

Fall 2009

Seminar in Criminal Law: Violence by and against Women

Professor Mary Jane Morrison

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COURSE DESCRIPTION— This seminar will examine violence against and by women in the United States and the responses—or lack thereof—of American criminal law to that violence. Students will read demographic information, statutory information, and scholarship about gendered violence in the United States. Students will research, draft and redraft a substantial paper in which the student presents analytical arguments on the student’s thesis about how the criminal justice system ought to handle some aspect of criminal violence by or against women. The goals of this seminar are to improve students’ legal research and writing and their understanding of American criminal law in the context of violence against women and by women. Grading will reflect the student’s weekly participation in the seminar, the draft of the paper, and its redraft.

REQUIRED TEXTS—You will need a copy of or access to the latest edition of the Harvard “The Bluebook: A Uniform System of Citation.” My understanding is that 2Ls already own one; if you do not, buy it or get an on-line subscription via www.legalbluebook.com. All other texts for this course are in the library, Lexis, Westlaw, or on the Web.

“ACADEMIC RULE 1-110”—Excessive absences for this course, for purposes of the HUSL Attendance Policy and Code of Conduct, are absences in excess of 10 percent of the classes. [There are 42.] Being unprepared is the same as being absent under the HUSL “Attendance Policy,” and insufficient preparation is the same as non-preparation in my view.

LAPTOP POLICY—I will impose sanctions for irresponsible use of computers during class time.

CELL PHONES—Turn off cell phones before class begins unless you have an unusual situation of which you apprise me before class begins.

GRADING—Your grade primarily turns on the re-drafted research paper, but it also reflects the draft and class participation.

ASSIGNMENTS—

class 1. August 19. We will review the crimes of murder, manslaughter, rape, and assault. We also will cover some of the rules for meeting the good-writing standard of this seminar. **READ** the entry at http://en.wikipedia.org/wiki/Domestic_violence in preparation for our first discussion about doing legal research for this course.

class 2. August 26. **READ** the following:

D. Marvin Jones, "We're All Stuck Here for a While": Law and the Social Construction of the Black Male, 24 JOURNAL OF CONTEMPORARY LAW 35 (1998). Access it from Westlaw or Lexis.

Eran Shaley: Book Review: The Mirror of Antiquity: American Women and the Classical Tradition, 1750–1900. By Caroline Winterer. (Ithaca, NY: Cornell University Press, 2007), 28 JOURNAL OF THE EARLY REPUBLIC 154 (2008). Obtain a pdf through the library's electronic journal database for "Project Muse." [You need the following info, once you reach the Journal of the Early Republic page in Project Muse: Volume 28, Number 1, 2008].

SCAN the following:

Daniel Klerman, Women Prosecutors in Thirteenth-Century England, 14 YALE JOURNAL OF LAW AND HUMANITIES 271 (2002). Access from Westlaw or Lexis.

class 3. September 2. READ the following:

Kyron Huigens, Homicide in Aretaic Terms, 6 BUFFALO CRIMINAL LAW REVIEW 97 (2002). Read at least pages 132 through 146, which contains a description of and critique of the Professor Victoria Nourse's 1997 article on the MPC's approach to "provoked homicide." Access from Westlaw or Lexis.

Caroline Forell, Book Review: Homicide and the Unreasonable Man, Murder and the Reasonable Man: Passion and Fear in the Criminal Courtroom by Cynthia Lee (NYU Press 2003), 72 GEORGE WASHINGTON LAW REVIEW 597 (2004). Access from Westlaw or Lexis.

Anna Louie Sussman, Ayse Onal Shines Light on Turkish 'Honor' Killings, WOMENS NEWS, May 17, 2009. Access it at www.womensenews.org/article.cfm/dyn/aid/4014/context/uncoveringgender

class 4. September 9. People v. Berry, 18 Cal. 3d 509, 134 Cal. Rptr. 415 (1976)

People v. Wu, 235 Cal. App. 3d 614, 286 Cal. Rptr. 868 (1991)

"Incident reflects violence survey" [about Minnesota's murder-suicide, from the 2008 MN Crime Victim Survey—just released]

"Screening may not lessen domestic violence" [from Office on Women's Health at www.hhs.gov]

"Women underrate their performance" [and men overrate theirs]

class 5. September 16. "Have wives' rights to abortion undermined marriage?" [Jack Balkin's blog response to Van Alstyne's 2007 article: Abortion and Original Meaning]—Van Alstyne has replied to Balkin on Balkin's blog, www.balkinization.com {use the search engine}]

[3 articles in one band:] "Study finds women with higher levels of testosterone more likely to take financial risks," "How biology and technology shape *Sex and War*," "Malcolm Potts: Liberate Afghan women, win the war"

"Prisoners in their own homes: male victims of elder abuse"

""Grandma is victim of prank calls"

"Millions of kids live with substance-abusing parents"

"Affair led to kids' murder: court" [Canadian Children's Rights Council/"AA{" virtual library of newspaper articles]

"Infanticide and mothers who kill their children" [Canadian Children's Rights Council—virtual library of newspaper articles—many, many articles in this clip—visit the site to click the hyperlinked "More . ." button for complete stories if of interest]

class 6. September 23. "Self defense or violence by women?"

"criminal law reporter—Civil rights actions—domestic violence victim may sue [etc]" & [over] "Sirmons v. Williams—civil rights actions—arrest of pregnant women [etc]"

"Sourcebook of criminal justice statistics online"

"Abused women will get asylum path to US"

"Immigrant women and domestic violence" [from Family Violence Prevention Fund]

"Prison cell phone proposal needs review of call rates"

"Violent deaths of pregnant women: the hidden epidemic"

"Family: 35 years in prison not enough for woman's killer"

Sally Engle Merry, "Rights Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence," 25 Human Rights Quarterly 343 (2003) [on line in JSTOR and via web]

class 7. September 30. Writing and "Blue Book" lessons

class 8. October 7. "Student conferences week."

class 9. October 14. "Students conferences week."

class 10. PRESENT 10/21 –HENCE DRAFTS DUE 10/09, EXEC SUM DUE 10/19

1. Erin Carlstrom
2. Andria Seip
3. Shauna Frank

class 11. PRESENT 10/28 –HENCE DRAFTS DUE 10/21, EXEC SUM DUE 10/26

1. Kristen Moritz
2. Kate Stellmach
3. Casey Williams

class 12. PRESENT 11/04 –HENCE DRAFTS DUE 10/28, EXEC SUM DUE 11/02

1. Jennifer Lauermann
2. Brynja Bjarnason
3. Carolyn Schaps

class 13. PRESENT 11/11 –HENCE DRAFTS DUE 11/04, EXEC SUM DUE 11/09

1. Alisha Marie Scott
2. Laura Diedrick
3. Jessen Alexander

class 14. PRESENT 11/18 –HENCE DRAFTS DUE 11/11, EXEC SUM DUE 11/16

1. Rita Haley-Austin
2. Erin Hmielewski
3. Tony Hicks

FINAL DRAFTS DUE BY EMAIL **AND** HARD COPY IN MY MAILBOX (LAW 206W) NOT LATER THAN NOON, DECEMBER 18, 2009.