

# Brigham Young University Journal of Public Law

---

Volume 35 | Issue 1

Article 1

---

Fall 11-30-2020

## Frontmatter

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



Part of the [Law Commons](#)

---

### Recommended Citation

*Frontmatter*, 35 BYU J. Pub. L. (2020).

Available at: <https://digitalcommons.law.byu.edu/jpl/vol35/iss1/1>

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](mailto:hunterlawlibrary@byu.edu).

# BYU Journal of Public Law

Volume 35

2020

Number 1

---

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 Scholastica. Authors may also submit manuscripts electronically to [lawjour@byulaw.net](mailto: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 © 2020 BYU Journal of Public Law



# BYU Journal of Public Law

Volume 35

2020

Number 1

---

*Editor-in-Chief*  
RYNDAN RILEY

*Managing Articles Editor*  
PHILIP BARR

*Managing Publication Editor*  
SARAH HATTON

*Managing Administration Editor*  
KARA BLOOMER

*Managing Submissions Editor*  
MACKENZIE CANNON

*Executive Editors*  
ALICIA CONLEY  
HANNAH LEAVITT-HOWELL  
ALLYSON MORTELL  
MJ TOWNSEND  
VIVIAN TSE

*Lead Editors*  
BRANDON GRAVES  
BROOKE GLEDHILL  
CHRISTINA CHAN  
JAYCE DAVIS  
MIKA HILLERY

*Associate Editors*

ABIGAIL W. BROWN  
ANDREW L. JUERGENS  
CATHERINE L. GRANTHAM  
CLARA E. HUBBARD  
ETHAN A. SCHOW  
HAYDEN B. EARL  
JACKSON M. SKINNER  
JADEN COWDIN

JARED S. EREKSON  
KADE A. ALLRED  
MASON L. GARDNER  
MORGAN K. FARNSWORTH  
RHETT F. HUNT  
TANNER R. HAFEN  
WAYNE VANDEGRAAFF

**BRIGHAM YOUNG UNIVERSITY**  
**J. REUBEN CLARK LAW SCHOOL FACULTY**

- ANDERSON, CURTIS B. (2015), Associate Teaching Professor. B.A., 1991, J.D., 1994, Brigham Young University.
- ASAY, CLARK D. (2014), Associate Professor of Law. B.A., 2001, Brigham Young University; M.A., 2002, University of Cambridge; J.D., 2007, Stanford Law School.
- AUGUSTINE-ADAMS, KIF (1995), Charles E. Jones Professor of Law. B.A., 1988, Brigham Young University; J.D., 1992, Harvard Law School.
- BAIR, STEPHANIE P. (2015), Associate Professor of Law. B.S., 2001, University of Prince Edward Island; Ph.D., 2008, University of Utah; J.D., 2012, Harvard Law School.
- CLARK, ELIZABETH A. (2000), Associate Director for the International Center for Law and Religion Studies. B.A., 1994, Brigham Young University; J.D., 1997, Brigham Young University.
- CLAYTON, WILLIAM W. (2018), Associate Professor of Law. B.A., 2006, Stanford University; M.B.A., 2010, Stanford University; J.D., 2011, Yale Law School.
- COLLINGS, JUSTIN M. (2013), Associate Professor of Law. B.A., 2006, Brigham Young University; J.D., 2010, Ph.D., 2013, Yale University.
- COOK, BENJAMIN J. (2016), Associate Teaching Professor. B.A., 1998, M.A./M.Ed., 2001, Brigham Young University; J.D., 2005, Georgetown University Law Center.
- DANIELS, BRIGHAM (2010), Associate Professor of Law. M.P.A., 2000, University of Utah; J.D., 2003, Stanford Law School; Ph.D., 2010, Duke University.
- DISHMAN, ELYSA (2016), Distinguished Practitioner in Residence. B.A., 2003, Brigham Young University; J.D., 2007, University of Virginia School of Law.
- DOXEY, GARY B. (2005), Associate Director of International Center for Law and Religion Studies. B.A., 1980, J.D., 1984, Brigham Young University; Ph.D., 1992, Cambridge University.
- FEE, JOHN E. (2000), Professor of Law. B.A., 1992, Brigham Young University; J.D., 1995, University of Chicago.
- FLEMING, J. CLIFTON JR. (1974), Ernest L. Wilkinson Chair and Professor of Law. B.S., 1964, Brigham Young University; J.D., 1967, George Washington University.
- GEDICKS, FREDERICK M. (1990), Guy Anderson Chair and Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of Southern California.
- HERNANDEZ, CARL III (2001), Associate Teaching Professor. B.A., 1988, J.D./M.P.A., 1992, Brigham Young University.
- HURT, A. CHRISTINE (2014), Associate Dean and Rex J. and Maureen E. Rawlinson Professor of Law. B.A., 1990, Texas Tech University; J.D., 1993, University of Texas School of Law.
- JENNEJOHN, MATTHEW C. (2013), Associate Professor of Law. B.A., 2002, Brigham Young University; MSc, 2004, London School of Economics; J.D., 2007, Columbia University School of Law.
- JENSEN, ERIC TALBOT (2011), Professor of Law. B.A., 1989, Brigham Young University; J.D., 1994, University of Notre Dame; LL.M., 2001, The Judge Advocate General's School; LL.M., 2006, Yale Law School.
- JONES, CREE (2020), Associate Professor of Law. B.S., 2006, Brigham Young University; M.A., 2009, John Hopkins University; J.D./M.P.P., 2013, University of Michigan; Ph.D., 2018, University of Chicago.
- KYLE, KRISTIN B. GERDY (1995), Teaching Professor and Director of Rex E. Lee Advocacy Program. B.A., 1992, J.D., 1995, Brigham Young University.
- MOORE, DAVID H. (2008), Associate Dean and Wayne M. and Connie C. Hancock Professor of Law. B.A., 1992, J.D., 1996, Brigham Young University.
- NIELSON, AARON L. (2013), Associate Professor of Law. B.A., 2003, University of Pennsylvania; LL.M. 2006, University of Cambridge; J.D., 2007, Harvard Law School.
- NÚÑEZ, D. CAROLINA (2007), Associate Professor of Law. B.A., 2001, J.D., 2004, Brigham Young University.
- SCHARFFS, BRETT G. (1997), Francis R. Kirkham Professor of Law and Director of International Center for Law and Religion Studies. B.S.B.A., 1986, M.A., 1987, Georgetown University; B.Phil., 1989, Oxford University; J.D., 1992, Yale Law School.
- SHOBE, GLADRIEL D. (2016), Associate Professor of Law. B.A., 2003, Brigham Young University; J.D., 2010, Yale Law School; LL.M., 2011, New York University.

SHOBE, JARROD E. (2016), Associate Professor of Law. B.S./B.A., 2005, Arizona State University; J.D., 2011, Yale Law School.

SMITH, D. GORDON (2007), Dean and Glen L. Farr Professor of Law. B.S., 1986, Brigham Young University; J.D., 1990, University of Chicago Law School.

STAHELI, KORY D. (2007), Director of Law Library. B.A., 1984, J.D., 1987, M.L.I.S., 1991, Brigham Young University.

STANCIL, PAUL J. (2014), Professor of Law. B.A., 1993, University of Virginia; J.D., 1996, University of Virginia School of Law.

STEELE, MICHALYN (2011), Associate Professor of Law. B.A., 1992, M.A., 1994, Brigham Young University; J.D., 2001, Georgetown University Law Center.

SUN, LISA GROW (2008), Associate Professor of Law. B.S., 1994, University of Utah; J.D., 1997, Harvard Law School.

THORLEY, DANE R. (2019), Associate Professor of Law. B.A., 2012, Brigham Young University; M.A., 2015, Columbia University; M.Phil. 2017, Columbia University; J.D., 2017, Yale Law School; Ph.D., 2019, Columbia University.

WELCH, JOHN W. (1980), Robert K. Thomas University Professor of Law. B.A., 1970, M.A., 1970, Brigham Young University; J.D., 1975, Duke University.

WORTHEN, KEVIN J. (1987), University President, and Hugh W. Colton Professor of Law. B.A., 1979, J.D., 1982, Brigham Young University.

#### ADJUNCT FACULTY

AFFLECK, ADAM S.	GRAHAM, ATHELIA	PERRY, AUDREY L.
ARMSTRONG, RICHARD J.	GRIFFITH, SUSAN W.	PHILLIPS, SPENCER D.
BALLARD, MIKE	HORTON, KEN	ROGERS, STEVEN M.
BARGER, W. BRADLEY	JENSEN, MARY O.	SCHAERR, GENE C.
BARLOW, MATTHEW A.	KIMBALL, DALE A.	TAYLOR, RYAN J.
BAUGHMAN, KRISTIN	KULBETH, K. MARIE	TENNEY, RYAN
BENSON, DEE V.	LEE, THOMAS R.	THOMAS, SUSANNAH
BRAMBLE, CATHERINE E.	LINTON, MORRIS D.	THOMPSON, DOUGLAS
CUNDICK, TED	LORIMER, BRENT	TIPPETT, ROBERT S. JR.
DISHMAN, LAKE	MATIS, GREGORY J.	TODD, DAVID R.
DUTCHER, DAVID	MCBRIDE, RYAN	VAN WOERKOM, DANIEL
FARNSWORTH, DENISE	MCCULLOUGH, LEE S.	WALKER, JEFFERY N.
FERRELL, JAMES	MOURITSEN, STEPHEN C.	WARNER, PAUL M.
FIENE, AMY	NORMAN, KRISTIN	WATERMAN, STEVEN T.
FRANDSEN, BRITTANY	OWEN, STANFORD B.	WEILER, TODD D.
GIGGER, JOSHUA G.	PARKER, KIMBALL	WELCH, MEGAN
GLADE, LEEANN	PEAD, DUSTIN B.	WISE, JANE H.
GOODWIN, SCOTT		



Table of Contents

ARTICLES

The Little Statute that Gets No Respect: How Courts Have Ignored the Administrative Procedure Act with Respect to Whether Pre-Enforcement Challenge Provisions are Exclusive  
*Arthur Sapper* 1

Are Government Shutdowns Unconstitutional?  
*Allen Shoenberger* 19

Re-Victimization of Domestic Violence Victims  
*Angela de la Garza* 34

COMMENTS

FHA Sexual Harassment Claims: Title VII Applications and Departures through Caselaw and HUD's 2016 Rule  
*Brittany Urness* 80

Extending NEPA to Disaster Mitigation  
*Kevin Alden* 128