

MICHAL BUCHHANDLER – RAPHAEL (she/her/hers)
ASSOCIATE PROFESSOR OF LAW
WIDENER UNIVERSITY COMMONWEALTH LAW SCHOOL

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ACADEMIC APPOINTMENTS

Widener Commonwealth Law School

Tenured Associate Professor of Law	July 2024-present
Associate Professor of Law	July 2022-June 2024
Assistant Professor of Law	July 2020-June 2022

Courses taught: Evidence, Criminal Procedure: Investigations, Criminal Law, Family Law.

Washington and Lee School of Law

Visiting Assistant Professor of Law	January 2012-May 2020
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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
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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
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Cum Laude

JUDICIAL CLERKSHIP

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

Law Clerk

1995-1996

RESEARCH AND TEACHING INTERESTS

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

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

PUBLICATIONS

LAW REVIEW ARTICLES

- [Compassionate Undercharging](#), forthcoming 59 (4) **UC DAVIS L. REV.** (April 2026).
- [Legal Moralism in Disguise in Child Custody Cases](#), 58 Family Law Quarterly, Forthcoming, Fall 2025
- [Police Minimalism in Domestic Violence](#), **57 ARIZONA ST. L. J. 97** (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>
 - Invited guest speaker at “Homicide and Gender-Based Violence” seminar at Stanford Law School.
 - Invited guest speaker at Race, Gender, and Crime Seminar at Fordham Law School.

- [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)
 - 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 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).
 - 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 (11th ed. 2022)
 - Cited in Joshua Dressler, UNDERSTANDING CRIMINAL LAW (7th, 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 (11th 2022)

- [Sexual Abuse of Power](#), 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 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

- A Reasonable Fear Defense in Parental Failure-to-Protect Prosecutions.
- Recognizing Male Victimhood, Participatory Law Scholarship project, co-authored with David Garlock
- Traumatic Brain Injuries in Domestic Violence Victims Who Commit Crimes.

AWARDS AND HONORS

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

SELECTED PRESENTATIONS

Compassionate Undercharging

Invited speaker at Iowa Law School	2025
Widener Commonwealth Law School Law Review Symposium	2025
Invited participant: Criminal Justice Ethics Schmooze at Fordham Law School	2024
2024 CrimFest! Annual Criminal Law Conference at Cardozo Law School	2024

A Reasonable Fear Defense in Failure-to-Protect Prosecutions

2025 CrimFest! Annual Criminal Law Conference at University of Pennsylvania Law School	2025
Family Law Scholars and Teachers Conferences	2025
Seventh Non-Marriage Roundtable (invited speaker)	2025

Traumatic Brain Injuries in Domestic Violence Survivors Who Commit Crimes

Annual Health Law Professors Conference	2024
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Legal Moralism in Child Custody Cases

Invited participant 6 th Nonmarriage Roundtable at UVA Law School	2024
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Police Minimalism in Domestic Violence

Cleveland State Law School Workshop	2024
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

Survival Homicide

University of Florida Levin College of Law Workshop 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 6th 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

- Chair of Widener Commonwealth Curriculum Committee 2025
- 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

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