Gallagher LLP

First Amendment Litigation

Gallagher's First Amendment Litigation practice represents clients in prosecuting and defending against claims where free speech and free exercise of religion are at stake. We zealously advocate for the rights of our clients to express their ideas, opinions, and religious beliefs free from the burden of excessive regulation or discriminatory treatment.

Why Hire Us?

- Our team of litigators routinely navigates complex cases involving land-use and other governmental regulations that impact houses of worship, religious schools, and other ministries.
- We have a deep understanding of the intricate regulatory, statutory, and constitutional protections for free speech and religious liberty, and we closely monitor the latest developments in these areas of law to provide maximum value for our clients.
- Our cases reflect our representation of clients with a variety of beliefs and practices. We recognize that diversity of religious expression is a core value of our society, and we are proud to represent clients of many faith traditions.
- Our attorneys bring a depth of experience and a track record of excellence in litigating First Amendment and related cases in state and federal court. We have achieved crucial victories for our clients, including in cases in which courts have awarded significant monetary damages and entered injunctive relief in our clients' favor.

Our experience includes:

- First Amendment and Religious Freedom Restoration Act (RFRA) litigation
- Religious land use (RLUIPA) litigation
- Prisoner civil rights cases
- Church property and church governance disputes

- Tax disputes involving houses of worship, including matters involving property tax exemptions and 501(c)(3) qualifications
- Employment issues, including in cases involving the rights of religious employers
- Defense against defamation claims, including anti-SLAPP defenses
- Commercial disputes arbitrated before rabbinical tribunals
- General non-profit matters

Representative Cases:

In ***Gorgia v. Dolan, et al., No. 151501/2020 (N.Y. Sup. Ct.)***, Gallagher attorneys successfully represented a religious organization and individuals who were sued by a former seminarian alleging discrimination, defamation, and other torts in New York state court. In 2022, the trial court granted Gallagher's motion to dismiss "in its entirety" at an early stage in the proceedings.

Gallagher achieves RLUIPA victory in remote trial in Maryland Federal Court
In the first multi-day trial litigated in federal court in Maryland by remote proceedings, *The Redeemed Christian Church of God (Victory Temple) Bowie, Maryland v. Prince George's County, Maryland*, a federal judge in Greenbelt found that Prince George's County violated the Religious Land Use and Institutionalized Persons Act of 2000, or RLUIPA.

Gallagher receives unanimous ruling in case involving free speech rights of non-profit religious organization
In *Greater Baltimore Center for Pregnancy Concerns, Inc. v. Mayor and City Council of Baltimore*, 879 F.3d 101 (4th Cir. 2018), a case raising novel constitutional issues with widespread implications for free speech and religious freedom, and after extensive discovery, legal briefing, and oral arguments, Gallagher won a final, unanimous ruling from the U.S. Court of Appeals for the Fourth Circuit, striking down on First Amendment grounds a Baltimore City ordinance that singled out a religious charitable organization.

***Reaching Hearts Int'l, Inc. v. Prince George's County, Maryland*,** is a landmark RLUIPA action that Gallagher aggressively litigated in federal district court and on appeal that resulted in injunctive relief and a seven-figure damages verdict in favor of Reaching Hearts.

In ***Pitz vs. Hess***, which appears to be the first case in the country to involve allegations of, in essence, a "negligent baptism," the Circuit Court for Anne Arundel County granted Gallagher's motion to dismiss on the ground that the "church autonomy doctrine," a corollary to the First Amendment's Establishment clause, prohibited the court's adjudication of the claims.

In ***Gharbawi v. Saint Mary Coptic Orthodox Church of Maryland, Inc.***, the Circuit Court for Howard County granted summary judgment to a hierarchical church, rejecting claims by former

church members who sought to interfere with a real estate transaction and recover donations they had made to the Church. The Court found that the former members' claims would have excessively entangled the Court in matters of religious doctrine, in violation of the First Amendment.

For more information or to consult with a Gallagher attorney about a religious freedom or First Amendment dispute, please contact us at 1stamendment@gallagherllp.com.

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