraining Orders\*

**Read:** Chapter 6

**Speaker:** TBA

**WEEK 13: Tuesday, April 7**

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

**WEEK 14: Tuesday, April 14**

**Topic:** Suing Batterers in Tort Actions\*

**Read:** Chapter 5: pp. 217-266

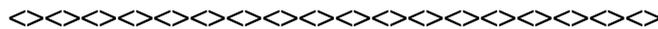
**Topic:** Federal Responses: Violence Against Women Act (VAWA)\*

**Read:** Chapter 14: pp. 819-887

**WEEK 15: Tuesday, April 21**

**Rough Draft Due – Bring to Class for Peer Review**

Writing with Care and Style (lecture)



**The ULWR paper is due on Monday, May 4, 2014 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 third 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! ☺**