

**The Law Relating to Religious Organizations**  
previously listed as Church Law

Tuesday, 1-3

**Professor Robin K. Magee**  
[rmagee@hamline.edu](mailto:rmagee@hamline.edu)  
651 523-2339

In this class, we will review the law relating to the activities of religious organizations. This class will emphasize discussion and problem method instructional formats. There are two required texts for this class. One is Richard B. Couser, Ministry and the American Legal System (Fortress Press 1993.) This text is available from Amazon.com. (Be alert that this text is primarily written for a lay audience.) The other text is James A. Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law (Carolina Academic Press 2006.)

I expect class participation. I will consider class participation in your final grade. Attendance is required. I envision extending you the option of writing an exam, a paper, or a practice-oriented document as the final assignment.

Classroom Computer Use Policy: You may use your computers in this class. However, surfing the web for matters unrelated to class is prohibited.

The basic assignments are listed below. Others will be assigned in class and posted on TWEN. Please sign on to TWEN. I look forward to having you in class.

**WEEK 1.**

**Richard B. Couser, Ministry and the American Legal System**, Religion and Its Legal Context, *Introduction*, Chapter 3, *The Religion Clauses of the First Amendment*, Sections A, B, E (1-2), F (31 pages.)

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Section 1, Mary & Serritella, *Religious Polity*, p. 3;

**WEEK 2.**

**Richard B. Couser, Ministry and the American Legal System**, *Ecclesiastical Organization and the Courts*, Chapter 4, *Organization and Governance*, Chapter 11.

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Berg, *Religious Structures under the Federal Constitution*, p. 129.

### WEEK 3.

**Richard B. Couser, Ministry and the American Legal System, *Legal Privileges and Obligations of Clergy*, Chapter 5.**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Pope and Carlson, *How the Legal System's Treatment of Clerical Sexual Misconduct with Minors Affects Religious Freedom*, p. 633.

**Richard B. Couser, Ministry and the American Legal System, *Litigation*, Chapter 5A, C(5),(6), E.**

### WEEK 4

**Richard B. Couser, Ministry and the American Legal System, *The Church as Regulated Employer*, Chapters 7,**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Schiltz and Laycock, *Employment in Religious Organizations*, 527

### WEEK 5

**Richard B. Couser, Ministry and the American Legal System, *Hiring Supervising and Firing Employees*, Chapter 12,**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Gerstenblith, *Associational Structures of Religious Organizations*, 223

### WEEK 6

**Richard B. Couser, Ministry and the American Legal System, *The Church as Wagepayer*, Chapter 13, *Compensation and Taxes*, Chapter 14.**

### WEEK 7

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Gaffney, *Exemption of Religious Organizations from Federal Taxation*, 409.

**Richard B. Couser, Ministry and the American Legal System, *Other Government Regulation*, Chapter 10.**

### WEEK 8

**Richard B. Couser, Ministry and the American Legal System, *The Church as Property Owner*, Chapter 8.**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Carmella, *Land Use Regulation of Churches*, 565.

### WEEK 9

**Richard B. Couser, Ministry and the American Legal System, *Purchasing, Maintaining, or Altering Property*, Chapter 15.**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law**, Gerstenblith, *Civil Court Resolution of Property Disputes among Religious Organizations*, 315.

**WEEK 10**

**Richard B. Couser, Ministry and the American Legal System, *Copyright Law and the Church*, Chapter 9.**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law, Hansen, *Religious Organizations and the Law of Trusts*, 279.**

**WEEK 11**

**Richard B. Couser, Ministry and the American Legal System, *Liability for Contracts and Torts*, Chapter 6, *Supervision of Children*, Chapter 17.**

**WEEK 12**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law, Berg, *Affiliated Ministries: Education, Social Services, Health Care*, 671.**

**WEEK 13**

**Richard B. Couser, Ministry and the American Legal System, *The Counseling Relationship and Church Discipline.*, Chapter 18, *Liability Insurance*, Chapter 20**

**WEEK 14**

**Serritella, et.al., Religious Organizations in the United States: A Study of Identity, Liberty and the Law, Berg, *Religiously Affiliated Education*, 675**

**WEEK 15**

**Project Assignment.**