

Supreme Court Reaches Unanimous Decision in Religious Liberties Case in which Wiley Rein Filed *Amicus* Brief

January 11, 2012

On January 11, the Supreme Court ruled in *Hosanna-Tabor Evangelical Church and School v. EEOC & Cheryl Perich*, No. 10-553, that the First Amendment protects a religious organization from a former ministerial employee's lawsuit alleging employment discrimination. The Supreme Court's unanimous decision overturned a ruling by the U.S. Court of Appeals for the Sixth Circuit that a teacher at a church-affiliated school was a secular employee who could sue the school for employment discrimination. The decision reinforces the constitutional right of religious organizations nationwide to manage their internal affairs without undue interference by government.

Wiley Rein filed an *amicus* brief on behalf of experts on religious tribunals, which was recognized by *The National Law Journal* as its "Brief of the Week" in August 2011. Appellate and Litigation partner Megan L. Brown, and associates Justin D. Heminger, Brad Glaza and Michael Connolly, filed the brief. They were assisted by Wiley Rein summer associates Christen Price and Shane Kelly.

The case turned on the "ministerial exception," a First Amendment doctrine that protects the rights of religious organizations to select, discipline and dismiss their ministerial employees without undue governmental interference from the various federal and state employment anti-discrimination laws. The federal government had taken a notably aggressive position on the ministerial exception, urging that the First Amendment afforded no greater protection to religious groups than it did to any non-religious organization, a position the Court called "untenable" and "remarkable" in light of the First Amendment's Religion Clauses.

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Wiley Rein's successful brief, on behalf of *amici* who have served on or are otherwise expert in religious courts of four different faith traditions, sought to "assist the Court in understanding the work of these religious courts and the vital role they play in religious organizations in this country and around the world, so it can place the ministerial exception in its proper context as a critical safeguard for religious organizations' freedom and vitality."

Wiley Rein's *amicus* brief can be found [here](#).

The Supreme Court's decision can be found [here](#).