

Michal Buchhandler - Raphael

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Academic Teaching Experience:

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| July 1, 2022- present | Associate Professor of Law, Widener Commonwealth Law School
(Courses taught: Criminal Law, Criminal Procedure, Evidence, Family Law). |
| July 1, 2020- June 2022 | Assistant Professor of Law, Widener Commonwealth Law School
(Courses taught: Criminal Law, Criminal Procedure, Evidence, Family Law). |
| January 2012- May 2020 | Visiting Assistant Professor of Law, Washington and Lee School of Law, Lexington, VA.
(Courses taught: Criminal Law (1L required course) (Spring 2020, Fall 2017, Fall 2016, Fall 2015, Fall 2012).
Family Law (Fall 2019, Spring 2018, Spring 2015).
The Criminal Regulation of Vice: (Spring 2012, Spring 2013, Fall 2013, Fall 2014, Spring 2016, Spring 2017, Spring 2018, Spring 2019, Fall 2019).
Selected Topics in Constitutional Law: Freedom of Speech: (Fall 2012, Spring 2014).
Legal Writing in Criminal Law (Fall 2017). |

Research and Teaching Interests:

Primary: Criminal law, Criminal Procedure, Evidence, Family Law.

Secondary: Law and Gender and Sexuality, Criminal Law and Emotions, Law and mental health, Sexual Harassment, First Amendment: Free Speech Clause, The Criminal Regulation of Vice and Victimless Crimes, Comparative Law.

Scholarly Publications:

1. Survival Homicide, 44 CARDOZO L. REV. (Forthcoming, May 2023).
2. Over-Medicalization of Domestic Violence in the Non-Carceral State, 94 TEMPLE L. REV 589 (2022).
3. Under-Prosecution Too, 56 University of Richmond Law Review 409 (2022).
4. Compassionate Homicide, 98 Wash. U. L. Rev. 189 (2020).
5. Loss of Self-Control, Dual-Process Theories and Provocation, 88 Fordham Law Review 1815 (2020).
 - *Cited in Alcindor v. State, Court of Special Appeals of Maryland (July 28, 2020), 2020 Md. App. LEXIS 750.*
6. Fear-Based Provocation, 67 American University Law Review 1719 (2018).
 - Cited in *Cited in Wayne R. LaFave, Substantive Criminal Law, Heat-of-passion, voluntary manslaughter, state of mind, § 15.2 (a) (3d. ed. October 2019.*
 - *Excerpted on p. 375-379 in Kevin McMunigal and Daniel Medwood, Criminal Law casebook (2021, 2nd edition).*
 - *Cited in Alcindor v. State, Court of Special Appeals of Maryland (July 28, 2020), 2020 Md. App. LEXIS 750.*
7. The Conundrum of Voluntary Intoxication and Sex, 82 Brooklyn Law Review 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 Dressler and Garvey, CRIMINAL Law 8TH ed. p. 478*

8. Overcriminalizing Speech, 36 *Cardozo Law Review* 1667 (2015)
 - *Cited in Kadish, Schulhofer and Barkow, Criminal Law and Its Processes: Cases and Materials p. 671 (2016)*
9. 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).
10. Drugs, Dignity and Danger: Human Dignity as a Constitutional Constraint to Limit Overcriminalization 80 *Tennessee Law Review* 291 (2013).
11. What's Terrorism Got to Do With It? The Perils of Prosecutorial Misuse of Terrorism Offenses, 39 *Florida State. L. Rev.* 807 (2012).
12. Michal Buchhandler-Raphael, The Failure of Consent: Re-Conceptualizing Rape as Sexual Abuse of Power, 18 *Michigan Journal of Gender and Law*, 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 (10th ed. 2016).*
 - *Cited in Joshua Dressler, UNDERSTANDING CRIMINAL LAW (7th, ed. 2015) p. 776.*
 - *Cited in Wayne R. LaFave, Substantive Criminal Law, § 17.3(d) Coercion (3d. ed. 2018).*
13. Michal Buchhandler-Raphael, Criminalizing Coerced Submission in the Workplace and in the Academy, 19 *Columbia Journal of Law and Gender*, 409 (2010)
 - *Cited in Kadish, Schulhofer and Barkow, Criminal Law and Its Processes: Cases and Materials p. 406 (10th ed. 2016.)*
14. Michal Buchhandler-Raphael, Sexual Abuse of Power, 21 *U. Florida. J. L. & PUB. POL'Y* 77 (2010)
 - *Cited in Wayne R. LaFave, Substantive Criminal Law, § 17.3(d) Coercion (3d. ed. 2018.)*

Book Reviews

1. 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. published in Law & Society Review, Volume 55, Issue 2: pp. 360-363 (June 2021).
2. 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)

Works- in- progress:

1. Domestic Violence Response Teams as First Responders.
2. Conceptualizing Crisis Intervention Models Typologies
3. Disentangling Criminalization from Carceral Responses.

Awards and Honors:

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

Presentations:

- Domestic Violence Response Teams as First Responders to Domestic Violence, Invited participation in a Roundtable at the University of Virginia School of Law, January 20, 2023.
- Survival Homicide, Guest Speaker at Professor Bennett Capers Fordham Law seminar Race, Gender and the Law, September 21, 2022
- Survival Homicide, New York Law School Faculty Workshop Series, October 4, 2022.
- Survival Homicide, 2022 Law and Society Meeting, Feminist Legal Theory CRN, July 14, 2022
- Survival Homicide, 2022 CrimFest meeting at Cardozo Law School, July 19, 2022.
- Survival Homicide, ASMLE Health Law Conference, Arizona State Law School, June 2, 2022.
- Overmedicalization of Domestic Violence in the Non-Carceral State, Seton Hall's 6th Annual Health Law Scholars Retreat, February 4 & 11, 2022.

- Overmedicalization of Domestic Violence in the Non-Carceral State, Temple Law Review Symposium, Temple Beasley Law School, November 12, 2021.
- Survival Homicide, CrimWip Workshop, sponsored by the AALS Criminal Justice Section, presented on June 1, 2021.
- Overmedicalization of Domestic Violence in the Non-Carceral State, Capital Family Law Scholars Workshop - March 12, 202.
- Overmedicalization of Domestic Violence in the Non-Carceral State, AALS 2021 Criminal Justice Work-in-Progress, January 8, 2021.
- Overmedicalization of Domestic Violence in the Non-Carceral State, Law and Society Association Annual Meeting, May 2021, Feminist Legal Theory Collaborative Research Network.
- Underprosecution Too, Law and Society Virtual Conference May 2020, Feminist Legal Theory CRN.
- Underprosecution Too, Presentation at Northern Illinois College of Law, Virtual Summer Work-in-Progress Series, June 2020.
- Compassionate Homicide, CrimFest!, July 15, 2019, Brooklyn Law School.
- Compassionate Homicide, Law and Society Meeting, CRN Feminist Legal Forum, Washington D.C., June 1, 2019.
- Compassionate Homicide, Junior Faculty Forum, University of Richmond School of Law, May 16, 2019.
- The Lost Promise of Provocation' s Loss of Control, Mid-Atlantic Faculty Forum, Richmond Law School, May 16-17, 2018
- Fear-Based Provocation, presentation at Washington and Lee Faculty Workshop, December 5, 2017
- Symposium on sexual assault in the military held by Wisconsin Journal of Gender and Society on February 21, 2014. Presentation titled: "Breaking the Chain of Command Culture: A Call For An Independent Investigative Body To Curb Sexual Assaults in the Military" (invited speaker).
- Law and Society Association Annual Meeting, Boston, MA, May 31, 2013. Presentation in the Shadow Conference on Criminal Law. Presenting Drugs, Dignity and Danger: Human Dignity as a Constitutional Constraint to Limit Overcriminalization.

- Law and Society Association Annual Meeting, San Francisco June 2-5, 2011: “The Failure of Consent: Re-Conceptualizing Rape as Sexual Abuse of Power.”
- Haifa School of Law, Faculty Workshop, January 2011, “The Failure of Consent: Re-Conceptualizing Rape as Sexual Abuse of Power.”
- Faculty workshop at Washington and Lee School of Law, April 29, 2013. Presentation of work-in-progress Overcriminalizing Speech.

Media

- Interview with U.S.A TODAY, published on 1/17/2022, quoting me about state laws on sexual assault of intoxicated victims, available at:
<https://www.usatoday.com/in-depth/news/politics/2022/01/18/sexual-assault-victims-incapacitated-law/7225580002/&ct=ga&cd=CAEYASoTOTlwODc3NTU3NDU3MjUxOTkwODIaODE1MGM0ZDFjYjAxOWFIYjpb206ZW46VVM&usg=AFQjCNHUskQHEx9g6zOlwbO5-QOADZzjkw>
<https://news.yahoo.com/majority-states-laws-treat-sexual-100026060.html>
- Interview with Scirpps National Media about the federal sex crimes charges against Ghislaine Maxwell, available at:
<https://www.thedenverchannel.com/news/national/experts-explain-what-can-be-learned-from-ghislaine-maxwell-trial>
- Television interview with NewsNation WGN America on 3/27, 2021 on the Minnesota Supreme Court decision in Khalil v. State, available at:
<https://www.youtube.com/watch?v=Mip16HahzBE>
- Interview with reporter Christina Morales for the New York Times, March 30, 2021, followed by a piece that provides a link to my article The Conundrum OF Voluntary Intoxication and Sex. Available at:
<https://www.nytimes.com/2021/03/31/us/minnesota-supreme-court-rape-ruling.html>
- Interview with Newsweek reporter Lauren Giella on 3/31/2021 on the MN Supreme Court decision in Khalil v. State, available at:
 - <https://www.newsweek.com/blurred-lines-consent-laws-leave-many-sexual-assault-victims-unprotected-1580175>

- Washington Post's Post Justice section on 3/26/2021 included a link to my article The Conundrum of voluntary Intoxication and Sex, available at: Washington available at: <https://www.washingtonpost.com/national-security/2021/03/26/minnesota-rape-alcohol/>
- Washington Post's Justice section on 8/31/19, included a link to my article The Conundrum of voluntary Intoxication and Sex, available at: <https://beta.washingtonpost.com/national-security/2019/08/31/drunken-people-cant-technically-be-raped-under-ny-law-prosecutor-says-advocates-say-its-not-an-excuse/>
- Interview with Caroline Cummings, CBS Minnesota on September 2021, available at:

<https://minnesota.cbslocal.com/2021/09/14/new-minnesota-law-is-significant-victory-for-survivors-of-sexual-assaults-while-intoxicated/#.YUJD3q8DRGc>

- Interview with Jenna Wise, Can Pennsylvanians buy weed in New Jersey and smoke it at home? Legal expert weighs in PENNLIVE, November 6, 2020.

Available at: <https://www.pennlive.com/crime/2020/11/can-pennsylvanians-buy-weed-in-new-jersey-and-smoke-it-at-home-legal-expert-weighs-in.html>

Service:

- Dean Search Committee Member 2022-2023
- Campus Intellectual Life Member 2022-2023
- Chair of Faculty Development Workshops 2021-2022
- Diversity, Equity and Inclusion Committee Member 2021-2022
- Faculty Advisor to Widener Commonwealth BLSA Chapter.
- Faculty Supervisor on a student's Independent Research project, Fall 2020, Fall 2021.
- Legal Education Committee Member 2021
- Library Committee Member, 2021
- Judge, the NBLSA Thurgood Marshall Moot Court Competition, March 16-18, 2022
- Judge, Trial Advocacy Competition, March 20, 2021
- Judge, Moot Court Oral Arguments Honor Society Internal Competition, April 11, 2021

- Faculty Advisor to the student organization National Lawyers Guild (NLG). Helped the petitioning for creating a new chapter of the organization at Widener CW Law School.
- Academic advisor to 1L students, Fall 2020, Fall 2021, Fall 2022.
- Moderator, Widener Commonwealth Law School Symposium, April 9, 2021.

Education:

May 2007-May 2010: S.J.D. (Doctor of Juridical Science), University of Virginia School of Law Charlottesville, VA

2006-2007: LL.M (Master of Laws) University of Virginia School of Law

1997-1999: LL.M Hebrew University in Jerusalem, Israel

1991-1995: Hebrew University, Israel: LL.B – Cum Laude. Dean’s Honor Roll: 1993

Scholarships:

2006-2007: Awarded the McClure Human Rights Scholarship – UVA Law School

Doctoral Dissertation

Criminalizing Sexual Abuses of Power, Authority, Trust, Dominance and Influence.

Dissertation advisor: Anne M. Coughlin, Professor of Law, UVA Law School. Dissertation Committee: Chair: Professor Anne M. Coughlin , Members: Professor Kim Forde-Mazrui, UVA Law School, Professor George Rutherglen, UVA Law School, Professor Claire Kaplan, Director or Gender Violence and Social Change at UVA’s Women’s Center.

Fellowships

Faculty Fellow, Mudd Center for Ethics, Washington& Lee University: 2015-2016, 2018-2019.

Practice Experience:

August 1996-June 2005: Legal Counsel with the Israel National Police, Headquarters Investigations Department. Rank: Superintendent. Provided legal advice on various aspects of substantive criminal law and criminal

investigation, including teaching and training police officers and writing policies to instruct and officers on the investigative process.

March 1995-May 1996: Judicial Clerk to the honorable Yehudit Tzur, Court of Appeals (Jerusalem Circuit), Jerusalem Israel.

Bar:

May 1996-present: Member of the Israeli Bar Association

Foreign Languages:

Hebrew (native speaker).

Personal:

Dual Citizen: U.S. and Israel