

**Course Syllabus - FINAL**  
**Domestic Violence Law-WRC**  
**University of Houston Law Center**  
**Fall 2023- M/W 5:30pm-7:00pm**

**Professor/Judges Janet Heppard and Richard Bell**

**Course Description:**

*Students will work individually and in small groups as they learn about the State laws, Federal Laws, and case law related to issues surrounding Domestic Violence. The topics may include domestic violence in the family code, criminal laws dealing with family violence, employment laws relating to family violence, and immigration and domestic violence. Writing assignments may include short articles, letters (e.g., demand, opposing counsel, client; court), pleadings, motions, and one longer paper on a chosen topic related to domestic violence. Each student will complete three to five practical writing assignments, with total production of at least twenty-one pages, based on an average of 250-300 words per double-spaced page.*

**Course Materials:**

Class reading materials can be found on TBA; please let us know if you have any problems accessing our class file. In order to cover the material in the allotted time, you are expected to read all assignments prior to class.

**Class Mode:** Synchronous Online

**Attendance Policy:**

Students are expected to attend and be prepared for each class. The University of Houston Law Center has a minimum 80% attendance policy for students. Students who attend fewer than the minimum percentage of required classes may be automatically dropped from the course.

**Grading:**

Grades will be as follows: 5% class participation, 30% take home assignments (3), 5% paper presentation, 60% final paper.

Final Paper: 10-15 pages not including endnotes (use endnotes rather than footnotes): 12 point font; double spaced; 1" left and right margins, top and bottom margins;

**Paper topics due by: Sept 8**

**First Outline due: Sept 29**

**First Draft due: October 27**

**Final paper due: December 4**

**Learning Outcomes for this Course:**

- Enhance knowledge of Domestic Violence including definitions and safety planning
- Development of skills in drafting letters, court documents, and memos
- Improvement in legal research and writing skills
- Increase knowledge of domestic violence in the workplace and as it relates to housing

- Increase knowledge of stress management skills
- Recognition of the benefits of cultural competence in the legal field
- Enhanced knowledge in law practice management

**Assessment:**

Your final grade will be determined by assessing your work in the following areas as you represent your assigned clients and participate in the classroom portion of the course:

- 5% class participation
- 30% take home assignments (3)
- 5% paper presentation
- 60% final paper.

**Expectations:**

Be present in class: for ZOOM classes, cameras should be on at all times unless you have been excused

Be on-time to class

Ask questions: ZOOM classes >> raise your hand or the zoom hand if you have a question

OR ask your question in the chat box

Maintain a schedule to get your class work done (in all classes)

Keep your eye on the prize ... and the end of the semester

**Office Hours:**

To meet with the professors regarding the class, students should email them with available dates and times. [judgerichardtbell@gmail.com](mailto:judgerichardtbell@gmail.com) and [jheppard@uh.edu](mailto:jheppard@uh.edu) (meetings can be in person, by phone, or via ZOOM or other virtual online program)

**Chosen Names and Preferred Pronouns:**

We want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns-including non-binary ones such as they/them/their-must be respected in our classroom. Please feel free to reach out to us at any time if you want to make us aware of your chosen name or preferred pronoun or if you have concerns about how we or your classmates address you.

**Diversity, Inclusion, and Wellness**

This is an inclusive learning space.

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the

dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713- 743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at [UHLCD&I@uh.edu](mailto:UHLCD&I@uh.edu).

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

### **Reasonable Academic Adjustments/Auxiliary Aids**

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing [jdcenter@Central.UH.EDU](mailto:jdcenter@Central.UH.EDU).

### **Honor Code**

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

### **AI Generated Text**

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as "generative" large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking "intelligence" and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term "assessment" means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not

be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below: none.

### **Title IX/Sexual Misconduct**

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

### **Security Escorts and Cougar Ride**

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

### **Recording of Class**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

### **Resources for Online Learning**

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact [UHOnline@uh.edu](mailto:UHOnline@uh.edu).

**UH Email**

Please check and use your Cougarnet email for communications related to this course. Faculty use the Cougarnet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your Cougarnet email, login to your Microsoft 365 account with your Cougarnet credentials. Visit University Information Technology (UIT) for instructions on how to connect your Cougarnet e-mail on a mobile device.

**Webcams**

Access to a webcam is required for students participating remotely in this course. Webcams must be turned on (state when webcams are required to be on and the academic basis for requiring them to be on). (Example: Webcams must be turned on during exams to ensure the academic integrity of exam administration.)

**Mental Health and Wellness Resources**

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit [uh.edu/caps](http://uh.edu/caps), call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat [988lifeline.org](http://988lifeline.org).

## **Week 1 (August 21 and 23)**

### **August 21: Overview of Class; What is Domestic Violence; History**

**Additional Assignment for first day of class: In a paragraph or two for a total of at least 200 words, please explain your interest in taking this course. Please email your paragraph to each professor.**

*Twenty-First Annual Gender and the Law Annual Review Article - DOMESTIC VIOLENCE*, 21 Geo. J. Gender & L. 253, 2020.

*"The Rule of Love": Wife Beating as Prerogative and Privacy*, 105 Yale L.J. 2117, June 1996

*"20 Reasons Why She Stays"* by Susan G.S. McGee

National Coalition Against DV: *Why Women Use Force or Violence in Intimate Partner Relationships*

Houston Chronicle Article: *Why Is This Happening – 3/26/2023*

Power & Control Wheel and Equality Wheel (Adult, Teen, Immigrant)

### **August 23: Types of DV; Protecting your client: Interviewing and Safety Planning**

*Handle With Care: Domestic Violence Safety Planning in the Age of Data Privacy Laws*, 11 Seattle J. Tech., Envtl. & Innovation L. 246

National Center on Domestic and Sexual Violence: *Domestic Violence Personalized Safety Plan*

Review: Battered Women's Justice Project: *Domestic Violence Interview Guide*

## **Week 2 (August 28 and August 30) (NOTE: PLC is Aug 30-Sept 1)**

### **August 28: Domestic Violence and Family Law**

**Divorce: Jurisdiction, Custody, Possession and Access**

*Selected Texas Family Code Statutes re: Domestic Violence and Divorce/Custody - 2023*

*Cases:* *Newberry v. Newberry*, 351 S.W.3d 552 (Tex. App. -El Paso 2011, no pet.) (**fault**)  
*Holley v. Adams*, 544 S.W.2d 367 (Tex. 1982) (**best interest standard**)  
*Lewelling v. Lewelling*, 796 S.W.2d 164 (Tex. 1990) (**DV and custody**)  
*In Re Stephanie Lee*, 411 S.W.3d 445 (Tex. 013) (**Mediation**)

### **August 30: Writing Skills – Writing a Demand Letter**

Article: *A Shot Across the Bow: How to Write an Effective Demand Letter*

Article: *By Popular Demand: Demand Letters*

Resource: *Dealing with Adverse Facts in a Demand Letter*

Article: *Six Tips for Writing Effective Demand Letters*

Article: *The Benchers: Excellence in Legal Writing – selected articles – May/June 2023*

**Week 3 (September 4; no class (Labor Day) and 6)**

**September 6: Protective Orders**

Article: Chapter 7B Protective Orders Under Texas CCP – Human Trafficking, Sexual Assault and Stalking PO’s – 2021 Advanced Family Law Course

*Donnelly, Appellant v K.T., Appellee* – No. 02-22-00183 – CV – Delivered June 29, 2023

*Boyd v. Palmore*, 425 S.W.3d 425 (Tex. App.-Houston [1st Dist.] 2011, no pet.)

*Selected Texas Family Code Statutes re: Protective Orders*

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**TAKE-HOME ASSIGNMENT due Sept 16: Group Assignment (no more than 3 per group):** Draft Response to a Motion for Temporary Orders including a trial brief based on a hypothetical. Drafting directions which will be given in class; **re-write due one week after draft is returned.**

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**Week 4 (September 11 and 13)**

**September 11: Domestic Violence in the International Context: DV in other countries**

Broadening the Escape Clause: How the UCCJEA Can Protect Female Survivors of Domestic Violence

*Silva v. Dos Santos*, 68 F.4th 1247 (11th Cir. 2023) (per curiam)

**September 13: International Issues and Domestic Violence  
Preventing International Abduction - Hague Convention;**

Applicable Statutes: UCCJEA: Texas Family Code §§152+

42 U.S.C.A. 11601-11608 (International Child Abduction Remedies Act (ICARA))

Judges and the Hague Convention - Article

*The Hague Convention and International Child Abduction* - Blog by Brad Reid (Buffington Post - April 6, 2016)

Hague Convention Procedural Chart - review

*Golan v Saada*: Protecting Domestic Abuse Survivors in International Child Custody Disputes – Article

**Week 5 (September 18 and 20)**

**September 18: DV and Criminal Law**

Texas Penal Code Section 22.01

*Martin v. State*, 2023 WL 3115779 (April 27, 2023)

The Prosecutorial Problem of Uncooperative Domestic Violence Victims and Overcoming Its Evidentiary Implications In Missouri, UMKC Law Review (Summer 2022)

**September 20: DV in Criminal Court con'd: student group work**

**Week 6 (September 25 and 27)**

**September 25: Termination (and Adoption) as related to Domestic Violence**

Selected Texas Family Code Termination Statutes

Houston Chronicle Article – State Tried to Remove Children

*ICWA--THE GOLD STANDARD - Golden Nuggets of Evidence from Arizona*, Arizona Attorney, July/August 2022

*S.L. v TDPRS*, 2023 WL 3512412, Texas App, Austin, Memorandum Opinion, May 18, 2023.

*The Battered Mother in the Child Protective Service Caseload: Developing an Appropriate Response*, 23 Women's Rts. L. Rep. 107 (Spring 2002)

**September 27: Property and Landlord/Tenant Laws and Domestic Violence**

Texas Property Code Sections 92.016 and 92.0161

*Domestic Violence and Eviction: Housing Protections For Survivors, And What We Can Learn From Eviction Diversion Programs*; 50 Fordham Urb. L.J. 173 (November 2022)

*Without Safety a House is Not a Home: The Gaps Creating Injustice in Courts' Application of Title VII Analysis to Sexual Harassment Claims Under the FHA*, 71 U. Kan. L. Rev. 503 (March 2023)

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**TAKE-HOME ASSIGNMENT due Oct 11: Demand letter to Landlord and case update letter to client; re-write due: one week after first draft returned**

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**Week 7 (October 2 and October 4)**

**October 2: Employment Law and Domestic Violence**

Tx. Labor Code § 411.103. Duty of Employer to Provide Safe Workplace

Experiential Legal Writing by Diana Donahoe (Memos)



EEOC FAQ's: The Application of Title VII and the ADA to DV in the Workplace

*We Need More than Locks: A Call for Intimate Partner Violence Education, Training, and Reform in the Workplace*, 49 U.S.F. L. Rev. 215 (2015)

*Employer Liability for Domestic Violence in the Workplace: Are Employers Walking a Tightrope Without a Safety Net?*, 31 Tex. Tech. L. Rev. 139 (2000)

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**TAKE-HOME ASSIGNMENT: first draft due Oct 21: Memo to Human Resources;  
re-write due: one week after draft returned**

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**October 4: Diversity and Domestic Violence - Animal Law/LGBT/Teen/Male Victims/Disabilities**

*M.E. v. T.J.*, 275 N.C. App. 528, 854 S.E.2d 74 (2020)

*What Lawyers Can Do When Pet Abuse and Domestic Violence Intersect*, N.Y. St. B.J. 46 (May/June 2023)

*The Silent Generation: Removing Barriers to Addressing Intimate Partner Violence Among the Elderly*, 29 Elder L.J. 181 (2021)

**Week 8 (October 9 and 11)**

**October 9: DV and Immigration Law (U VISA, T VISA, SIJS, VAWA and Asylum) -  
Speaker: Josephine Sorgwe: Managing Attorney BakerRipley**

Article - Recognizing DV as a Basis of Asylum

Article – The Noncitizen Parent Trap: How Abuse Victims Become Stuck Between Family Court and Immigration Law

**October 11: Best Practices and DV - Speaker: Maisha Colter: CEO AVDA – Houston**

*Professional Responsibility in Civil Domestic Violence Matters*, 24 Hastings Women's L.J. 3, Winter 2013

**Week 9 (October 16 and 18)**

**October 16: Technology and DV**

Texas Penal Code Section 25.07

*ITIO M.M.W. and S.E.W.*, 2019 WL 1757897 (April 22, 2019)

*Addressing Imperfect Solutions to Technology-Facilitated Domestic Violence*, 41 Women's Rts. L. Rep. 117 (Spring/Summer 2020)

**October 18: Student Presentations (3)**

**Week 10 (October 23 and 25)**

**October 23: Student Presentations (3)**

**October 25: Student Presentations (3)**

**Week 11 (October 30 – November 1)**

**October 30: Student Presentations (3)**

**November 1: Student Presentations (3)**

**Week 12 (November 6 and 8)**

**November 6 - November 9: Student conferences re: final paper (no class)**

**Week 13 (November 13 and 15)**

**November 13: Secondary Trauma and Dealing with Stress – Speaker: Dr. Ann Webb**

*Compassion Fatigue and Attorneys*, Texas Bar Journal, September 2010.

*Relief for Stressed Out Lawyers and Law Students Article*, by Debra L. Bruce, JD, PCC

Article: Healing Power – Mitigating Compassion Fatigue – Tx Bar Journal October 2013

**November 15: Professionalism; Managing Difficult and High Maintenance Clients  
Ethical Issues Attorney re: DV -- Speaker: David Arrington**

*High-Conflict Divorce: Legal and Psychological Challenges*, Houston Lawyer  
March/April 2008

*Dealing with Manipulative People (excerpt from "In Sheep's Clothing" by George K. Simmon)*

**Week 14 (November 20 and Thanksgiving Holiday)**

**November 20: "Sleeping with the Enemy" movie**

**November 27: Final Class>> "Sleeping with the Enemy" discussion and DV interview practice**