

U.S. Supreme Court Ruling Reaffirms Right of Religious Organizations to Hire, Fire

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Today's ruling in a U.S. Supreme Court case may set one of the largest precedents in religious liberty in the last century, according to a partner at Warner Norcross & Judd LLP.

Matt Nelson, who chairs the firm's Appellate Litigation Practice Group and wrote an amicus brief for the Council of Christian Colleges and Universities in the case, said that the court's ruling in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission et al* reaffirms the constitutional right of religious organizations to make employment decisions involving ministers without governmental interference.

The case arose after a Lutheran school fired a "commissioned teacher." The teacher and the Equal Employment Opportunity Commission sued, claiming that the school retaliated against the teacher in violation of the Americans with Disabilities Act. The school claimed that the EEOC's and the teacher's suit were barred by the ministerial exception. The ministerial exception provides that the courts cannot interfere with decisions of religious organizations regarding who to hire and who to fire as ministers.

The Sixth Circuit Court of Appeals rejected the arguments of the school and the EEOC, holding that the ministerial exception did not apply to a commissioned teacher at a religious school. At roughly the same time, the Michigan Court of Appeals reached the opposite conclusion leading to a split in authority in Michigan between the state and federal courts.

The U.S. Supreme Court took the case to determine whether the ministerial exception applies. The federal government argued that there was no such thing as a ministerial exception and that the religion clauses in the Constitution did not apply to decisions about who to hire as a minister.

The Court rejected the argument and concluded that the teacher was a minister, and that the Constitution prohibits the government from interfering with ministerial hiring decisions.

"The federal government's argument that there is no ministerial exception that would prevent the government from interfering in religious organizations' hiring decisions was unanimously rejected today," Nelson said. "This decision is of great importance to religious schools, churches, and other religious organizations throughout the country."

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