

## Michal Buchhandler - Raphael

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Assistant Professor of Law, Widener Commonwealth Law School

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### **Academic Teaching Experience:**

- July 1, 2020 Assistant Professor of Law, Widener Commonwealth Law School  
(Courses to be taught in 2020-2021: Criminal Law, Criminal Procedure, Evidence).
- 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:**

Criminal law, Criminal Procedure, Evidence, Family Law, Law and Gender and Sexuality, Sexual Harassment Law, First Amendment: Free Speech Clause, The Criminal Regulation of Vice and Victimless Crimes, Comparative Law.

### **Scholarly Publications:**

*188 hits on Google Scholar citations, 133 results on HeinOnline searching for (Buchhandler-Raphael) in All Databases, as of July 8, 2020.*

1. Compassionate Homicide, Forthcoming 98 Wash. U. L. Rev. (Summer 2020).
2. Loss of Self-Control, Dual-Process Theories and Provocation, Forthcoming, 88 Fordham Law Review (Forthcoming, April 2020).
3. 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)*
4. The Conundrum of Voluntary Intoxication and Sex, 82 Brooklyn Law Review 1031 (2017).
  - *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*
  - Cited in the Washington Post's Justice section on 8/31/19, available at: <https://beta.washingtonpost.com/national-security/2019/08/31/drunk-people-cant-technically-be-raped-under-ny-law-prosecutor-says-advocates-say-its-not-an-excuse/>
  - *See also: [https://columns.wlu.edu/scholarship-of-wl-laws-buchhandler-raphael-cited-in-washington-post/?utm\\_source=homepage&utm\\_medium=news](https://columns.wlu.edu/scholarship-of-wl-laws-buchhandler-raphael-cited-in-washington-post/?utm_source=homepage&utm_medium=news)*
5. 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)*
6. 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).
7. Drugs, Dignity and Danger: Human Dignity as a Constitutional Constraint to Limit Overcriminalization 80 Tennessee Law Review 291 (2013).
8. What's Terrorism Got to Do With It? The Perils of Prosecutorial Misuse of Terrorism Offenses, 39 Florida State. L. Rev. 807 (2012).
9. 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 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. LaFave, *Substantive Criminal Law*, § 17.3(d) Coercion (3d. ed. 2018).

10. 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 (10<sup>th</sup> ed. 2016.)

11. 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.)

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#### **Works- in- progress:**

1. Equitable Prosecution (to be submitted for publication in February 2021).
2. Criminalization Without Incarceration: Disentangling Criminalization Choices from Punitive Measures.
3. Incels, Angry Men and Mass Shootings: Insights for Preventive Measures.
4. Disgust's Role in Criminal Law and the Criminalization of Victimless Misdemeanors.

#### **Presentations:**

- The Duty to Protect and the Demands of Equitable Prosecution, Law and Society Virtual Conference May 2020, Feminist Legal Theory CRN.
- Compassionate Homicide, CrimFest!, July 15, 2019, Brooklyn Law School.
- Familial Compassion Killing, Law and Society Meeting, CRN Feminist Legal Forum, Washington D.C., June 1, 2019.
- Familial Compassion Killing, 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.

**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 of 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