

MICHAL BUCHHANDLER – RAPHAEL

Widener University Commonwealth Law School, Harrisburg, PA

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ACADEMIC APPOINTMENTS

Widener Commonwealth Law School

Associate Professor of Law with Tenure July 2024-present
Associate Professor of Law July 2022-June 2024
Assistant Professor of Law July 2020-June 2022
Courses taught: Evidence, Criminal Law, Criminal Procedure: Investigations, 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.

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

JUDICIAL CLERKSHIP

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

Law Clerk 1995-1996

RESEARCH AND TEACHING INTERESTS

Primary: The intersection between Criminal law and Procedure, Family Law, and Evidence. Scholarship focuses on gender-based violence, particularly intimate partner violence, family violence, and sexual violence.

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

PUBLICATIONS

LAW REVIEW ARTICLES

- [Survival Homicide](#), 44 *CARDOZO L. REV.* 1673 (2023).
- [Overmedicalization of Domestic Violence in the Noncarceral State](#), 94 *TEMP. L. REV.* 589 (2022)
- [Underprosecution Too](#), 56 *U. OF RICH. L. REV.* 409 (2022).
 - Cited in 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).
 - Cited in Kadish, Schulhofer, Barkow, *CRIMINAL LAW AND ITS PROCESSES*, Cases and Materials, p. 486 (2022).
- [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, 2nd edition).
- Cited in Kadish, Schulhofer, Barkow, *CRIMINAL LAW AND ITS PROCESSES, Cases and Materials*, p. 486 (2022).
- [Fear-Based Provocation](#), **67 AM. 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).
 - Cited in Kadish, Schulhofer, Barkow, *CRIMINAL LAW AND ITS PROCESSES, Cases and Materials*, p. 485 (2022).
- [The Conundrum of Voluntary Intoxication and Sex](#), **82 BROOK. 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).
 - Cited in Kadish, Schulhofer, Barkow, *CRIMINAL LAW AND ITS PROCESSES, Cases and Materials*, p. 427. (2022).
 - 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. 633 (2022)
- [Drugs, Dignity and Danger: Human Dignity as a Constitutional Constraint to Limit Overcriminalization](#), 80 **TENN. L. REV.** 291 (2013).
 - Cited twice in David Pozen, THE CONSTITUTION OF THE WAR ON DRUGS (Oxford University Press, 2024).
- [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 (11th ed. 2022)
- 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)
- [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 (11th 2022)
- [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, **55 LAW & SOCIETY REVIEW, 360 (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 **40 CRIMINAL JUSTICE ETHICS 164 (2021)**.

SHORTER WORKS

- Mapping Alternative First Responders to Domestic Violence (*Invited Contribution to Symposium* **30 VIRGINIA J. SOC. POL'Y & L. 15, (2023)**).
- Breaking the Chain of Command Culture: A Call For An Independent Investigative Body To Curb Sexual Assaults in the Military, 29 **WIS. J. L. GENDER & SOC'Y 341 (2015)** (*invited contribution to symposium on Sexual Assault in the Military*).

WORKS-IN-PROGRESS

- Beyond Police in Domestic Violence After Rahimi.

- Undercharging Victimized Offenders.
- Traumatic Brain Injuries Evidence in the Criminal Trials of Victimized Offenders.
- Evolving Understanding of “Dating Relationship” in Domestic Violence Restraining Orders.
- Moral Panic in Custody Orders: The Impact of Shifting Family Values on Cohabiting Parents.

AWARDS AND HONORS

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

SELECTED PRESENTATIONS

Undercharging Victimized Offenders

Invited participant: Criminal Justice Ethics Schmooze at Fordham Law School	2024
CrimFest2024, Annual Criminal Law conference at Cardozo Law School	2024

Evidence of Traumatic Brain Injury in the Criminal Trials of Victimized Offenders

ASLME Health Law Professors Conference at Temple Law School	2024
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Moral Panic in Custody Orders: The Impact of Shifting Family Values on Cohabiting Parents

Invited participant: Sixth Nonmarriage Roundtable, The University of Virginia School of Law	2024
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Beyond Police in Domestic Violence

Law and Society, Feminist Legal Theory CRN	2023
6 th Annual Health Law Professors Conference, University of Maryland, Baltimore	2023
CrimFest! Annual Criminal Law Conference, Brooklyn Law School	2023

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

Expanding Civil Protective Orders to Cover Dating Relationships

Nonmarriage Roundtable, Rutgers Law School (Newark)	2023
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Survival Homicide

University of Florida Levin College of Law	2023
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
Fifth Health Law Professors Conference, 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 th 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
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Fear-Based Provocation

Washington and Lee Faculty Workshop Series	2017
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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

- Chair of Widener Commonwealth Legal Education Committee 2024
Drafted a self-assessment compliance report for the ABA on satisfying the law school's learning outcomes.
- Law School Admission Committee Member 2024
- Promotion to Associate Clinical Professor Committee Member 2023
- Widener Commonwealth Dean Search Committee Member 2022
- Faculty Advisor to Student Organization Spirit of Service 2023
- 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
- Supervising Faculty for Students' Directed Research projects 2020-2023
- 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)
