**Domestic Violence Law**

**Tuesday/Thursday 1:00 p.m. - 2:15 p.m. Room 214**

**Fall 2010 Syllabus**

**Prof. Tania Tetlow** Office Hours: Tuesdays 2:15-3

Phone: 862-8812 Office: Room 130 N

Textbook: Domestic Violence and the Law: Theory and Practice

Elizabeth Schneider, Cheryl Hanna, Judith Greenberg and Claire Dalton.

###### SPECIFIC LEARNING OBJECTIVES

The students will have the opportunity to:

1. discuss the genesis of domestic violence as a social problem in the United States, and the legal history of the treatment of domestic violence;
2. articulate the various theoretical explanations that attempt to explain why batterers are violent towards their partners, and the impact of this social science on the structure of the legal system;
3. explain the various legal models for preventing and deterring domestic violence: from civil injunctions, to tort law, to family law and criminal justice;
4. understand the fundamental differences among our court systems and legal structures as explored through the topic of domestic violence;
5. discuss the efficacy of criminal justice intervention services for batterers and their victims;
6. explore the relationship between law, the enforcement of law and the effectiveness of law;
7. discuss domestic violence as an international human right, and the “positive rights” to protection from private violence available under international law;
8. learn some basic legal practice skills, including motion arguments, case themes, client counseling, expert testimony, taking depositions and using depositions to cross-examine a witness.

|  |  |  |
| --- | --- | --- |
| Tuesday, August 24 | **History of domestic violence law** | 8-18; 28-34 |
| Thursday, August 26 | **Dynamics of Domestic Violence** | 41-71; |
| Tuesday, August 31 | **Addressing the Causes of Domestic Violence** | 72-84 |
| Thursday, September 2 | **Representing DV Victims**  Professional Responsibility  In class exercise: client counseling | 35 Houston L. Rev. 29-66 (1998); casebook 960-66 |
|  |  |  |
| Tuesday, September 7 | **Civil Protective Orders** | 210-227; 231-37 |
| Thursday, September 9 | **Enforcement of Protective Orders** | 257-269 |
| Tuesday, September 14 | **Practice Exercise on Jury Selection**  Bring in example of public attitude towards DV and three voir dire questions | 458-460 |
| Thursday, September 16 | **Divorce and the Allocation of Assets** | 504-511; 513-17  La. Civil Code 102-104; La. R.S. 9:272 and 9:307 (covenant marriage) |
| Tuesday, September 21 | **Custody and the Best Interest Standard** | 518-34; La.Civil Code arts. 132 and 134 |
| Thursday, September 23  Tuesday, September 28 | **Presumption Statutes and PAS**  **Visitation** | 538-554  La. R.S. 9:362-67  554-564; 577-81 |
|  |  |  |
| Thursday, September 30 | **Depositions**  In class exercise Deposing a batterer | Prepare deposition questions for defendant |
| Tuesday, October 5 | **Criminal Law**  State law and the specific criminalization of domestic violence; marital rape; federal gun laws; federal domestic violence laws. | 274-81 (state laws); 161-62 (marital rape); 345 -6 (federal gun law); 355-72 (federal DV law) |
|  |  | |
| Thursday, October 7 | **Stalking**  In class exercise: argue motions for prosecution and defense of alleged stalker | 282-291 |
| Tuesday, October 12 | **Policing and Enforcement; Sentencing** | 292-314; 340-45 |
| Thursday, October 14 | **Cross-examination**  In class exercise, cross of the defendant using your deposition transcript | Prepare cross-examination |
| Tuesday, October 19 | **Prosecution and Ethics** | 315-339 |
| Thursday, October 21 | **Expert Testimony** | 395-409; 195-209 |
| Tuesday, October 26 | **Evidence and the Confrontation Clause** | 373-395 |
| Thursday, October 28 | **Trial Exercise** | Read posted trial transcript |
|  |  |  |
| Tuesday, November 2 | **Self-Defense** | 423-457 |
| Thursday, November 4 | **Victims of Domestic Violence as Defendants and Structuring Case Themes**  In-class exercise Case Themes. Break into small groups, and describe a different narrative of the case from one of the following perspectives: psychologist, cop, CNN, FOX news, a politician. | 191-193 |
| Tuesday, November 9 | **Panel on criminal justice** |  |
| Thursday, November 11 | **Tort Law: Batterer Liability, Police Liability for Failure to Enforce** | 703-717; 748-756 |
|  |  |  |
| Tuesday, November 16 | **Interaction of Gender/Sexual Orientation, Race and Culture. The Use of Cultural Defenses** | 86-127 |
| Thursday, November 18  Tuesday, November 23  Thursday, November 25  Tuesday, November 30 | **Immigration Law: VAWA Self-Petitions**  **International Law: Domestic Violence as a Violation of Human Rights**  **THANKSGIVING**  **Overview** | 812-823  900-935 |
|  | | |