

Domestic Violence Clinic Syllabus
Professor Drew
Spring 2012

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The syllabus is subject to change depending upon needs that arise during the semester. You are required to keep a journal of your clinic experiences and we will discuss journaling during our first Segment. During the course of the semester you may have brief writing assignments, as well.

The School of Law Honor Code, Grading Policies and other policies will be applicable to this Segment, and are available for review and reference at <http://www.law.ua.edu/students/>

Students with disabilities are encouraged to register with the Office of Disability Services, 348-4285, and to meet with Assoc. Dean Chad Tindol 348-5750 or ctindol@law.uc.edu . You are invited to see the Director to discuss accommodations and other special needs.

The grading criteria are posted in a separate document.

Segment One: Introduction to the Clinic and Domestic Violence Law

Introductions; discussion of clinic process, grading and goals. Discussion of journals and the journaling process. Scheduling of additional classes

Learning Objective: To understand the legal history of how courts perceived domestic violence cases and the progression of legal recognition of violence against women as criminal and civil offenses.

Reading:

Bradley v. Miss. 1 Morr. St. Cas. 20, 1 Miss. 156, 1824 WL 631 (Miss)

Fulgham v. State 46 Ala. 143, 1871 WL 1013 (Ala)

Review the Duluth Power and Control Wheel

<http://www.theduluthmodel.org/pdf/PowerandControl.pdf>

Review Equality Wheel

<http://www.theduluthmodel.org/pdf/Equality.pdf>

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Segment Two: Client Centered Lawyering

Learning Objective: Introduction to Interviewing. Understanding the importance of building a client centered partnership. Understanding the importance of safety in decision making and the importance of being non-judgmental.

Reading to be assigned.

Introduction to case plan development

Segment Three: Protection Order Practice in Alabama

Learning Objective: To understand the basics of the Alabama statutory scheme for abuse protection; to have a basic understanding of filling out the forms necessary to apply for an order of protection.

Reading: Ala. Code § 30-5-1 through 10

Please review forms C -02 through 03 and form C-04 <http://eforms.alacourt.gov/>

This would be a good time to become familiar with the alacourt website.

Introduction to divorce practice

Segment Four: Intro to Dynamics of an Abusive Intimate Partnership

Learning Objective: To understand the various forms of abuse and threats that can take and to understand the impact of abuse on survivors.

Discuss the counterintuitive nature of domestic violence response and law practice

We will view a video of a protection Order Hearing.

Segment Five: Myths and Stereotypes of Domestic Violence

Discuss and review the protection order video.

Learning Objective: Enhance your understanding of why survivors stay in an abusive relationship thereby enhancing your ability to work with clients non-judgmentally.

Reading: *Fifty Obstacles to Leaving*, S. Buel, The Colorado Lawyer, Oct. 1999, Vol. 28 No. 10
http://www.law.asu.edu/LinkClick.aspx?fileticket=AmxE_HtGYFk%3D&tabid=2534

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Segment Six: Understanding Abuser Behavior

Wednesday

Learning Objectives: To understand the realities and the myths of abusive behavior. To identify behaviors that are designed to control an intimate partner or other family members.

Reading: *Identifying the Assaultive Husband in Court* by David Adams, Boston Bar Journal, July/August 1999

<http://www.nhbar.org/publications/archives/display-journal-issue.asp?id=56>

Coercion in Intimate Partner Violence: Toward a New Conceptualization by Dr. Mary Ann Dutton and Dr. Lisa Goodman, Sex Roles, Volume 52, Nos. 11/12, June 2005

<http://www.springerlink.com/content/x68236q440252626/>

Segment Seven:

Learning Objective: To assess behavior for those who are parties to violent relationships. Review of high risk signs in litigant presentation. Continue our case plan development

Discussion of clinic procedures.

No new reading assignments.

Segment Eight: Introduction to Trial Skills

Monday

Learning Objective: Introduction to applying the rules of evidence and direct examination

Reading: Review the Alabama Rules of Evidence

Segment Nine: Does Language Matter?

A discussion with Dean Funderberg about proposed changes to the language used in the Alabama Code when describing parental access to children.

Reading to be assigned.

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Segment Ten: Opening and Closing Argument **Monday**

Learning Objective: To learn to distill your case theory into a brief but persuasive summary for the court.

Reading: To Be Assigned

Segment Eleven: Risk Assessment and Safety Planning

Learning Objective: To understand the significance of coercive behaviors; to have an awareness of certain behaviors that can indicate high safety risk; to understand the danger presented by non-physical abuse; to learn how to assist your client in developing a safety plan for your client.

Reading: Please go to the website for Jackie Campbell, RN, PhD at Johns Hopkins University and review her danger assessment tool.

<http://www.dangerassessment.org/uploads/pdf/DAEnglish2010.pdf>

Interpartner Surveillance: Recent Developments in the Legal Response to Electronic Privacy Invasions by Guilherme Roschke.

http://www.americanbar.org/content/newsletter/publications/cdv_english_home/vol14_experiment1.html

Identity Theft and Impersonation, Guilherme Roschke

http://www.americanbar.org/content/newsletter/publications/cdv_english_home/vol14_experiment2.html

Segment Twelve: Client Narratives

Learning Objective: To consider how we respect and suppress our clients' stories depending upon the need to prove elements of our cases. We will consider the tension between client empowerment and competent representation.

Reading: *When is a Battered Woman Not a Battered Woman? When She Fights Back*; Leigh Goodmark, 20 Yale Journal of Law and Feminism 75 (2008)

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Segment Thirteen: Working with Varied Populations

Learning Objective: How does your practice change when working immigrant, deaf, disabled or other clients who present different challenges to communication and presentation? How do you frame your case when the client identifies as LGBT? In addition, we will learn best practices for those who interpret and translate.

Reading: Review the power and control wheels for battered immigrant clients as well as for Muslim battered women.

Other reading to be assigned.

Learning Objective: To develop a beginning framework for a discussion on whether or not there is a basic human right to live free from intimate partner violence.

Reading: *Castle Rock v. Gonzales* 545 U.S. 748 (2005)

Segment Sixteen: Domestic Violence from a Human Right's Perspective

This is a lengthy opinion so I suggest that you start your reading early.

Learning Objective: To understand how good advocacy often requires shifting one's perspective as well as not accepting the limitations of court "final" decision making

Reading: Jessica Lenahan (Gonzales) v. US (Inter-American Commission on Human rights)

<http://www.oas.org/en/iachr/decisions/2011/USPU12626EN.doc>

Segment Seventeen: Stalking

Please review the Stalking Resource Center website. We will discuss stalking.

Additional reading: *The Role of Stalking in Domestic Violence Crime Reports Generated by the Colorado Springs Police Department*, Patricia Tjaden and Nancy Thoennes, Violence and Victims, Volume 15, No. 4, 2000 (If you have difficulty finding this article I will provide copies)

Segment Eighteen: High Conflict Cases v. Domestic Abuse Cases

Learning Objective: To consider whether or not it is possible to distinguish between divorce cases that have domestic abuse and those that are simply high conflict because the parties do not get along and do not trust each other.

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Reading: *High Conflict Divorce, Violence, and Abuse: Implications for Custody and Visitation Decisions*; Dalton, Carbon and Oleson. *Juvenile and Family Court Journal*, Fall 2003

Segment Nineteen: Vicarious Trauma and Self-Care

Wednesday, October 19

Learning Objective: Consideration of how do we incorporate the personal with the professional in terms of boundaries, self-care and maintaining the core of who we are as an individual and human being. What can we do to maintain professional and personal boundaries in promoting our own well being?

Reading: *Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice*, Jaffee, Crooks, Dunford-Jackson and Town. Fall 2003, *Juvenile and Family court Journal*

Secondary Trauma and Burnout in Attorneys: Effects of Work with Clients Who Are Victims of Domestic Violence and Abuse;

http://www.americanbar.org/content/newsletter/publications/cdv_english_home/expertLevin.html

Healing Ourselves, M. Drew,

http://www.americanbar.org/content/newsletter/publications/cdv_english_home/expertDrew.html

ABA Commission on Domestic Violence, E- Newsletter, Volume Nine, Winter 2008

Segment Twenty

Child Custody and Domestic Violence

Wednesday, November 2

Learning Objective: Examine the family court culture that includes a seeming disconnect between violence and the issues arising in the divorce, separation or paternity case.

Reading: Joan Meier, *Domestic Violence, Child Custody, and Child Protection: Understanding Judicial Resistance and Imagining Solutions*, *American University Journal of Gender, Social Policy & the Law*, Vol. 11, No. 2, 2003, GWU

Segment Twenty-One

State Intervention in Civil Domestic Violence Cases

Learning Objective: To discern when state intervention in the form of child protective services is appropriate in domestic violence cases. To understand the motivations driving state intervention

Reading: *Nicholson v Williams* 203 F. Supp. 2d 153, 168 (E.D.N.Y. 2002)

Learning Objective: Appreciate how we develop, express and learn both empathy and non-judgmental behavior. We will explore the personal and professional development of empathy and non-judgment within the context of professional boundaries.

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Reading: To Be Assigned
