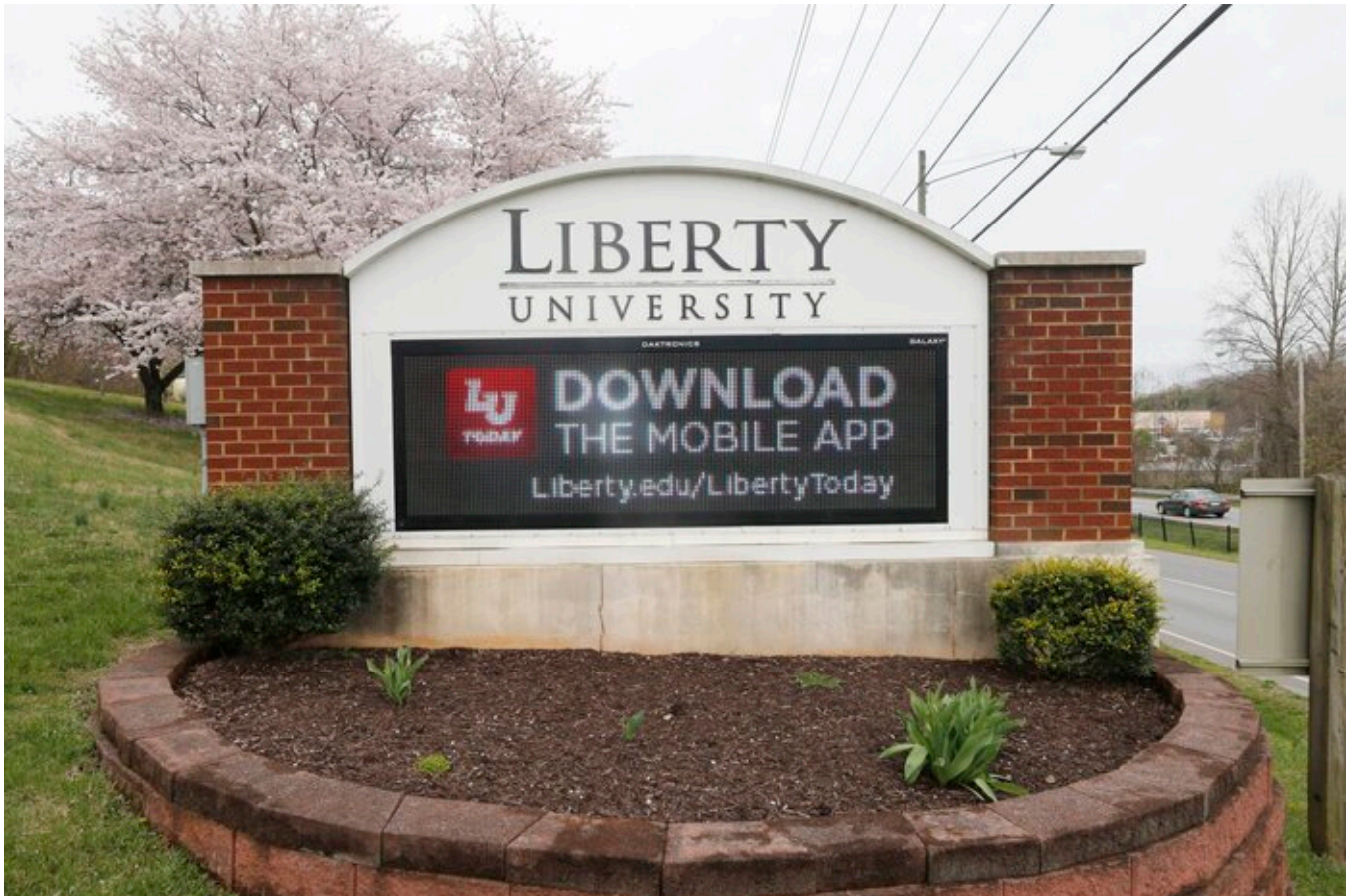


Trio Of 4th Circ. Cases Spotlights Employers' Religious Rights

By **Anne Cullen**

Law360 (March 23, 2026, 5:53 PM EDT) -- Several Christian organizations' fights for exemptions to workplace antidiscrimination laws have converged before the Fourth Circuit, giving the court an opportunity to establish a definitive position on the complicated legal tension between the rights of religious employers and LGBTQ+ workers.



Liberty University, in Virginia, is among the Christian groups pursuing Fourth Circuit appeals that stand to test the breadth of constitutional and statutory shields afforded to religious organizations when workers sue for discrimination. (AP Photo/Steve Helber)

In three separate appeals pending before the Fourth Circuit, for which oral arguments were **all held March 17**, a Christian university, a Catholic humanitarian agency and the top administrative authority of the Seventh-day Adventist Church are each challenging lower court losses in cases that test the breadth of constitutional and statutory shields religious organizations are afforded when workers sue for discrimination.

Liberty University, a Virginia-based Christian school, is **hoping to overturn** a district court's decision in 2025 **denying its bid** to dismiss a sex discrimination lawsuit from an employee it fired because she is transgender.

Catholic Relief Services, the international humanitarian agency of the Catholic community in the U.S., has

called on the Fourth Circuit to reevaluate two Maryland federal judges' conclusions that it **violated federal and state civil rights laws** when it revoked an employee's spousal health insurance benefits because he's in a same-sex marriage.

And the General Conference of Seventh-day Adventists is **hoping for a second chance** to secure a court-ordered shield from Maryland's workplace discrimination prohibitions so it can safely only hire people who are "mission-aligned."

During the hearing earlier in March, a three-judge panel spent nearly three hours carefully dissecting the parties' arguments in all three cases back to back. Experts said this litigation pileup gives the Fourth Circuit a chance to tackle in nearly one fell swoop some of the trickiest, ongoing legal debates stemming from the tension between religious and LGBTQ+ rights.

As the U.S. Supreme Court is silent on many of these underlying issues, and the appeals court's determinations will overlay three separate situations, the Fourth Circuit's say here may reverberate broadly, said Marc Bernstein, a partner and head of the employment law practice at Wollmuth Maher & Deutsch LLP who represents both employers and employees.

"There's a dearth of guidance from the Supreme Court in terms of the conflict in the employment context between the rights of religious institutions and the rights of certain categories of people," Bernstein said. "However they decide to apply the law, it will be to three different fact-patterns, and because of that, the decision could have broader implications."

Linked by "Core Question"

At the heart of all three legal battles are the outer bounds of the **constitutional and statutory exemptions** afforded faith-based employers when they face a claim of workplace discrimination.

These include Sections 702 and 703 of Title VII of the Civil Rights Act, provisions that allow employers with a primarily faith-based mission to prefer members of their own religion without cutting into the civil rights law's ban on religious discrimination.

While that cornerstone civil rights law generally prohibits employment decisions based on religion, the religious carveouts give a Baptist church legal clearance to select a Baptist minister over someone who is Catholic, for example.

Another religion-focused legal principle teed up before the Fourth Circuit is the oft-litigated ministerial exception, a judicially created doctrine drawn from the First Amendment that bars workplace discrimination cases against religious entities from people considered "ministers" within the organizations.

It was designed to keep courts from second-guessing religious organizations' decisions on who should convey an institution's faith.

Several First Amendment doctrines are also in play — drawn from the establishment and the free exercise clauses — in addition to the Religious Freedom Restoration Act, a Clinton-era statute that can be asserted to block the government from infringing on religious exercise unless it has a compelling reason and it does so in the "least restrictive" way possible.

Despite all these moving parts, Robert W. Tuttle, a professor of law and religion at the George Washington University Law School, said the three Fourth Circuit appeals and the myriad doctrines those religious organizations have invoked all boil down to a central conundrum.

"The core question," he said, is to what extent an institution can require employees "to live according to the dictates of its faith," when the workers in question "have no function at all in worship and religious instruction or involvement in expressing the religious message of the institution."

And who decides which employees are considered to have these faith-oriented roles "is a really, really important question," Tuttle added.

Liberty University in its appeal has argued that the Title VII exemptions, the First Amendment doctrines and RFRA shield it from a transgender information technology apprentice's 2024 lawsuit over her firing.

The school propelled the case up to the Fourth Circuit after a Virginia federal judge cleared the litigation to

move ahead in 2025, finding that "none of Liberty's proposed defenses are supported by the law on the facts thus far presented."

Catholic Relief Services is fighting to overturn decisions from 2022 and 2025 in which two Maryland federal judges found it discriminated against a data analyst on the basis of sexual orientation when it terminated his spouse's health insurance because he's married to another man.

In the 2022 ruling, U.S. District Judge Catherine C. Blake **rejected CRS' argument** that it was shielded from the worker's discrimination case by Title VII's carveouts, RFRA and the free exercise clause.

She also found CRS' decision to rescind the spousal benefits contravened Title VII and the Equal Pay Act, and called on Maryland's top court to clarify the breadth of the exemption for religious entities in the state's civil rights code.

Maryland's Supreme Court accordingly **declared in 2023** that Maryland's Fair Employment Practices Act's carveout for religious entities bars claims for religious, sexual orientation, and gender identity discrimination against religious organizations from employees "who perform duties that directly further the core mission (or missions) of the religious entity."

In 2025, U.S. District Judge Julie Rebecca Rubin — to whom the CRS case had been reassigned the year prior — said the former CRS data analyst who sued for discrimination **"did not directly further a CRS core mission,"** making the carveout inapplicable.

CRS has told the Fourth Circuit that the case should've been blocked by the federal and state law civil rights exemptions, plus RFRA and tenets of the First Amendment.

The appeal brought by the General Conference of Seventh-day Adventists sprung from its own lawsuit seeking an injunction against enforcement of the Maryland justices' 2023 interpretation of the religious entity provision.

The conference, alongside an Adventist insurance and risk management company, said in a 2024 complaint that the application of the exemption to only workers who perform faith-related duties — and not a building services technician, gardener or a janitorial manager, for example — contravenes religious organizations' constitutional rights to make their own personnel decisions.

The Adventist groups contend that "all their employees are representatives of the church" and that they should be required to adhere to their personal conduct policy, which bars the use of profanity, remarrying "without Biblical grounds" or engaging in "homosexual practices," among other things.

Last year, U.S. District Judge Theodore D. Chuang **pared down** the Adventist groups' suit and declined to grant them their requested injunction, prompting their appellate challenge.

Clamor for High Court Clarity

University of St. Thomas School of Law professor Thomas C. Berg, who specializes in constitutional law and religious liberty and leads the school's religious liberty appellate clinic, said these cases offer the Fourth Circuit a chance to solidify its stance on issues that neither it nor the Supreme Court has addressed.

But guidance from the nation's top court will ultimately be necessary to settle the legal landscape, he said.

"This will, to some extent, set the Fourth Circuit's position, because you've got the three cases at the same time on one panel," Berg said. "But these questions are ultimately not going to get resolved until the Supreme Court does it."

Longtime management-side attorney Mickey Silberman, founder and managing principal at Silberman Law PC, said that how the Fourth Circuit addresses this stack of cases could catch the justices' attention.

"The Supreme Court may be interested, depending on the outcome here," Silberman said.

--Additional reporting by Vin Gurrieri, Grace Elletson and Patrick Hoff. Editing by Amy Rowe.

