

2010 LEX Scholarship Essay Question

FACTS: Anne and Barbara marry in Vermont in 2006. The women have a falling out; Barbara moves to Texas. Texas law does not recognize same-sex marriages, declaring them against the state's public policy. Barbara also likes men; she falls in love with Carlos and marries him in Texas.

Issues Presented:

- I. Is the marriage between Barbara and Carlos valid according to Texas law?
- II. If the marriage between Barbara and Carlos is declared valid in Texas, will or should Vermont recognize the Texas marriage?
- III. Have Barbara and/or Carlos committed the crime of Bigamy according to Texas or Vermont law?

Applicable Law: The federal Defense of Marriage Act provides states are not required to recognize a marriage from another states if that marriage violates state policy, despite the U.S. Constitution Full Faith and Credit clause.

The essay should make arguments on a legal basis and on a general public policy basis.