

## **MICHAL BUCHHANDLER – RAPHAEL**

Widener University Commonwealth Law School  
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### **ACADEMIC APPOINTMENTS**

#### **Widener Commonwealth Law School**

Associate Professor of Law July 2022-present  
Assistant Professor of Law July 2020-June 2022  
Courses taught: Criminal Law, Criminal Procedure, Evidence, Family Law.

#### **Washington and Lee School of Law**

Visiting Assistant Professor of Law January 2012-May 2020  
Courses taught: Criminal Law, Family Law, The Criminal Regulation of Vice,  
Free Speech, Legal Writing in Criminal Law.

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### **EDUCATION**

**University of Virginia School of Law, S.J.D, LL.M** 2010

Scholarship: McClure Human Rights Scholarship (merit-based).

Doctoral Dissertation: *Criminalizing Sexual Abuses of Power, Authority, Trust, Dominance and Influence.*

Committee Members: Chair: Anne M. Coughlin, Kim Forde-Mazrui, George Rutherglen.

**Hebrew University, Faculty of Law, Jerusalem Israel, LL.B, LL.M** 1995, 2000

Cum Laude

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### **JUDICIAL CLERKSHIP**

**HON. YEHUDIT TZUR, ISRAEL DISTRICT COURT FOR THE JERUSALEM DISTRICT**

Law Clerk 1995-1996

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## RESEARCH AND TEACHING INTERESTS

Criminal law, Criminal Procedure, Evidence, Family Law.

Law, Gender and Sexuality, Law and Mental Health, Sexual Harassment, First Amendment: Free Speech Clause, The Criminal Regulation of Vice and Victimless Crimes.

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## PUBLICATIONS

### LAW REVIEW ARTICLES

- [Survival Homicide](#), 44 **CARDOZO L. REV.** (forthcoming 2023)
- [Overmedicalization of Domestic Violence in the Noncarceral State](#), 94 **TEMPLE L. REV.** 589 (2022)
- [Underprosecution Too](#), 56 **U. OF RICHMOND L. REV.** 409 (2022)
  - Interview with Chloe Nordquist, Experts Explain What Can be Learned From Ghislaine Maxwell Trial, Scirpps National Media  
<https://www.thedenverchannel.com/news/national/experts-explain-what-can-be-learned-from-ghislaine-maxwell-trial>
- [Compassionate Homicide](#), 98 **WASH. U. L. REV.** 189 (2020)
- [Loss of Self-Control, Dual-Process Theories and Provocation](#), 88 **FORDHAM L. REV.** 1815 (2020)
  - Cited in *Alcindor v. State*, Court of Special Appeals of Maryland (July 28, 2020), 2020 Md. App. LEXIS 750
  - Extensively excerpted in Kevin McMunigal and Daniel Medwood, Criminal Law casebook, p. 375-379 (2021, 2<sup>nd</sup> edition)

- [Fear-Based Provocation](#), **67 AMERICAN U. L. REV.** 1719 (2018)
  - Cited in *Alcindor v. State*, Court of Special Appeals of Maryland (July 28, 2020), 2020 Md. App. LEXIS 750.
  - Cited in Wayne R. LaFave, *Substantive Criminal Law, Heat-of-passion, voluntary manslaughter, state of mind*, § 15.2 (a) (3d. ed. October 2019)
  
- [The Conundrum of Voluntary Intoxication and Sex](#), **82 BROOKLYN L. REV.** 1031 (2017)
  - Cited in *State v. Khalil*, Court of Appeals of Minnesota (July 27, 2020), 2020 Minn. App. LEXIS 214.
  - Cited in Wayne R. LaFave, *Substantive Criminal Law*, § 17.4(b) Incapacity (3d. ed. 2018)
  - Cited in Joshua Dressler and Stephen Garvey, *Cases and Materials on Criminal Law*. P. 478 (8th Edition)
  - Live interview on Television in NewsNation WGN America on 3/27, 2021 on the Minnesota Supreme Court decision in *Khalil v. State*, <https://www.youtube.com/watch?v=Mip16HahzBE>
  - Cited in Christina Morales, *Court Overturns Sex Crime Conviction Because Victim Was ‘Voluntarily Intoxicated,’* New York Times, March 30, 2021, <https://www.nytimes.com/2021/03/31/us/minnesota-supreme-court-rape-ruling.html>
  - Cited in Lauren Giella, *Blurred Lines Consent Laws Leave Many Sexual Assault Victims Unprotected*, Newsweek 3/31/2021 <https://www.newsweek.com/blurred-lines-consent-laws-leave-many-sexual-assault-victims-unprotected-1580175>
  - Cited in Marisa Iati, *A Minnesota Man Can’t Be Charged With Felony Rape Because the Woman Chose to Drink Beforehand, Court Rules*, Washington Post’s Post Justice section on 3/26/2021 <https://www.washingtonpost.com/national-security/2021/03/26/minnesota-rape-alcohol/>
  - Cited in Sarah Elbeshbishi, *USA TODAY*, Majority of states’ laws treat sexual assault perpetrators differently if victims drank, <https://news.yahoo.com/majority-states-laws-treat-sexual-100026060.html>

- Cited in Caroline Cummings, New Minnesota Law is Significant Victory For Survivors of Sexual Assaults While Intoxicated, CBS Minnesota September 2021, <https://minnesota.cbslocal.com/2021/09/14/new-minnesota-law-is-significant-victory-for-survivors-of-sexual-assaults-while-intoxicated/#.YUJD3q8DRGc>
- [Overcriminalizing Speech](#), **36 CARDOZO L. REV.** 1667 (2015)
  - Cited in Kadish, Schulhofer and Barkow, Criminal Law and Its Processes: Cases and Materials p. 671 (2016)
- [Drugs, Dignity and Danger: Human Dignity as a Constitutional Constraint to Limit Overcriminalization](#), **80 TENNESSEE L. REV.** 291 (2013).
  - Interview with Jenna Wise, Can Pennsylvanians buy weed in New Jersey and smoke it at home? Legal expert weighs in PENNLIVE, November 6, 2020 <https://www.pennlive.com/crime/2020/11/can-pennsylvanians-buy-weed-in-new-jersey-and-smoke-it-at-home-legal-expert-weighs-in.html>
- [What's Terrorism Got to Do with It? The Perils of Prosecutorial Misuse of Terrorism Offenses](#), **39 FLA ST. L. REV.** 807 (2012).
- [The Failure of Consent: Re-Conceptualizing Rape as Sexual Abuse of Power](#), **18 MICH. J. GENDER & L.** 147 (2011).
  - Cited in *State v. Haltom*, 366 Ore. 791 (2020), Supreme Court of Oregon, August 28, 2020
  - Cited in Kadish, Schulhofer and Barkow, Criminal Law and Its Processes: Cases and Materials p. 406 (10<sup>th</sup> ed. 2016)
  - Cited in Joshua Dressler, UNDERSTANDING CRIMINAL LAW (7<sup>th</sup>, ed. 2015) p. 776
  - Cited in Wayne R. LaFare, Substantive Criminal Law, § 17.3(d) Coercion (3d. ed. 2018)

- [Criminalizing Coerced Submission in the Workplace and in the Academy](#), 19 COLUM. J. GENDER & L. 409 (2010)
  - Cited in Kadish, Schulhofer and Barkow, Criminal Law and Its Processes: Cases and Materials p. 406 (10<sup>th</sup> ed. 2016)
- [Sexual Abuse of Power](#), 21 U. Fla. J. L. & Pub. Pol’y 77 (2010)
  - Cited in Wayne R. LaFave, Substantive Criminal Law, § 17.3(d) Coercion (3d. ed. 2018)

### **BOOK REVIEWS**

- Review article Sexual citizens: Sex, Power, and Assault on Campus. By Jennifer S. Hirsch and Shamus Khan. New York: W.W. Norton & Company, 2020. 422 pp, Law & Society Review, Volume 55, Issue 2: pp. 360-363 (June 2021).
- Review Essay: The Scope and Limits of the Criminal Regulation of Sexuality, review of Stuart A. Green. *Criminalizing Sex: A Unified Liberal Theory*. Oxford: Oxford University Press, 2020, in Criminal Justice Ethics. Volume 40, Issue 2 (2021).

### **SHORTER WORKS**

- Mapping Alternative First Responders to Domestic Violence (*Invited Contribution to Symposium forthcoming Virginia Journal of Social Policy & the Law*, 2023).
- Breaking the Chain of Command Culture: A Call For An Independent Investigative Body To Curb Sexual Assaults in the Military, 29 Wisconsin Journal of Law, Gender & Society 341 (2015) (*invited contribution to symposium on Sexual Assault in the Military*).

### **WORKS-IN-PROGRESS**

- Alternative First Responders to Domestic Violence
- Toxic Parenthood

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### **AWARDS AND HONORS**

Recipient of Douglas E. Ray Excellence in Faculty Scholarship Award for 2021

## SELECTED PRESENTATIONS

### Mapping Alternative First Responders to Domestic Violence

Invited participation in a Roundtable at the University of Virginia School of Law	2023
Law & Society Association Annual Meeting	2023
Health Law Conference American Society of Law, Medicine&Ethics/Maryland Law School	2023

### Survival Homicide

Duquesne Law School Faculty Workshop	2023
New York Law School Faculty Workshop Series	2022
Guest Speaker at Professor Bennett Capers Fordham Law Seminar Race, Gender and the Law	2022
Law & Society Association Annual Meeting	2022
CrimFest! Annual Meeting Cardozo Law School	2022
Health Law Conference American Society of Law, Medicine&Ethics/Arizona State Law School	2022
CrimWip Workshop, AALS Criminal Justice Section	2021

### Overmedicalization of Domestic Violence in the Non-Carceral State

Seton Hall's 6 <sup>th</sup> Annual Health Law Scholars Retreat	2022
Temple Law Review Symposium, Temple Beasley Law School	2021
Capital Family Law Scholars Workshop	2021
AALS 2021 Criminal Justice Work-in-Progress	2021
Law and Society Association Annual Meeting	2021

### Underprosecution Too

Law and Society Association Annual Meeting (virtual)	2020
Northern Illinois College of Law, Virtual Work-in-Progress Series	2020

### Compassionate Homicide

CrimFest!, Annual Meeting Brooklyn Law School.	2019
Law and Society Association Annual Meeting	2019
Junior Faculty Forum, University of Richmond School of Law	2019

**Loss of Self-Control, Dual-Process Theories and Provocation.**

Mid-Atlantic Faculty Forum, University of Richmond School of Law 2018

**Fear-Based Provocation**

Washington and Lee Faculty Workshop Series 2017

**Breaking the Chain of Command Culture: A Call For An Independent Investigative Body To Curb Sexual Assaults in the Military**

Invited speaker, Symposium on Sexual Assault in the Military, Wisconsin Journal of Gender and Society 2014

**Drugs, Dignity and Danger: Human Dignity as a Constitutional Constraint to Limit Overcriminalization.**

Law and Society Association Annual Meeting 2013

**Overcriminalizing Speech**

Faculty Workshop Series, Washington and Lee School of Law 2013

**The Failure of Consent: Re-Conceptualizing Rape as Sexual Abuse of Power**

Law and Society Association Annual Meeting 2011

**ACADEMIC SERVICE**

- Widener Commonwealth Dean Search Committee Member 2022
- Campus Intellectual Life Committee Member 2022
- Chair of Faculty Development Workshops 2021
- Diversity, Equity and Inclusion Committee Member 2021
- Faculty Advisor to Widener Commonwealth BLSA Chapter 2021
- Faculty Supervisor, Students' Law Review Notes 2020-2023
- Legal Education Committee Member 2021
- Library Committee Member 2021

- Judge, the NBLSA Thurgood Marshall Moot Court Competition 2022
  - Judge, Trial Advocacy Competition 2021
  - Judge, Moot Court Oral Arguments Honor Society Internal Competition 2021
  - Faculty Advisor to National Lawyers Guild (NLG) 2021
  - Academic advisor to 1L students 2020-2022
  - Moderator, Widener Commonwealth Law School Symposium, 2021
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## **PRACTICE EXPERIENCE**

Legal Counsel with the Israel National Police, Criminal Investigations Division 1996- 2005

## **BAR**

Member of the Israeli Bar Association 1996-present

## **FOREIGN LANGUAGES**

Hebrew (native speaker)

## **PERSONAL**

Dual Citizen: U.S. and Israel

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