

Course Syllabus - FINAL
Domestic Violence Law-WRC
University of Houston Law Center
Fall 2017 – M/W 5:30pm-7:00pm

Prof. Janet Heppard and Diane McManus

Course Description:

Students will work individually and in small groups as they learn about the State laws, Federal Laws, and case law related to issues surrounding Domestic Violence. The topics may include domestic violence in the family code, criminal laws dealing with family violence, employment laws relating to family violence, and immigration and domestic violence. Writing assignments may include short articles, letters (e.g., demand, opposing counsel, client, court), pleadings, motions, and one longer paper on a chosen topic related to domestic violence. Each student will complete three to five practical writing assignments, with total production of at least twenty-one pages, based on an average of 250-300 words per double-spaced page.

Course Materials:

Class reading materials can be found on Blackboard; please let us know if you have any problems accessing our class file. In order to cover the material in the allotted time, you are expected to read all assignments prior to class.

Laptops:

Students may bring their laptops to class as there may be times when they will be using them for class exercises.

Attendance Policy:

Students are expected to attend and be prepared for each class. The University of Houston Law Center has a minimum 80% attendance policy for students. Students who attend fewer than the minimum percentage of required classes may be automatically dropped from the course.

Grading:

Grades will be as follows: 5% class participation, 30% take home assignments (3), 5% paper presentation, 60% final paper.

Final Paper: 10-15 pages not including endnotes (use endnotes rather than footnotes): 12 point font; double spaced; 1” left and right margins, top and bottom margins;

Paper topics due by: Sept 8

First Outline due: Sept 27

First Draft due: October 25

Final draft due: December 1

Office Hours:

To meet with the professors with questions regarding the class, students should email them with available times. jheppard@uh.edu and dmmcmanu@central.uh.edu

Note: Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Week 1 (August 21 and 23)

August 21: Overview of Class; What is Domestic Violence; History

Additional Assignment for first day of class: In a paragraph or two for a total of at least 200 words, please explain your interest in taking this course. Bring a printed copy to the first day of class.

Seventeenth Annual Gender and Sexuality Law Annual Review Article DOMESTIC VIOLENCE, 17 Geo. J. Gender & L. 211, 2016.

“The Rule of Love”: *Wife Beating as Prerogative and Privacy*, 105 Yale L.J. 2117, June 1996

“20 Reasons Why She Stays” by Susan G.S. McGee

August 23: Types of DV; Protecting your client: Interviewing and Safety Planning

Safety Planning Information

Domestic Violence Screening and Interviewing Samples

Power & Control Wheel (Power and Control Wheel, Equality Wheel, Teen Dating Violence Wheel)

Article: Houston Chronicle August 2015: *Search for Answers: Experts Say Rage Common Thread in Domestic Abuse Cases*

Week 2 (August 28 and August 30)

August 28: Domestic Violence and Family Law

Divorce: Jurisdiction, Custody, Possession and Access

Selected Texas Family Code Statutes re: Domestic Violence and Family Law

Cases: Newberry v. Newberry, 351 S.W.3d 552 (Tex. App. –El Paso 2011, no pet.) **(fault)**

Holley v. Adams, 544 S.W.2d 367 (Tex. 1982) **(best interest standard)**

Lewelling v. Lewelling, 796 S.W.2d 164 (Tex. 1990) **(DV and custody)**

In Re Stephanie Lee, 411 S.W.3d 445 (Tex. 2013) **(Mediation)**

August 30: Writing Skills - LSS Professor Lauren Simpson: Writing a Demand Letter

Week 3 (September 4: no class (Labor Day) and 6)

September 6: Protective Orders

Texas Family Code Statutes re: Protective Orders

Town of Castle Rock, Colorado v. Gonzalez, 545 U.S. 748, 125 S.Ct. 2796, 162 L.Ed.2d 658 (2005)

TAKE-HOME ASSIGNMENT due Sept 13: Group Assignment (no more than 3 per group):
Draft application and order for protection based on hypothetical given; **re-write due one week**

after draft is returned (ProDoc and Practice Manuals are available in the clinical program office)

Week 4 (September 11 and 13)

September 11: Domestic Violence in the International Context: DV in other countries

We're All in this Together: A Global Comparison on Domestic Violence and the Mean Necessary to Combat It, 29 Alb. L. Rev. 297, 2015-2016

Freedom From Violence and the Law: A Global Perspective in Light of the Chinese Domestic Violence Law, 2015, 37 U. Pa. J. Int'l L. 1, (Nov 2015)

NOTE: read pages 1 -22 only.

September 13: International Issues and Domestic Violence Preventing International Abduction - Hague Convention;

Applicable Statutes: UCCJEA: Texas Family Code §§152+ and CPRC §§36+
42 U.S.C.A. 11601-11608 (International Child Abduction Remedies Act (ICARA))

The New Face of International Child Abduction: Domestic-Violence Victims and Their Treatment Under the Hague Convention on the Civil Aspects of International Child Abduction, 49 Int'l L.J. 621, Summer 2014.

The Hague Convention and International Child Abduction – Blog by Brad Reid (Huffington Post - April 6, 2016)

Ermini v. Vittori, 758 F.3d 153 (2d Cir. 2014)

Hague Convention Helps and Powerpoint

Week 5 (September 18 and 20)

September 18: DV and Criminal Law

Jack the Ripper Lives on.. The Need to Recognize Prostitutes as Domestic Violence Victims, 21 Buff. J. Gender, L. & Soc. Pol'y 157 (2013)

Elonis v. United States and the Mens Rea Debate in the National Review by Jonathan Keim – June 3, 2015

“What’s Love Got to Do With It?: Examining Domestic Violence as a Public Health Issue Using Their Eyes Were Watching God”, 81 UMKC L. Rev. 867 (Summer 2013)

“Why Do Women Use Force or Violence in Intimate Partner Relationships – National Coalition Against Domestic Violence

Article: Houston Chronicle August 2015: *Problem with rogue drones hits new heights*

September 20: Termination (and Adoption) as related to domestic violence

The Battered Mother in the Child Protective Service Caseload: Developing an Appropriate Response, 23 Women’s Rts. L. Rep. 107 (Spring 2002)

Nicholson v. Scoppetta, 3 N.Y.3d 357, 787 N.Y.S.2d 196, 820 N.E.2d 840 [Oct. 26, 2004]

In re M.G.P., No. 02–11–00038–CV, 2011 WL 6415168, (Tex. App.–Fort Worth Dec. 22, 2011, pet. denied) (mem. op.)

Article: Houston Chronicle August 2015: *State tried to remove children*

Week 6 (September 25 and 27)

September 25: DV in Criminal Court con’d: student group work

September 27: Property and Landlord/Tenant Laws and Domestic Violence

Eviction, Discrimination, and Domestic Violence: Unfair Housing Practices Against Domestic Violence Survivors, 18 Hastings Women’s L.J. 249, Summer 2007.

Texas Property Code §92.016: Right to Vacate

Housing Info Client Helps

Experiential Legal Writing by Diana Donahoe (Client Letters)

TAKE-HOME ASSIGNMENT due Oct 11: Demand letter to Landlord and case update letter to client; re-write due: one week after first draft returned

Week 7 (October 2 and 4)

October 2: Employment Law and Domestic Violence

Employer Liability for Domestic Violence in the Workplace: Are Employers Walking a Tightrope Without a Safety Net?, 31 Tex. Tech. L. Rev. 139 (2000)

We Need More than Locks: A Call for Intimate Partner Violence Education, Training, and Reform in the Workplace, 49 U.S.F. L. Rev. 215 (2015)

EEOC FAQ’s: The Application of Title VII and the ADA to DV in the Workplace

Tx. Labor Code § 411.103. Duty of Employer to Provide Safe Workplace

Patino v. Complete Tire, Inc., 158 S.W.3d 655, Tex.App.-Dallas, March 10, 2005,
review denied (June 10, 2005)

Women's Work: Economic Security in the Domestic Violence Context, 31 Hofstra Lab. &
Emp. L.J. 471 (Spring 2014)

Experiential Legal Writing by Diana Donahoe (Memos)

**TAKE-HOME ASSIGNMENT: first draft due Oct 18: Memo to Human Resources;
re-write due: one week after draft returned**

October 4: DV and Immigration Law (VAWA and Asylum) – Speaker: TBA
Recognizing Domestic Violence as a Basis of Asylum article

Week 8 (October 9 and 11)

October 9: DV and Immigration Law (U VISA, T VISA, SIJS) – Speaker: TBA

Victims of Trafficking and Violence Protection Act of 2000 (Disability eligibility article)

October 11: Diversity and Domestic Violence
Animal Law/LGBT/Teen/Male Victims

Safety Planning for Pets (SAF-T Program)

Expanding DV Protective Orders to Include Companion Animals, ABA Commission on
Domestic Violence, Vol 8 – Summer 2007

The Abuse of Animals as a Method of Domestic Violence: The Need for Criminalization,
63 Emory L.J. 1163 (2014).

DV and Pets: List of States that Include Pets in Protective Orders – 2017

Description of Power and Control Wheel in relation to Animal Abuse

Teen Power & Control Wheel

Dating Abuse and Teen Violence Facts – National Coalition Against Domestic Violence

Male Victims of Intimate Partner Violence - National Coalition Against Domestic
Violence

Power & Control Wheel for LGBTQ victims

BuzzFeed News Article: This is What Domestic Violence Looks Like When You're LGBT by Patrick Strudwick

Week 9 (October 16 and 18)

October 16: Technology and DV

Technology Helps from National Network to End Domestic Violence, Safety Net Project

Article: *Technology and Domestic Violence: Combating Offender's Use of Technology and Empowering Victims*: by Lynn Kamin (2015)

October 18: Best Practices and DV – Speaker: Maisha Colter: Director of Legal Advocacy at Aid to Victims of Domestic Abuse (AVDA) in Houston

Professional Responsibility in Civil Domestic Violence Matters, 24 Hastings Women's L.J. 3, Winter 2013

Week 10 (October 23 and 25)

October 23: Student Presentations (3)

October 25: Student Presentations (3)

Week 11 (October 30 and November 1)

October 30: Student conferences re: final paper

November 1: Student conferences re: final paper

Week 12 (November 6 and 8)

November 6: Student Presentations (3)

November 8: Student Presentations (3)

Week 13 (November 13 and 15)

**November 13: Professionalism; Managing Difficult and High Maintenance Clients
Ethical Issues Attorney re: DV -- Speaker: Judge Judy Warne**

High-Conflict Divorce: Legal and Psychological Challenges, Houston Lawyer March/April 2008

Dealing with Manipulative People (excerpt from “In Sheep’s Clothing” by George K. Simmon)

November 15: Secondary Trauma and Dealing with Stress

Compassion Fatigue and Attorneys, Texas Bar Journal, September 2010.

Week 14 (November 20 and 27)

November 20: Law Practice Management: Speaker: Mary Quinn

Being the “Lincoln Lawyer” –Law Practice Management on the Road by Kenneth Raggio

November 27: Final Class >> “Sleeping with the Enemy” movie