Syllabus (current as of 1/4/19)
Domestic Violence & the Law: Spring 2019
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Texts:
D. Kelly Weisberg, Domestic Violence: Legal and Social Reality (2012)

Course Objectives

1. Be able to describe the dynamics of domestic violence and, at a basic level, the neurobiology of trauma.

2. Be able to explain the Idaho court process for criminal cases involving domestic violence, including bond setting. Be able to explain the difference between a no contact order and a civil protection order.

3. Possess the background knowledge to be comfortable interacting with and representing someone in trauma.

4. Be able to identify consequences, social and legal, for victims and perpetrators of domestic violence.

Dynamics of Domestic Violence

Jan. 8    Social and Historical Perspective: Evolution of the Right of Privacy; Weisberg, pp.3-27
Jan. 11   Dynamics of Domestic Violence; pp.29-47
Jan. 15   Causes and Consequences of Domestic Violence pp. 47-70
Jan. 18   Additional Factors Influencing Domestic Violence pp.71-87
Jan. 22   Additional Factors Influencing Domestic Violence pp. 87-118
Jan. 25   Additional Factors Influencing Domestic Violence pp.118-134
Domestic Violence Laws

Feb. 1  **Idaho statutes** on domestic violence, pp.271-283
Read:  Idaho Code §18-901 (assault defined);
       Idaho Code § 18-903 (battery defined)
       Idaho Code § 18-2901 (false imprisonment)
       Idaho Code § 18-918 (domestic violence)
       ** two statutes of choice **

Feb. 5  Idaho Bail Act §19-2901-§ 19-2923; Idaho Criminal Rule 46
Feb. 8  No Contact Orders (I.C. § 18-920); VAWA

Types of Abuse

Feb. 12  Strangulation
       pp.135-140 and Idaho Code § 18-923;
Feb. 15  **Guest:**  Jan Bennetts, Ada County Prosecutor
Feb. 19  **Guest:**  Tony Geddes, Ada County Public Defender
Feb. 22  Murder-suicide, pp.140-143;
       Separation assault, pp.144-161
Feb. 26  Sexual and Reproductive Abuse, pp.161-179
March 1  Psychological Abuse, pp. 179 – 182
March 5  Stalking, pp. 182 – 192
March 8  Cyber harassment, pp.193-197; Use of Technology in DV
March 12 Financial abuse, pp.197 -209
Neurobiology of Trauma

March 15  Understanding the Neurobiology of Trauma and Implications for Interviewing Victims: Christopher Wilson, Psy.D.; Kimberly A. Lonsway, Ph.D., Sergeant Joanee Archambault, with contributions by James Hopper, Ph.D. (Reading will be distributed by email)

March 19  Victims’ Rights Compel Action to Counteract Judges’ and Juries’ Common Misperceptions About Domestic Violence Victims’ Behaviors (Reading will be distributed by email)

Criminal Justice Response

March 22  Police; pp. 213-237
March 26  Prosecutors; pp. 242-258
March 29  Domestic Violence on Indian reservations; pp. 415-418; *Wind River* (film: optional)

Civil Protection Orders

April 2  Modern Approach to Civil Protection Orders pp. 425-457; Enforcement, pp.481-484
April 5  Idaho Civil Protection Order Statutes Idaho Code § 18-7907 and Idaho Code § 39-6306 and § 39-6304

Consequences

April 9  Firearms Restrictions; pp.410 – 414; Immigration consequences
April 12  Effects on Children; Child Protection System & Domestic Violence; pp. 665-692
April 16  Effects on children / children as witnesses
For Practitioners

April 19  Ethical Issues of Representing Victims of Domestic Violence; pp.728 - 741

April 23  Mediation, pp. 744-762

April 26  Safety planning pp. 741 – 744;

April 30  Specialized DV courts, pp. 763-776

May 3  Domestic violence in the Media / in appellate decisions

May 7  Domestic violence in appellate decisions: Thomas, Pierce, Severson

May 10  Presentation & discussion of interview assignments

Course Expectations

Attendance. Attendance and active participation are required. Any unexcused absence will drop your class participation by 5%. Tardiness will affect your class participation score.

Class Participation. You are expected to have done the reading prior to class and to come to class with at least two written questions and/or comments as a result of the reading. These will be collected at class.

Grading
The class will be graded as follows:

1. Final exam 20%
2. Interview/Written assignments 30%
3. Class participation (also includes written work) 50%

Final Exam
The final exam will be based on the reading materials and class discussions. It will be closed book. You may be tested on material covered on any day of the semester, including the guest lecturer days.

Credit Hours for Coursework
(language included as provided, and required, by the University of Idaho law school)

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two outs of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The course requirements outlined above with respect to the materials and assignments, in my professional judgment, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

Civility
(language included as provided, and required, by the University of Idaho law school)

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (jdodge@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement:
(language included as provided, and required, by the University of Idaho law school)

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the
It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**Recording Class Sessions:**

(language included as provided, and required, by the University of Idaho law school)

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.