

# NEW APPROACHES TO DOMESTIC AND SEXUAL VIOLENCE

Professors Leigh Goodmark and Donna Coker

2019 Justice Reform—Term 4

*Revised 7.9.2019*

**Objective:** This course will address how we respond to domestic and sexual violence, the benefits and shortcomings to our current approach, and restorative alternatives to current responses. The course will consider the political, cultural, and legal factors that influence shifting attitudes towards interpersonal violence.

**Materials:** All materials for the course can be found on the TWEN site.

**Meeting times:** The course will meet from Monday, July 22 through Thursday, July 25 and Monday, July 29 through Thursday, August 1 from 9:00 a.m. until 2:00 p.m. daily.

**Grading:**

Take home final exam: 90%

Class participation: 10%

**CLASS PLAN:**

## **Week One—Intimate Partner Violence**

### **Monday, July 22—Courtroom observation and discussion.**

We will meet at the Windsor District Courthouse, 82 Railroad Row, White River Junction. Before our meeting, read Leigh Goodmark, *A Troubled Marriage*, Chapters 2, 3, and 4; Women’sLaw.org, *Vermont Restraining Orders*.

### **Tuesday, July 23—Deconstructing the legal solutions to intimate partner violence**

Read Camille Carey, *Domestic Violence Torts: Righting a Civil Wrong*; Leigh Goodmark, *Should Domestic Violence Be Decriminalized?*; Jonathan S. Greene, *Domestic Violence Issues in Immigration Law*.

**Wednesday, July 24—Restorative justice and intimate partner violence—the theory & practical applications**

Guest Speakers: Karen Tronsgard-Scott, Executive Director, Vermont Network Against Domestic and Sexual Violence; David Cahill, Windsor County State’s Attorney

Read Kathleen Daly & John Braithwaite, “Violence and Communitarian Control.” In *Just Boys Doing Business* (Tim Newburn & Betsy Stanko, eds. 1994); Leigh Goodmark, *Decriminalizing Domestic Violence*, Chapter 4; Vermont Network Against Domestic and Sexual Violence, “Interim Report to the General Assembly of the Restorative Justice Committee issued pursuant to Act 146 of 2018,” December 1, 2018.

**Thursday, July 25—Restorative justice and intimate partner violence simulation**

Students will prepare for, conduct, and reflect on a simulated restorative intervention in a case involving intimate partner violence.

**Week Two – Sexual Harm**

**Monday, July 29 - Introduction: History of Feminist Activism & Rape Law Reform; Recidivists & “Predators”**

**\* ALL OF CLASS 1 READINGS ARE IN ONE DOCUMENT\***

*A. History of Feminist Activism & Rape Law Reform*

Rose Corrigan, UP AGAINST THE WALL: RAPE REFORM AND THE FAILURE OF SUCCESS (2013), excerpt.

Aya Gruber, *Rape, Feminism, and the War on Crime*, 84 WASH. L. REV. 581, 587-596 (2009).

Danielle L. McGuire, AT THE DARK END OF THE STREET: BLACK WOMEN, RAPE, AND RESISTANCE-A NEW HISTORY OF THE CIVIL RIGHTS MOVEMENT FROM ROSA PARKS TO THE RISE OF BLACK POWER, (2010), excerpt.

Emily L. Thuma, ALL OUR TRIALS: PRISONS, POLICING, AND THE FEMINIST FIGHT TO END VIOLENCE, (2019), excerpt.

Bennett Capers, *While We’re Talking About Rape*, CRIMINAL JUSTICE (Winter, 2017) 16, excerpt.

NOTES

*B. Recidivists and “Predators”*

Tamara Rice Lave and Aviva Orenstein, *Empirical Fallacies of Evidence Law: A Critical*

*Look at the Admission of Prior Sex Crimes*, 81 U. Cin. L. Rev. 795 (2013), excerpt.

Anna Almendrala, *Many Adolescent Boys Who Commit Sexual Assault Stop In Adulthood, Research Shows*, HUFFINGTON POST (10/5/2018).

Donna Coker, *Crime Logic, Campus Sexual Assault, and Restorative Justice*, 49 Texas Tech L. Rev. 147 (2016), excerpt.

Margo Kaplan, *Taking Pedophilia Seriously*, 72 WASH. & LEE L. REV. 75 (2015), excerpt.

## **Tuesday, July 30 - Victim/Survivors' Needs & Restorative Justice**

<b>Guest Speaker: Kiona Heath – 9:30-11:00 EST (in person)</b> SANE and Vermont Council on Domestic Violence Program Coordinator
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*\*Posted as separate documents on TWEN\**

Speaker Bio

**NOTES - What Victims/Survivors' Needs/Interests Should RJ Seek to Address? Should RJ Encourage Survivor/Victims to "Forgive"?**

Sharon Lamb, *Forgiveness, Women, and Responsibility to the Group*, 5 J OF HUMAN RIGHTS 45 (2006), excerpt.

Deborah Copaken, *My Rapist Apologized*, THE ATLANTIC (Sept. 21, 2018)

sujatha baliga, *A Different Path for Confronting Sexual Assault*, Vox (Oct. 10, 2018)

SUSAN L. MILLER, *AFTER THE CRIME, Allison & James* (2011), excerpt

Mary P. Koss, *Restorative Justice for Acquaintance Rape & Misdemeanor Sex Crimes in RESTORATIVE JUSTICE AND VIOLENCE AGAINST WOMEN* (James Ptacek ed. 2010) 218, excerpt

Vince Mercer & Karin Sten Madsen, *Doing Restorative Justice in Cases of Sexual Violence: A Practice Guide*, excerpt.

**Wednesday, July 31 - Hurt People Hurt People: Healing & Accountability**

**Guest Speakers: Richard Cruz & Dave Belden 11-12:30 EST (joining remotely)**  
The Ahimsa Collective, Program Mgr. & Grant Writer/Facilitator, respectively

*\*Posted as separate documents on TWEN\**

Speaker Bios

The Ahimsa Collective, *Mission & Long Term Goals*

The Ahimsa Collective, *Facilitator Manual: Restorative Approaches to Intimate Violence, excerpts* (pp1-18, 26-28)

Living Justice Press, *The Indigenous Origins of Circles & How Non-Natives Learned About Them*

Sonya Shah, *4 Things We Can Do to Help Heal & End Sexual Violence*, HUFFINGTON POST (Oct. 30, 2016)

Kai Cheng, *Nine Ways to be Accountable When You've Been Abusive* from everydayfeminism.com (2016).

**Thursday, August 1 Preventing & Responding to Sexual Harm in School Settings**

**Guest Speaker: Kaaren Williamsen 9:15-10:45 EST (joining remotely)**  
Director, Sexual Assault Prevention and Awareness Center, University of Michigan

**Guest Speaker: Quince Hopkins 11:30-1:00 (joining remotely)**  
Director, Erin Levitas Initiative for Sexual Assault Prevention, University of Maryland Carey Law School

*\*Posted as separate documents on TWEN\**

Speaker Bios

David R. Karp, Julie Shackford-Bradley, Robin J. Wilson, & Kaaren M. Williamsen, *CAMPUS PRISM: A Report on Promoting Restorative Initiatives for Sexual Misconduct on College Campuses* (2016), excerpt.

AAUW, *Crossing the Line: Sexual Harassment at School*, Executive Summary.

Andra Teten Tharp, Sarah DeGue, Linda Anne Valle, Kathryn A. Brookmeyer, greta M. Massetti, & Jennifer L. Matjasko, *A Systematic Qualitative Review of Risk and Protective Factors for Sexual Violence Perpetration*, 14(2) TRAUMA, VIOLENCE, & ABUSE 133 (2012).