BROTHERHOOD MUTUAL®

Religious Freedom Protection

Shepherding Ministries in a Time of Change

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RELIGIOUS FREEDOM PROTECTION

Shepherding Ministries in a Time of Change

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RELIGIOUS FREEDOM PROTECTION

Shepherding Ministries in a Time of Change

OVERVIEW

Churches and ministries are facing new challenges and new questions in the face of a rapidly changing American culture

Anyone who turns on the news, flips through a magazine, or browses the web can see that American society and culture are experiencing rapid transitions. Some ministries have valid concerns that issues surrounding societal shifts may expose them to negative publicity, governmental scrutiny, and litigation. The question becomes: When and how can ministries operate within their foundational standards of beliefs without infringing on others' constitutional rights?

Religious organizations have unique freedoms

The question has become especially important since 2015 when the Supreme Court of the United States issued its ruling regarding same-sex marriage.[1] Since then, the Supreme Court has ruled on a number of cases that affect religious institutions.

Christian organizations may seem to be at the mercy of the rapid societal changes and court rulings regarding religious freedom. In fact, religious organizations have unique freedoms. This paper addresses issues facing Christian ministries and offers potential solutions to help ministries stay true to their sincerely held, Bible-based beliefs and still follow the law.

Additional resources

This paper also references additional resources, including sample policies, sample forms, and risk management articles. These resources are available at BrotherhoodMutual.com.

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EMERGING RELIGIOUS FREEDOM ISSUES FOR CHURCHES AND MINISTRIES

As American culture shifts, more weight is being given to the rights of individuals. Some ministries may feel a sense of safety based on efforts by the federal government to protect religious freedom through executive orders and Supreme Court nominations. However, ministries do not want to get caught in the winds of change every four to eight years with the turnover of presidential administrations.

The cultural climate continues to influence legal changes at the state and local level. The trend of more weight being given to the rights of individuals, often at the expense of religious freedom, is playing out within Christian colleges, K-12 schools, churches, camps, and other religious institutions. As ministry operations intersect with changing trends, several potential risk exposures may arise, some of which involve:

- Facility use considerations.
- Faith-based employment decisions.
- Gender identity issues.
- Targeted governmental actions.

It is important to note that various religious organizations and individuals hold a wide range of opinions about these issues. The information contained in this booklet is intended to assist ministries navigating these issues to uphold their sincerely held beliefs.

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HOW CAN A MINISTRY PROTECT ITS RELIGIOUS BELIEFS AGAINST LEGAL THREATS?

Before getting into specific issues, it's important to consider steps to help protect your ministry's beliefs. These steps include updating ministry documents to include sincerely held beliefs, considering how your ministry will respond to issues and requests that may not align with its values, and consulting with a local attorney.

I. Update your governing documents

Governing documents, including constitutions and bylaws, are rules that govern an organization's major decisions and key activities. It's a good idea to include the ministry's beliefs in your **constitution or bylaws**. Stating your beliefs along with applicable references to Scripture can help your organization operate according to these beliefs and avoid and defend against discrimination claims.

Pointing to an institution's governing documents is one of the easiest ways to show that it is acting in accordance with its beliefs when challenged. To provide the broadest protection, it is generally recommended that a ministry's governing documents include:

- **A purpose statement** that outlines the ministry's foundational beliefs, mission, and purpose. It should reference specific Scripture passages to support beliefs. Scripture references can help to strengthen your ministry's First Amendment position in the event of litigation.
  Consider posting your purpose statement in a prominent location on the ministry's website, ideally no more than one click away from the landing page of the website.
  Download a sample purpose statement at www.brotherhoodmutual.com

II. Update your operational documents

Operational documents are the written policies, procedures, and forms that guide your ministry's day-to-day operations. Examples include employee handbooks, volunteer policies, member agreements, facility use policies/agreements, application forms, and child protection policies.

It's good practice to weave your ministry's purpose and beliefs throughout your written policies and procedures. While not necessarily identical, your stated beliefs should be consistent with those included in your governing documents.

It is important to spell out **behavioral expectations** in member agreements, handbooks, policies and procedures.

- **Marriage, gender, and appropriate behavior provision.** This provision states expectations for employees, volunteers, and others affiliated with the ministry with respect to behaviors and interpersonal relationships. A provision that clearly explains the ministry's position on marriage, gender, and appropriate behavior can be very helpful. Remember to reference Scripture as your basis.
  Download a sample provision at www.brotherhoodmutual.com
- **Statement of faith and morals clause.** Clearly state your organization's positions in a statement of faith or morals clause that can be placed in the employee handbook, volunteer policies, and other operational documents. A morals clause states the lifestyle expectations for employees and volunteers. Again, referencing Scripture is important.
  Download a sample morals clause statement at www.brotherhoodmutual.com

- **Employment application.** Provide employment applicants with a copy of your statement of faith and morals clause. You can also include a question on the employment application that asks something like "Do you agree with the ministry's statement of faith, and do you agree to abide by the morals clause?"

Two schools of thought. Some ministries include both purpose and belief statements in all governing and operational documents. However, another approach is to include only the ministry's core doctrinal beliefs (e.g., the Bible, the Trinity, the Church, sin, salvation) in the governing documents, and then address topics like marriage or gender identity in operational documents.

One advantage to the second approach is that governing documents can be challenging to amend. Ministries likely want to avoid amending their bylaws or constitution every time new issues arise that may warrant a specific statement.

Respond with sensitivity. Your ministry should consider in advance how it will respond to requests and challenges in relation to its sincerely held beliefs and your response. It is important to train your clergy, staff, and volunteers to approach individual needs and requests with empathy. The way in which you convey your response is sometimes just as important as the message itself.

Consider training clergy, staff, and volunteers on conflict resolution. A well-trained staff can respond calmly and reduce the level of anxiety in difficult discussions. Proper training allows staff to approach individual requests in a way that encourages the possibility for dialogue.

III. Consult with local counsel

When revising organizational documents, policies, and procedures, ministry leaders should involve a local attorney. For example, a wide variety of federal, state, and local laws apply to employer and employee relations. A local attorney can provide guidance on any state-specific legal issues that you may encounter.

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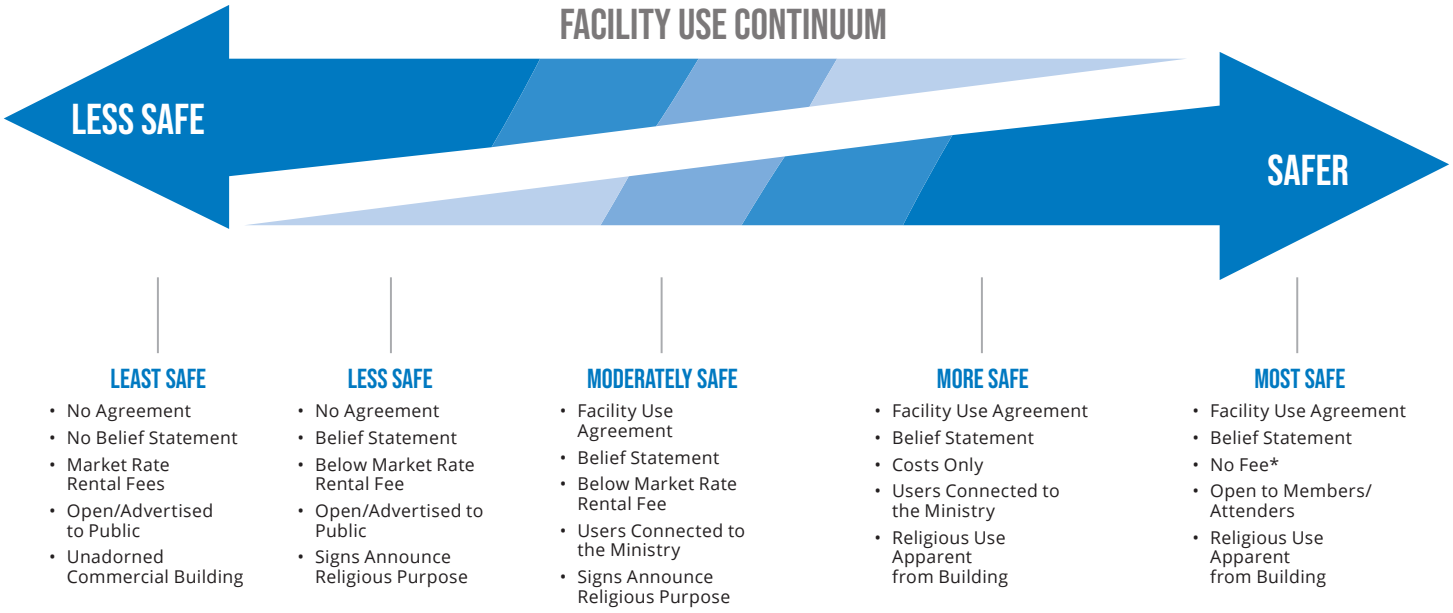
HOW CAN A MINISTRY ALIGN ITS FACILITY USE WITH ITS SINCERELY HELD BELIEFS?

If a ministry rents its meeting hall, auditorium, gymnasium, etc., to the public for a fee, courts are more likely to require the organization to rent the facility to all who seek to reserve it. The risk of losing a lawsuit in this area can be viewed in terms of this **Facility Use Continuum**.



*There could be tax ramifications, including challenges to tax-exempt status, if no fee is charged to a for-profit entity. Ministry leaders are encouraged to work with a locally licensed attorney and/or tax professional when developing any policy or procedure to ensure compliance with all applicable laws.

Five factors to evaluate when opening your facilities to outside groups

Regardless of your ministry's sincerely held beliefs, most ministries want to avoid being considered a place of public accommodation. A place of public accommodation is one that is generally open to the public, such as retail stores, restaurants, movie theatres, and hotels. Churches have not been treated historically as such. However, there are a growing number of state and local laws that address the topic and may apply to churches.

The goal is to lower the risk of being considered a place of public accommodation. The following **five factors** can help your ministry evaluate its facilities-use policies and procedures:

I. Does your ministry have a written facility use agreement?

One of the safest approaches to facility use is to require those who wish to use ministry facilities to be members or regular attenders in good standing. This may not be possible for your ministry. Alternatively, include a requirement in your facility use policy that asserts ministry expectations for all users. A statement such as "User agrees that it will not use the premises for any purpose that is contrary to the mission, purpose, or belief of the owner, which is a Bible-based religious institution" can help.

Download a sample facility use agreement at www.brotherhoodmutual.com

II. Does your ministry have a written belief statement?

As discussed previously, it is important to document your ministry's beliefs in writing. Along with requiring prospective users to sign a facility use agreement, it is a good idea to provide a copy of your ministry's beliefs to prospective users.

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III. What type of fee, if any, does your ministry charge?

It is generally acceptable to charge a fee for the use of ministry-owned facilities. However, charging outside groups a fee for the use of your ministry's facilities may make it more likely that you would be required to open the facilities to anyone who wishes to use them. Consider:

- **Costs-only vs. general fees.** Costs-only fees would be those that are related to the actual use of the facilities, such as setup and cleanup, staffing to unlock and lock the facilities, utilities, and the use of equipment. A general fee would be a set amount of money that is charged regardless of how the facilities are used.
  Charging a general fee is still a relatively safe approach. However, if your ministry is charging an unreasonably high amount of money for the use of its facilities, you may be at a higher risk of being considered a place of public accommodation. You can read more about the implications of a ministry running a for-profit enterprise and its associated unrelated business income tax (UBIT) here.
- **For-profit use of facilities.** It is important to note there could be tax ramifications, including challenges to tax-exempt status, if no fee is charged to a for-profit entity. Ministry leaders are encouraged to work with a locally licensed attorney and/or tax professional when developing any policy or procedure to ensure compliance with all applicable laws.

Read more about lending your facility at www.brotherhoodmutual.com

IV. Who does your ministry invite to use its facilities?

The safest approach to facility use would be to allow only members or regular attenders in good standing to use your ministry's facilities. However, many ministries invite other outside individuals or groups to use their facilities. If your ministry's facilities are open and advertised for use by the general public, you may be in a less safe position than if you require prospective users of the facilities to have some connection to the ministry or its members.

V. How does the public view your ministry's facilities?

It is important to consider whether the public can tell from the look of your building that it is a church or otherwise used for religious purposes. Ministries meet in all types of buildings, and it can be helpful to communicate to individuals outside of the ministry that the building is used for religious purposes (e.g., a cross on the building or grounds, or a sign that expresses this purpose).

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HOW CAN A MINISTRY ADDRESS EMPLOYMENT ISSUES RELATED TO MORALS AND VALUES?

Employment liability is based on a patchwork of federal, state, and local laws. Federal and state laws prohibit employment discrimination based on race, color, religion, sex, and national origin. In June 2020, the Supreme Court recognized that discrimination based on sexual orientation and gender identity "necessarily entails discrimination based on sex" as proscribed by federal law. Many state and local laws also prohibit sexual orientation and gender identity discrimination.

The free exercise clause embedded within the First Amendment should prevail in the event of a conflict with federal, state, or local statutes. **The First Amendment of the U.S. Constitution states that Congress may not enact laws that prohibit the free exercise of religion.** Accordingly, a ministry generally is not required to employ an individual who does not share its religious beliefs.

Title VII of The Civil Rights Act of 1964 provides an express statutory exception for religious organizations. The religious exemption protects and generally allows religious organizations whose "purpose and character are primarily religious" to give employment preference to individuals who are members of the organization's religion. The religious exemption applies even to a religious organization's secular activities and non-ministerial employees.[2]

The ministerial exception

There's helpful case law when discussing religious employment. In 2012, the U.S. Supreme Court handed down a ruling known as *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*[3]. In this case, the high court formally recognized a **ministerial exception** to employment claims against a religious organization.

Several lower court rulings previously had recognized a ministerial exception for religious institutions. In *Hosanna-Tabor*, the Supreme Court made this the law of the land. The case added clarity to the following issues:

- The ministerial exception permits ministries to make hiring and firing decisions based on the employee's beliefs and practices.
- Under the ministerial exception, courts will generally assume that a religious organization's hiring and firing decisions for ministerial employees are done in accordance with its sincerely held religious beliefs.
- Courts will refrain from second-guessing decisions based upon a ministry's definition of a ministerial employee. While the justices didn't specifically define what a ministerial employee is, this would seem to include employees whose job includes the communication of spiritual beliefs to others: senior pastors, associate pastors, worship leaders, and others.

In July 2020, the Supreme Court issued a ruling in *Our Lady of Guadalupe School v. Morrissey-Berru*[4] that reaffirmed and strengthened the ministerial exception. Leading up to the Supreme Court's ruling, some lower courts had begun to erode the holding of *Hosanna-Tabor* by requiring an employee to have a certain title and robust religious training. In *Our Lady*, the Supreme Court again affirmed that the First Amendment protects the right of all religious institutions "to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine."

Religious organizations are given greater autonomy over their employees and the Supreme Court stated in its ruling, "judges have no warrant to second-guess that judgment or to impose their own credentialing requirements." What matters in determining whether the ministerial exception applies is "what an employee does."

Read Can an Employee Sue a Ministry? at www.brotherhoodmutual.com

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Additional steps

Ministries can take additional measures to protect themselves:

- Be sure that the beliefs of the ministry are woven into the employee handbook, code of conduct, and other documents provided to employees.
- Provide job applicants a copy of the ministry's statement of faith and morals clause along with the application form. If permitted by state and local law, include a question on the employment application that asks if the applicant agrees with the ministry's statement of faith and agrees to abide by the ministry's expected moral conduct.
- Be consistent in applying these policies and procedures to all employees.
- Document all interactions regarding employee discipline or employment issues.
- Consult with a local attorney before terminating an employee to ensure compliance with all applicable state and federal laws.

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WHAT SHOULD MINISTRY LEADERS KNOW ABOUT GENDER IDENTITY ISSUES?

More than 20 states and 200 municipalities have sexual orientation or gender identity non-discrimination laws. These laws prohibit discrimination based on sexual orientation or gender identity (SOGI) in employment, housing, and public accommodation. For many years, federal law did not address SOGI issues in anti-discrimination legislation. However, the Supreme Court of the United States has now recognized that SOGI discrimination constitutes sex discrimination under Title VII of The Civil Rights Act of 1964. That ruling is likely to be extended to other federal laws affecting housing and public accommodation as well.

Religious institutions are still generally permitted to limit or even prohibit an individual's involvement in activities. In 2000, the U.S. Supreme Court decided a case involving the Boy Scouts of America[5]. In this ruling, the Court recognized that forcing organizations to include anyone in their activities may run counter to their purpose and infringe upon the organization's **freedom of expressive association**—a fundamental right, derived from the First Amendment, to advance a group's beliefs or ideas.

In the context of a ministry's ability to limit or prohibit an individual's involvement based on gender identity or sexual orientation, the justices balanced three competing interests in the Boy Scouts case:

i. Whether the ministry engages in expressive association, or in other words, gathers together to share or express a common belief or purpose.

ii. Whether forced inclusion of a transgender or homosexual individual significantly affects the ministry's ability to advocate public or private viewpoints.

iii. Whether the ministry's interest in expressive association would outweigh the state's interest in eradicating discrimination.

Under this ruling, a ministry will generally be permitted to restrict or exclude an individual based on sexual orientation or gender identity if including the individual would interfere with the sincerely held beliefs of the ministry.

Consider the logistics

Regardless of your ministry's position on the topic of gender identity, it is a particularly difficult issue to navigate. There are several logistic issues that must be considered, including:

- What restroom can a transgender person use?
- What group can a transgender youth participate in if the group is divided according to gender?
- Who would a transgender person stay with on overnight retreats?
- What locker room can an opposing team's transgender athlete use?
- What, if any, volunteer position can a transgender person serve in?

Ministries are encouraged to consider the potential challenges that may arise in relation to a transgender individual attending or participating in ministry activities and determine, in accordance with their sincerely held beliefs, how they will respond.

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HOW CONCERNED SHOULD MINISTRIES BE ABOUT GOVERNMENTAL ACTIONS AND CHALLENGES?

The current legal landscape already has presented several challenges to religious freedom, signaling that more are coming. You may not be aware, however, that a large percentage of religious freedom litigation is initiated by government agencies, such as state civil rights commissions and the Internal Revenue Service.

Targeted governmental actions

Here are a few examples of governmental actions that targeted a specific individual or organization:

- ***Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission***—Colorado Civil Rights Commission. Cake shop owner Jack Phillips refused to create a cake for a same-sex couple's wedding, citing his sincerely held beliefs. The couple filed a complaint alleging discrimination based on sexual orientation. The Commission agreed, and found the cake shop in violation of Colorado law. This case reached the U.S. Supreme Court. The Supreme Court held that the Commission violated the Free Exercise Clause's requirement of religious neutrality.
- ***Gifford v. McCarthy***—New York State Division of Human Rights. Cynthia and Robert Gifford rented portions of their farm for weddings and receptions. Based on their beliefs, the Giffords refused a same-sex couple's request to book the farm for their wedding ceremony. The New York State Division of Human Rights found that the Giffords' farm was a place of public accommodation and ordered the Giffords to pay damages and a fine totaling $13,000.
- ***Knapp v. City of Coeur d'Alene***—Coeur d'Alene. Donald and Evelyn Knapp were threatened by the City of Coeur d'Alene with jail time and fines for declining to allow a same-sex couple to marry at The Hitching Post Wedding Chapel, a business the couple had operated for 25 years.
- ***Bernstein v. Ocean Grove Camp Meeting Association***—New Jersey Civil Rights Commission. After New Jersey legalized same-sex marriage, couples began asking to use the Ocean Grove pavilion for their ceremonies. The Ocean Grove Camp Meeting Association, founded by Methodists, built the pavilion just after the Civil War. The State of New Jersey sued on the basis that the pavilion was a place of public accommodation.
- ***National Institute of Family and Life Advocates (NIFLA) v. Becerra***—The California Reproductive FACT Act requires licensed healthcare centers, regardless of religious belief or affiliation, to inform clients that publicly funded free or low-cost services are available, such as contraception and abortion. The NIFLA and others filed suit to prevent this law from being enforced. The Supreme Court held that the notice requirement for licensed centers likely violates First Amendment freedom of speech rights.

It is important to note that none of these cases, except for the one against Ocean Grove Camp Meeting Association, involved religious organizations. The free exercise clause of the U.S. Constitution, as well as various state constitutions historically have protected ministry organizations from extensive intrusion by governmental agencies.

However, as governmental agencies seek uniform anti-discrimination treatment for all institutions, it creates a clash between the 14th Amendment and First Amendment protections. It also causes friction between anti-discrimination efforts and sincerely held religious beliefs.

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Challenges to tax-exempt status

There's a growing concern that governmental agencies will target religious organizations, especially their tax-exempt status. In *Obergefell V Hodges*[1], the U.S. Solicitor General stated that:

> *"The tax exemptions of some religious institutions would be in question if they opposed same-sex marriage."*

TIME magazine echoed the solicitor general's statement. Just two days after the Supreme Court's same-sex marriage decision, the magazine published an article titled, *Now's the Time To End Tax Exemptions For Religious Institutions.*[6]

The argument in support of such challenges comes from a 1983 Supreme Court ruling: *Bob Jones University v. the United States*[7]. In this case, the justices held in an 8 to 1 decision that the IRS could revoke an institution's tax-exempt status in response to racial discrimination. The court decision included the following statement:

> *"The government has a fundamental, overriding interest in eradicating racial discrimination in education… which substantially outweighs whatever burden the denial of tax benefits places on the University's exercise of their religious beliefs."*

Among constitutional scholars, there's concern that the Court's reasoning in *Bob Jones University* could be applied to alleged discrimination based on other factors, such as same-sex marriage or other related issues.

Other areas in which governmental agencies may challenge the rights or benefits of ministry organizations include:

- State and local property tax exemptions.
- Education-related benefits, such as student financial aid, academic accreditation, and athletic scholarships.
- Health insurance and other employee benefit mandates.
- Clergy housing allowances. For more, read Tax-Free Housing For Pastors Facing Legal Challenge at BrotherhoodMutual.com.

From a financial and budgeting perspective, ministry leaders should begin to consider how potential government actions could affect the ministry and how the effects might be overcome.

Pros and cons

Some ministry leaders believe the church exemption from paying federal income and property taxes will be revoked in the future. This, in addition to a reduction in tithes and offerings, has led some ministries to consider other ways in which they might generate money to support the church.

On a more positive note, religious organizations may be eligible for public grants and other public benefits. On June 26, 2017, two years after its landmark decision legalizing same-sex marriage, the Supreme Court issued a decision that could have far-reaching effects on religious freedom.

Trinity Lutheran Church of Columbia, Inc. v. Comer[8] stems from a Missouri grant program which offered reimbursement to qualifying nonprofit organizations that install playground surfaces from recycled tires. Although, Trinity Lutheran Church's preschool otherwise qualified for the program, the state had an express policy to deny grants to any applicant owned or controlled by a church, sect, or other religious entity. In applying the U.S. Constitution to these facts, the Court held:

> *"…the exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution…, and cannot stand."*

The Trinity Lutheran ruling would broadly seem to prevent states from denying access to public grants or other public benefits simply because an organization is religious in nature. This is somewhat clouded by a footnote included in Chief Justice Roberts' opinion, which states:

> *"This case involves express discrimination based on religious identity with respect to playground resurfacing. We do not address religious uses of funding or other forms of discrimination."*

The footnote, however, did not gain majority support, and many believe this case will serve to benefit Christian churches, schools, and other nonprofit organizations.

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IF A MINISTRY IS SUED FOR STANDING UP FOR ITS BELIEFS, WILL INSURANCE COVERAGE BE AVAILABLE?

Insurance companies have been asked whether their church customers would have coverage if they were sued for emotional injury based on a belief-based decision. The response has been mixed, but most companies have responded that their policy would not provide coverage.

When evaluating an insurance company, ministry leaders also should consider whether the company can meet the unique needs of religious organizations. The wider insurance industry generally has not taken the time to understand the unique issues, concerns, or exposures applicable to today's churches and ministries.

As a ministry-focused insurer, Brotherhood Mutual® has specialized knowledge and skills to assist Christian churches and related ministries. We have been insuring ministries for over 100 years and share a common mission to advance the kingdom by serving the church.

Brotherhood Mutual's ***Religious Freedom Protection℠ Coverage*** endorsement addresses potential liability concerns and legal expenses arising out of the belief-based decisions of ministries.

The endorsement provides coverage for emotional injury claims that arise from your ministry's:

- Religious communication.
- Religious activities.
- Belief-based decisions.

Additional protections include:

- Funds to defend a ministry when its belief-based decisions and practices are attacked, or when the ministry's tax-exempt status is challenged.
- Funds to help respond to targeted actions by administrative agencies.
- Reimbursement for legal actions that a ministry may initiate to protect its right to pursue a belief-based decision or practice.

In addition to these protections, Brotherhood Mutual offers an extension endorsement specifically for **educational institutions**. The extension will help pay to defend educational institutions from financing and accreditation challenges to:

- Financial aid for students.
- Academic and sporting scholarships.
- The accreditation for the school itself.

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FINAL THOUGHTS REGARDING RELIGIOUS FREEDOM

First, with ministry challenges also come ministry opportunities, as highlighted in Scripture:

> *"When these things begin to happen, watch out! You will be handed over to the local councils and beaten in the synagogues. You will stand trial before governors and kings because you are my followers. But this will be your opportunity to tell them about me."* —Mark 13:9 (NLT)[9]

And:

> *"Behold, I am sending you out as sheep in the midst of wolves, so be wise as serpents and innocent as doves. Beware of men, for they will deliver you over to courts and flog you in their synagogues, and you will be dragged before governors and kings for my sake, to bear witness before them and the Gentiles."*
> —Matthew 10:16-18 (ESV)[10]

Second, believers are called to be wise in how they interact with others. This discussion has been intended to help churches and ministries to wisely move their ministry forward and uphold their beliefs in a changing culture.

There are resources and tools available through denominational sources, through other local churches, and the internet. Your insurance agent and insurance company are often overlooked. Your Brotherhood Mutual agent can offer resources on just about any topic, including religious freedom.

Third, don't be discouraged. Instead, view the cultural shift as a ministry opportunity to open a dialogue and make your spiritual purpose known through your governing documents, policies and procedures. If you need help, contact your insurance agent or Brotherhood Mutual's Legal Assist service.

Finally, and most importantly, consider turning to James 1:5 (NIV)[11]:

> *"If any of you lacks wisdom, you should ask God, who gives generously to all without finding fault, and it will be given to you."*

Footnotes

[1] *Obergefell v. Hodges,* 135 S. Ct. 2584

[2] *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 107 S. Ct. 2862 (1987).

[3] *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC,* 132 S. Ct. 694

[4] *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020).

[5] *Boy Scouts of America v. Dale,* 530 U.S. 640 (2000)

[6] Oppenheimer, Mark. "Now's the Time To End Tax Exemptions For Religious Institutions." *TIME* June 28, 2015. Time.com Web. Accessed March 16, 2018.

[7] *Bob Jones University v. the United States*, 103 S. Ct. 2017.

[8] *Trinity Lutheran Church of Columbia, Inc. v. Comer,* 137 S. Ct. 2012.

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The information provided in this paper is intended to be helpful, but it does not constitute legal advice and is not a substitute for the advice from a licensed attorney in your area. We strongly encourage you to regularly consult with a local attorney as part of your risk management program.

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