

11-1-2016

Frontmatter

Follow this and additional works at: <https://digitalcommons.law.byu.edu/jpl>



Part of the [Law Commons](#)

Recommended Citation

Frontmatter, 30 BYU J. Pub. L. [vii] (2016).

Available at: <https://digitalcommons.law.byu.edu/jpl/vol30/iss2/1>

This Frontmatter is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Brigham Young University Journal of Public Law by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

BYU JOURNAL OF PUBLIC LAW

Volume 30

Number 2

2016

The *BYU JOURNAL OF PUBLIC LAW* publishes two issues per year at the J. Reuben Clark Law School, Provo, Utah. ISSN 0896-2383. Standard Mail prepaid at Lincoln, Nebraska, and at additional mailing offices. POSTMASTER: Send address changes to the *BYU Journal of Public Law*, Accounting Office, 368 JRCB, Provo, Utah 84602.

SUBSCRIPTIONS:

Rates: United States: \$14/issue, \$20/year, \$36/2 years, \$50/3 years.
International: \$17/issue, \$25/year, \$46/2 years, \$65/3 years.

Subscriptions are renewed automatically unless a discontinuance request is received. Claims for undelivered issues must be made within three months of publication for U.S. subscribers or six months for international subscribers. Send all subscriptions correspondence to the *BYU Journal of Public Law*, Accounting Office, 368 JRCB, Provo, Utah 84602.

Back issues in complete sets, volumes, or single issues may be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209; (800) 828-7571; <http://heinonline.org>.

SUBMISSIONS:

The *Journal* welcomes manuscript submissions. Each manuscript should be in Microsoft Word format, double-spaced, 12-point serif font. Submissions should include the author's CV and a cover letter with a short description of the manuscript. The Journal prefers submissions via ExpressO. Authors may also submit manuscripts electronically to lawjour@byulaw.net.

COPYRIGHT REQUESTS:

Send all articles communications to the *BYU Journal of Public Law*, 471H JRCB, Provo, Utah 84602. Except as indicated in individual articles, the *Journal* grants permission for articles to be copied for classroom use if (1) a proper notice of copyright is affixed to each copy, (2) the author and source are identified, (3) copies are distributed at or below cost, and (4) the *BYU Journal of Public Law* is notified of the use.

CONTENT:

All views expressed in this publication belong to the authors alone and not the *BYU Journal of Public Law* or the J. Reuben Clark Law School. Citations follow the rules of *The Bluebook: A Uniform System of Citation* (19th ed. 2010) and *The Chicago Manual of Style* (16th ed. 2010). Unless otherwise indicated, all editors are students at the J. Reuben Clark Law School.

Cite as: BYU J. PUB. L.

Copyright © 2016 BYU Journal of Public Law

BYU JOURNAL OF PUBLIC LAW

Volume 30

2016

Number 2

Editor-in-Chief

JADE SWARTZBERG FARRIS

Managing Articles Editor

LESLEY CHRISTIANSEN

Managing Publication Editor

ANDRES GONZALEZ

Managing Administration Editor

TARA FITZGERALD

Managing Submissions Editor

ALEX BIGGS

Executive Editors

CHRISTOPHER HOTTON

CAROLINE LAMB

ZACHARY MILLER

ANNALEE MOSER

KIMBERLIE ORR

Lead Editors

ANDREW CHRISTENSEN

CAMERON CHRISTENSEN

DANIEL CHAVEZ

ADAM DOUGAN

MATTHEW JAYNES

Editors

DANIEL BENZION

KEVIN BOYCE

KATHRYN BRINTON

ALLISON BRINKERHOFF

IAN COLLINS

BRONWEN DROMEY

RAQUEL FLORES

MARIO GONZALES

KENNEDY GRIFFIN

AILSA LILLYWHITE

ELIZABETH MANN

STEPHANIE NIELSON

RACHEL OKURA

KOHEI OMAN

EMILY PAGE

RICK PLEHN

GARRETT POPPITZ

SAMANTHA SCOTT

BRIGHAM YOUNG UNIVERSITY
J. REUBEN CLARK LAW SCHOOL FACULTY

- ANDERSON, CURTIS (2015), Associate Professor of Law. BA, 1991, Brigham Young University; JD, 1994, Brigham Young University.
- ASAY, CLARK (2014), Professor of Law. BA, 2001, Brigham Young University; M Phil, 2002, University of Cambridge (Darwin College); JD, Stanford Law School.
- AUGUSTINE-ADAMS, KIF (1995), Associate Dean and Charles E. Jones Professor of Law. BA, 1988, Brigham Young University; JD, 1992, Harvard Law School.
- BAIR, STEPHANIE P., Associate Professor of Law. BA, University of Prince Edward Island; JD, Harvard Law School; PhD, University of Utah.
- COLLINGS, JUSTIN (2013), Associate Professor of Law. BA, 2006, Brigham Young University; JD, 2010, Yale Law School; PhD, 2013 Yale University.
- DANIELS, BRIGHAM (2010), Associate Professor of Law. MPA, 2000, University of Utah; JD, 2003, Stanford Law School; PhD, 2010, Duke University.
- DOXEY, GARY B. (2005), Associate Director of International Center for Law and Religion Studies. BA, 1980, JD, 1984, Brigham Young University; PhD, 1992, Cambridge University.
- DURHAM, W. COLE JR. (1976), Gates University Professor of Law and Director, International Center for Law and Religion Studies. BA, 1972, JD, 1975, Harvard University.
- FARMER, LARRY C. (1974), Marion G. Romney Professor of Law. BS, 1968, University of Washington; PhD, 1975, Brigham Young University.
- FEE, JOHN E. (2000), Professor of Law. BA, 1992, Brigham Young University; JD, 1995, University of Chicago.
- FLEMING, J. CLIFTON JR. (1974), Ernest L. Wilkinson Professor of Law. BS, 1964, Brigham Young University; JD, 1967, George Washington University.
- GEDICKS, FREDERICK M. (1990), Guy Anderson Chair and Professor of Law. BA, 1977, Brigham Young University; JD, 1980, University of Southern California.
- GERDY, KRISTIN (1995), Teaching Professor and Director, Rex E. Lee Advocacy Program. BA, 1992, JD, 1995, Brigham Young University.
- GORDON, JAMES D. III (1984), University Assistant to the President for Planning and Assessment and Marion B. and Rulon A. Earl Professor of Law. BA, 1977, Brigham Young University; JD, 1980, University of California, Berkeley.
- HERNANDEZ, CARL III (2001), Assistant Dean. BA, 1988, JD/MPA, 1992, Brigham Young University.
- HOAGLAND, MARY H. (1994), Assistant Dean. BA, 1978, Brigham Young University; MA, 1982, San Diego State University; JD, 1984, San Joaquin College of Law; PhD, 2007, Brigham Young University.
- HURT, CHRISTINE (2104), Rex J. & Maureen E. Rawlinson Professor of Law. BA, Texas Tech University; JD, 1993, University of Texas School of Law.
- JENNEJOHN, MATTHEW (2013), Associate Professor of Law. BA, 2002 Brigham Young University; MSc, 2004, London School of Economics; JD, 2007 Columbia University.
- JENSEN, ERIC TALBOT (2011), Associate Professor of Law. BA, 1989, Brigham Young University; JD, 1994, University of Notre Dame; LLM, 2001, The Judge Advocate General's School; LLM, 2006, Yale Law School.
- JONES, RONNELL ANDERSEN (2008), Associate Professor of Law. BS, 1995, Utah State University; JD, 2000, The Ohio State University.
- MOORE, DAVID H. (2008), Professor of Law. BA, 1992, JD, 1996, Brigham Young University.

- NIELSON, AARON (2013), Associate Professor of Law. BA, 2003, University of Pennsylvania; LLM, 2006, University of Cambridge; JD, 2007, Harvard Law School.
- NÚÑEZ, D. CAROLINA (2007), Associate Professor of Law. BA, 2001, JD, 2004, Brigham Young University.
- PRESTON, CHERYL BAILEY (1989), Edwin M. Thomas Professor of Law. BA, 1975, JD, 1979, Brigham Young University.
- RASBAND, JAMES R. (1995), Dean and Hugh W. Colton Professor of Law. BA, 1986, Brigham Young University; JD, 1989, Harvard Law School.
- SCHARFFS, BRETT G. (1997), Francis R. Kirkham Professor of Law. BSBA, 1986, MA, 1987, Georgetown University; BPhil, 1989, Oxford University; JD, 1992, Yale Law School.
- SMITH, D. GORDON (2007), Associate Dean and Glen L. Farr Professor of Law. BS, 1986, Brigham Young University; JD, 1990, University of Chicago Law School.
- STANCIL, PAUL (2014), Professor of Law. BA, 1993, University of Virginia; JD, 1996, University of Virginia School of Law.
- STEELE, MICHALYN (2011), Associate Professor of Law. BA, 1992, MA, 1994, Brigham Young University; JD, 2001, Georgetown University Law Center.
- SUN, LISA GROW (2008), Associate Professor of Law. BS, 1994, University of Utah; JD, 1997, Harvard Law School.
- WARDLE, LYNN D. (1978), Bruce C. Hafen Professor of Law. BA, 1971, Brigham Young University; JD, 1974, Duke University.
- WELCH, JOHN W. (1980), Robert K. Thomas University Professor of Law. BA, 1970, MA, 1970, Brigham Young University; JD, 1975, Duke University.
- WORTHEN, KEVIN J. (1987), University Advancement Vice President and Hugh W. Colton Professor of Law. BA, 1979, JD, 1982, Brigham Young University.

ADJUNCT FACULTY

- | | | |
|--------------------|-----------------------|------------------------|
| AFFLECK, ADAM S. | KIMBALL, DALE A. | TIPPETT, RUST |
| AVERY, ROBERT C. | LEAVITT, PETER | TODD, DAVID R. |
| BARLOW, MATTHEW A. | LEE, THOMAS R. | VAN WOERKOM, DANIEL F. |
| BENSON, DEE V. | LEHNHOF, LANCE S. | WALKER, JEFFREY N. |
| BURDSAL, NATHAN | LEWIS, MATTHEW | WARNER, PAUL M. |
| CLARK, ELIZABETH | LINTON, MORRIS D. | WATERMAN, STEVEN T. |
| CLEMES, KAREN N. | MATIS, GREGORY J. | WELCH, MEGAN. |
| COOK, BENJAMIN J. | MCCLEVE, SHEILA K. | WISE, JANE H. |
| CUNDICK, TED | MCCULLOUGH, LEE S. | |
| DAVIS, MARK D. | MOURITSEN, STEPHEN C. | |
| DUTCHER, DAVID | MURRAY, KEVIN R. | |
| FALE, HUTCH U. | NEELEMAN, STANLEY D. | |
| FERRIN, SCOTT E. | NUFFER, DAVID | |
| GIGGER, JOSH | OWEN, STANFORD B. | |
| GLADE, LEEANN | PEAD, DUSTIN | |
| GRIFFITH, SUSAN W. | SCHAERR, GENE | |
| HOPKINS, STEVEN | TAYLOR, RYAN | |
| JENSEN, MARY O. | TENNEY, RYAN | |

TABLE OF CONTENTS

ARTICLES

The Development of the Issue of Same-Sex Couples Under Israeli Law <i>Yitsbak Cohen</i>	177
The Principle of Subsidiarity and the Law of the Family Business <i>Scott FitzGibbon</i>	199
Regulating Marriage in a New Environment <i>Carmen Garcimartin</i>	217
The Evolution of Family Law: Changing the Rules or Changing the Game? <i>Carlos Martínez de Aguirre</i>	231
The Impact of <i>Obergefell</i> : Traditional Marriage's New Lease on Life? <i>David Pimentel</i>	251
Assessing the History of Exaggerated Estimates of the Number of Children Being Raised by Same-Sex Parents as Reported in Both Legal and Social Science Sources <i>Walter R. Schumm, Martin Seay, Keondria McClish, Keisha Clark, Abdullah Asiri, Nadyah Abdulla, and Shuyi Huang</i>	277
An International Perspective on Same-Sex Marriage Post <i>Obergefell</i> (and Some Thoughts on Legal Positivism as a Means of Reconciliation): The Israeli Case <i>Avishalom Westreich</i>	303