

**MICHAL BUCHHANDLER – RAPHAEL**  
**Associate Professor of Law, Widener Commonwealth Law School**

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**ACADEMIC APPOINTMENTS**

**Widener Commonwealth Law School**

Tenured Associate Professor of Law July 2024  
Associate Professor of Law July 2022-present  
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.

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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

## 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.

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## PUBLICATIONS

### LAW REVIEW ARTICLES

- [Police Minimalism in Domestic Violence](#), forthcoming **57 ARIZONA ST. L. J.** (Spring 2025)
  
- [Survival Homicide](#), **44 CARDOZO L. REV.** 1673 (2023)
  - Cited and linked in a New York Times piece: Rachel Louise Snyder, Who Gets to Kill in Self-Defense? September 4, 2024  
<https://www.nytimes.com/interactive/2024/09/04/opinion/women-kill-self-defense.html>
  
- [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, Scripps 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, 2<sup>nd</sup> edition).
  - Cited in Kadish, Schulhofer, Barkow, *CRIMINAL LAW AND ITS PROCESSES*, Cases and Materials, p. 486 (2022).
  
- [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. LaFare, *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 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. LaFare, *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 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 (11<sup>th</sup> ed. 2022)
  - 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)
  
- [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, *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**

- Morality in Disguise in Child Custody Cases. Forthcoming, *Family Law Quarterly*, Fall 2025.
- Mapping Alternative First Responders to Domestic Violence (*Invited Contribution to Symposium 30 Virginia Journal of Social Policy & the Law 15 (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**

- Under-Charging Victimized Offenders (To be submitted for publication in Spring 2025).
- Implications of Traumatic Brain Injuries in Battered Women Who Commit Crimes.
- Shifting Views on “Dating Relationships for Protective Orders.

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## **AWARDS AND HONORS**

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

## **SELECTED PRESENTATIONS**

### **Morality’s Role in Child Custody Disputes**

Invited participant 6<sup>th</sup> Nonmarriage Roundtable at UVA Law School 2024

Undercharging Victimized Offenders

Invited participant: Criminal Justice Ethics Schmooze at Fordham Law School 2024

CrimFest2024, Annual Criminal law conference at Cardozo Law School 2024

### **Implications of Traumatic Brain Injuries in Battered Women Who Commit Crimes**

ASLME Health Law Professors Conference 2024

### **Police Minimalism in Domestic Violence**

Law and Society, Feminist Legal Theory CRN 2023

6<sup>th</sup> 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

### **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<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

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## 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)

## **PERSONAL**

Dual Citizen: U.S. and Israel

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*REFERENCES PROVIDED UPON REQUEST.*