### ANGELA C. CARMELLA

Seton Hall University School of Law One Newark Center Newark, New Jersey 07102 (973) 642-8843

#### **EXPERIENCE**

# Professor of Law, Seton Hall University School of Law, Newark, New Jersey 1988 - present

- John Courtney Murray Professorship, 2008-present
- Dean's Fellow 2006-2007; Francis P. McQuade Research Fellow, 2007-2008
- Full Professor since 1994
- Current courses: Religion and the First Amendment; Property Law; Zoning, Planning and Land Use Policy

# Visiting Scholar and Lecturer on Religion and Society, Harvard Divinity School, Cambridge, Massachusetts, 1994 - 1995 Sabbatical

- Taught Seminar on Religious Liberty
- Fellow, Center for the Study of Values in Public Life
- Advisor to Thomas Temple Hoopes Prize Winner (recognized for excellence in faculty supervision)

### Associate, Csaplar & Bok, Boston, Massachusetts, September 1984 - June 1988

- 1985 1988 (Real Estate Department): acquisition, development and leasing (commercial and residential), rehabilitation and adaptive re-use of historic structures, environmental and zoning regulatory work, title review
- 1984 1985: rotations in the finance, corporate, real estate, tax, and litigation departments

Research Assistant, Vice-Dean David Smith, Human Rights Program, Harvard Law School, February - August 1984

Summer Associate, Csaplar & Bok, Boston, Massachusetts, Summer 1982

Summer Associate, Sutherland, Asbill and Brennan, Washington, D.C., Summer 1981

Volunteer Researcher, Amnesty International, Washington, D.C., Summer 1981

Legislative Intern, Methodist Board of Church and Society, Interreligious Task Force on U.S. Food Policy, Washington, D.C., Summer 1979

Congressional Intern, Rep. Frank Thompson (D-N.J.), Washington, D.C., Summer 1978

#### **EDUCATION**

# Harvard Divinity School, Master of Theological Studies, 1984

- Concentration in ethics and church-state relations, including coursework at Weston School of Theology and St. John's Seminary
- Studies funded by Danforth Foundation Fellowship

## Harvard Law School, Juris Doctor cum laude, 1983

• Elective courses in international law, constitutional law, jurisprudence, and church-state law

## Princeton University, A.B. summa cum laude, 1980

- Woodrow Wilson School of Public and International Affairs (concentration in international development); coursework in Religion Department and at Princeton Theological Seminary
- Honors: Phi Beta Kappa; David Lawrence Memorial Scholarship

# Georgetown University, Institute on Comparative Political and Economic Systems, Summer 1978

• Honors: John Engalitcheff Award for Scholastic Excellence

# Harvard University, summer study in political philosophy, 1977

#### **PUBLICATIONS**

Religious Freedom and Compromise: A Response to Kathleen Brady's DISTINCTIVENESS OF AMERICAN RELIGION (forthcoming Notre Dame Roundtable publication).

After Hobby Lobby: The "Religious For-Profit" and the Limits of the Autonomy Doctrine, 80 **Missouri Law Review** 381 (2015).

*Land Use*, in Scott Idleman and Frank Ravitch, eds., **TREATISE ON LAW AND RELIGION** 504 (Cambridge Univ. Press, 2015).

*Book Review:* A SHORT AND HAPPY GUIDE TO BEING A LAW STUDENT (by Paula Franzese), in **The Law Teacher**, Nov. 2014

For-Profit v. Nonprofit: Does Corporate Form Matter? The Question of For-Profit Eligibility for Religious Exemptions under Conscience Statutes and the First Amendment," in Kathleen Boozang, ed., PROCEEDINGS OF THE SYMPOSIUM: IS A FOR-PROFIT STRUCTURE A VIABLE ALTERNATIVE FOR CATHOLIC HEALTH CARE MINISTRY? 75 (Seton Hall University School of Law 2012).

Symbolic Religious Expression on Public Property: Implications for the Integrity of Religious Associations, 38 Florida State University Law Review 481 (2011).

Exemptions and the Establishment Clause, 32 Cardozo Law Review 1731 (2011).

Religion-Free Environments in Common Interest Communities, 38 **Pepperdine Law Review** 57 (2010).

RLUIPA: Linking Religion, Land Use, Ownership and the Common Good, 2 Albany Government Law Review 485 (2009).

Book Review: LAW AND RELIGION by Leslie Griffin in 23 **The Journal of Law and Religion** 739 (2008).

Booknote reviewing "Church-State Issues in America Today: Religion and Government (Vol. 1); Religion, Family and Education (Vol. 2); Religious Convictions and Practices in Public Life (Vol. 3)" (Ann Duncan and Steven Jones, eds.), 34 **Religious Studies Review** 221 (2008).

*Booknote* reviewing "The Secrets of the Kingdom: Religion and Concealment in the Bush Administration" (Hugh Urban), 34 **Religious Studies Review** 318 (2008).

Responsible Freedom under the Religion Clauses: Exemptions, Legal Pluralism, and the Common Good, 110 West Virginia Law Review 403 (2007).

Land Use Regulation of Churches, in James A. Serritella, ed., RELIGIOUS ORGANIZATIONS IN THE UNITED STATES: A STUDY OF IDENTITY, LIBERTY, AND THE LAW 565 (Carolina Academic Press, 2006).

John Courtney Murray, S.J., in John Witte Jr. and Frank Alexander, eds., The Teachings of Modern Christianity on Law, Politics and Human Nature, Vol. I. 115 (Columbia University Press, 2006) (reproduced in John Witte Jr. and Frank Alexander, eds., The Teachings of Modern Roman Catholicism on Law, Politics and Human Nature 181 (Columbia University Press, 2007).

Selected and Edited Works of *John Courtney Murray, S.J.*, in John Witte Jr. and Frank Alexander, eds., **THE TEACHINGS OF MODERN CHRISTIANITY ON LAW, POLITICS AND HUMAN NATURE, Vol. II,** 68 (Columbia University Press, 2006) (reproduced in John Witte Jr. and Frank Alexander, eds., **THE TEACHINGS OF MODERN ROMAN CATHOLICISM ON LAW, POLITICS AND HUMAN NATURE** 212 (Columbia University Press, 2007).

Constitutional Arguments in Church Bankruptcies: Why Judicial Discourse About Religion Matters, 29 Seton Hall Legislative Journal 435 (2005).

The Protection of Children and Young People: Catholic and Constitutional Visions of Responsible Freedom, 44 Boston College Law Review 1031 (2003). (An abridged adaptation of this article appeared in 6 Seton Hall Law 21 (April 2004).)

CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Yale University Press, 2001) (with Michael W. McConnell and Robert W. Cochran, Jr., eds.).

A Catholic View of Law and Justice, in Michael W. McConnell, Robert W. Cochran, Jr., and Angela C. Carmella, eds., Christian Perspectives on Legal Thought 255 (Yale University Press, 2001).

Zoning of Religious Uses and Historic Preservation of Religious Buildings, two entries in Paul Finkelman, ed., **Religion and American Law: An Encyclopedia** 222, 571 (Garland Publishing, 2000).

Mary Ann Glendon on Religious Liberty: The Social Nature of the Person and the Public Nature of Religion, 73 Notre Dame Law Review 1191 (1998).

<u>Everson</u> and Its Progeny: Separation and Non-Discrimination in Tension," in Jo Renée Formicola & Hubert Morken, eds., <u>Everson Revisited</u>: Religion, Education, and Law at the Crossroads 103 (Rowman & Littlefield, 1997).

Religion as Public Resource, 27 Seton Hall Law Review 1225 (1997).

The RFRA Revision of the Free Exercise Clause, 57 **Ohio State Law Journal**\_65 (1996) (with Eugene Gressman).

Liberty and Equality: Paradigms for the Protection of Religious Property Use, 37 **Journal of Church and State** 573 (Summer 1995).

The Religious Freedom Restoration Act: New Roles for Congress, the President and the Supreme Court in Protecting Religion, Religion & Values in Public Life 3(2): 5-7 (Winter 1995).

Tribute: Celebrating the Career of Eugene Gressman: Tribute to a Colleague, 4 Seton Hall Constitutional Law Journal 463 (1994) (with Livingston Baker).

State Constitutional Protection of Religious Exercise: An Emerging Post-<u>Smith</u> Jurisprudence, 1993 **Brigham Young Law Review** 275.

The Religion Clauses and Acculturated Religious Conduct: Boundaries for the Regulation of Religion, in James E. Wood, Jr. & Derek Davis, eds., THE ROLE OF GOVERNMENT IN MONITORING AND REGULATING RELIGION IN PUBLIC LIFE 21 (J.M. Dawson Institute of Church-State Studies, Baylor University, 1993).

Free Exercise Protection for Church Zoning Issues, Christian Legal Society Quarterly 9 (Spring 1992).

A Theological Critique of Free Exercise Jurisprudence, 60 **The George Washington Law Review** 782 (1992).

Houses of Worship and Religious Liberty: Constitutional Limits to Landmark Preservation and Architectural Review, 36 Villanova Law Review 401 (1991).

Landmark Preservation of Church Property, 34 The Catholic Lawyer 41 (1991) (also reprinted in PROCEEDINGS OF THE TWENTY-SIXTH NATIONAL MEETING OF DIOCESAN ATTORNEYS, United States Catholic Conference (1990)).

Book Review: Real Threat and Mere Shadow: Religious Liberty and the First Amendment by Daniel L. Dreisbach. 8 **The Journal of Law and Religion** 443 (1990).

## PROFESSIONAL PRESENTATIONS

- Roundtable Conference on THE DISTINCTIVENESS OF RELIGION IN AMERICAN LAW, by Kathleen Brady, Notre Dame Law School, April 2016.
- Founders Day Lecture, On the 50<sup>th</sup> Anniversary of *Dignitatis Humanae*: The Declaration of Religious Freedom, the Catholic Church, and the Religion Clauses of the First Amendment, Alvernia University, September 2015.
- Catholic Nonprofits, Private Colloquium on "Building Bridges to Understanding," November 2014 (legal issues for religious nonprofits).
- Pennsylvania Bar Institute Ninth Constitutional Conclave, "Religious Liberty and Contraception: RFRA and the ACA Mandate," Philadelphia, October 2013.
- Religious Legal Theory IV: Expanding the Conversation, Moderator, Panel on Religion and the Law of War, Touro Law Center, April 2013.
- Seton Hall Law Program on Contraception and the Affordable Care Act, "Religious Liberty and Contraception: RFRA and the ACA Mandate," Seton Hall Law School April 2013.
- Seton Hall University Distinguished Speakers Program, Women's Studies, "Women and Religious Liberty," Seton Hall University, April 2012.
- Seton Center for Religiously Affiliated NonProfit Corporations, Symposium: Is a For-Profit Structure a Viable Alternative for Catholic Health Care Ministry? "For-Profit v. Nonprofit:

- Does Corporate Form Matter? The Question of For-Profit Eligibility for Religious Exemptions under Conscience Statutes and the First Amendment," Seton Hall Law School, March 2012.
- Seton Center for Religiously Affiliated NonProfit Corporations, Conference on Catholic Charities and the Diocese: Autonomy and Relatedness, "Catholic Charities and the First Amendment: The Relevance of Free Exercise and Establishment Clauses," Seton Hall Law School, November 2011.
- Pennsylvania Bar Institute Eighth Constitutional Conclave, "Religious Exemptions under the Obama Administration," Philadelphia, October 2011.
- Seton Hall Law School Continuing Legal Education Program, "Religious Land Use and Symbolism on Private and Public Property," Hudson County, February 2011.
- Conference on Twenty Years After *Employment Division v. Smith*: Assessing the Twentieth Century's Landmark Case on the Free Exercise of Religion and How it Changed History, Cardozo Law School, October 2010 (Establishment Clause, pluralism and exemptions).
- Conference on God and the Land: Conflicts over Land Use and Religious Freedom, Albany Law School, Government Law Center, October 2008 (federal land use law).
- Private Colloquia, Seton Hall Law School's Seton Center for Religiously Affiliated NonProfit Corporations, May 2008 and October 2007 (First Amendment and health/family law issues).
- Conference on The Religion Clauses in the 21<sup>st</sup> Century, West Virginia College of Law, American Constitution Society for Law and Policy, April 2007 (religious exemptions).
- Alpheus T. Mason Lecture in Constitutional Law and Political Thought: The Quest for Freedom, Princeton University, The James Madison Program in American Ideals and Institutions, April 2007 (religion and the common good).
- Conference on NonProfit Governance Issues, Seton Hall Law School, Seton Center for Religiously Affiliated NonProfit Corporations, November 2006 (related constitutional issues).
- Introductory Remarks, Red Mass Luncheon Honoring Professor Paula Franzese, September 2004.
- Admissions Event for Women Applicants, Seton Hall Law School, October 2003.
- Symposium on Legal Aspects of Clergy Sex Abuse, Boston College Law School, April 2003 (responsible interpretations of First Amendment).
- Academic Forum on *Christian Perspectives on Legal Thought*, Seton Hall Law School, March 2002.
- Orientation Address to Incoming Law Students, Seton Hall Law School, August 2000.

- Summer Institute, National Institute for Clergy Formation, Long Branch, New Jersey, July 1998 (historic preservation, Catholic education).
- Panelist, Gender and Law, Essex County Women Lawyers, November 1997.
- First Circuit Judicial Conference, Providence, Rhode Island, September 1997 (religion and First Amendment).
- Conference on Religion and Education at the Crossroads: The Catholic Perspective, Seton Hall University, June 1997 (Catholic jurisprudence).
- Respondent, Oliver Wendell Holmes Lecture by Yale Professor Stephen Carter, The Law Library of the Library of Congress and Seton Hall Law School, October 1996.
- Panelist, Public/Civic Dimensions of Religious Pluralism, Conference on Religious Pluralism in America: Past and Present, Center for the Study of American Religion, Princeton University, June 1995.
- Religion and Society Colloquium, Harvard University Center for the Study of Values in Public Life, February 1995 (U.S. Supreme Court decision Kiryas Joel v. Grumet).
- Presentation on American Property Law for Officials from Kazakhstan and Kyrgyzstan, Seton Hall Law School, August 1994.
- Conference on Liberty and Religion: In Harmony or Conflict, The Cato Institute, Washington, D.C., June 1993 (zoning and historic preservation).
- Fourth Annual Harold R. Medina Seminar for State and Federal Judges, "The Art of Judging: Enduring Principles amid Diversity," Princeton University, June 1993 (judicial protection of religious liberty).
- Symposium on New Directions in Religious Liberty, Brigham Young School of Law, Provo, Utah, January 1993 (state constitutions).
- Symposium on The Role of Government in Monitoring and Regulating Religion, the J.M. Dawson Institute of Church-State Studies, Baylor University, Waco, Texas, April 1992 (religion, culture and law).
- Conference on Legal Issues for Religious Institutions, DePaul University College of Law, Center for Church/State Studies, Chicago, February 1992 (historic preservation).
- Orientation Address to Incoming Law Students, Seton Hall Law School, August 1991.
- Bicentennial Conference on The Status of the Religion Clauses of the First Amendment—Religion in Public Life: Access, Accommodation, and Accountability, American Bar Association and the University of Pennsylvania, Philadelphia, May 1991 (theology and law).

- Panelist, The Limits of Religious Accommodation, Symposium on Law, Religion and the "Secular State", Drake Law School, Des Moines, Iowa, April 1991.
- Panelist, Alumni-Faculty Forum Program, "America, Home of the Free, Brave, and Homeless", Princeton University, June 1990.
- Panelist, Legal Issues Surrounding Traditional Church Discipline, American Bar Association National Institute on Tort and Religion, Section of Tort and Insurance Practice and Section of Individual Rights and Responsibilities, Boston, June 1990.
- The 26th Meeting of the National Diocesan Attorneys Association, Office of General Counsel, United States Catholic Conference, Williamsburg, May 1990 (historic preservation).
- Conference on Representing Churches and Religious Organizations, Christian Legal Society Continuing Legal Education Program, Sandy Cove, Maryland, October 1989 (zoning).

### PROFESSIONAL ACTIVITIES AND HONORS

Commentator, Faculty Scholarship Retreat, Seton Hall University School of Law, February 2015.

Panelist, Princeton University Alumni Program, On Meaning in Life, October 2014.

Contributor to Seton Hall Law Health Reform Watch Blog, on *Hobby Lobby* and *Wheaton College*, July 7, 2014.

Professor of the Year, Seton Hall Law School, 2013.

Invited Participant, Christian Legal Studies Roundtable, Emory University Center for the Study of Law and Religion, March 2013.

Manuscript Reviewer, Aspen Publishers, December 2009.

Co-organizer, Conference on Religious Legal Theory: The State of the Field, Seton Hall University School of Law, November 2009.

Signatory to Letter from twelve law professors to Connecticut Joint Committee on the Judiciary on the Unconstitutionality of Raised Bill No. 1098, March 2009.

Nominated Professor of the Year, Seton Hall Law School, 2008.

Invited Participant, Law Faculty Brainstorming Session on Catholic Social Thought, New York City, June 2006.

Organizer, Panel Discussion on "The Sixtieth Anniversary of the *Korematsu* Decision" Seton Hall University School of Law, April 2005.

Invited Participant, Ninth Cardinal Bernardin Conference of the Catholic Common Ground Initiative on "Religion, Politics and Law," National Pastoral Life Center, March 2005.

Organizer and Moderator, Conference on Bankruptcy in the Religious NonProfit Context, Seton Hall University School of Law, November 2004.

Commentator, Faculty Scholarship Retreat, Seton Hall University School of Law, January 2004.

Invited Participant, Working Conferences on "Law and Human Nature: The Teachings of Modern Christianity," Emory University's Law and Religion Program, Spring 2001 and Fall 2002.

Elected Member, Catholic Commission on Intellectual and Cultural Affairs, 1997.

Member, Editorial Council of <u>Journal of Church and State</u>, Spring 1992 - present.

Member, Legal Scholars Board, Center for Church/State Studies, DePaul University College of Law, 1992 – 2003.

Manuscript Reviewer, Journal of Law and Religion.

Member, Committee on Religious Liberty of the National Council of Churches, 1988 - 2000.

Award Recipient, Peter Rodino Law Society, October 1999.

Honoree, Essex County Women Lawyers, November 1997.

Invited Participant, Working Conference Examining the Interaction Between Religious Institutions and American Civil Law, Center for Church/State Studies, DePaul University College of Law, September 1994.

Invited Participant, Doctoral Colloquium on Religion and American Public Life, Harvard Divinity School, February - May 1994.

Invited Participant, Conference on Religious Institutions as Nonprofit Entities: Issues of Access, Special Status, and Accountability, New York University School of Law Program on Philanthropy and the Law, October 1993.

Invited Participant, "Rethinking Religious Liberty," Liberty Fund Symposium, Park City, Utah, June 1992.

Member, Harvard Divinity School Alumni/ae Council, 1995 - 1998.

- Member, Planning Committee for 1991 Bicentennial Conference on "Religion in Public Life: Issues of Accommodation, Access and Accountability," Philadelphia, January 1989 1993.
- Member, Board of Directors, Pallotine Institute for Lay Leadership and Apostolate Research, a Catholic center focused on religious and social issues of the laity, 1988 1989.
- Member, Massachusetts Bar Association, Property Law Section Council, 1987 1988 (continuing legal education programs).

Bar Admissions: Massachusetts (1983); United States Supreme Court (2002).

### **CHURCH-STATE LITIGATION**

- Co-counsel, Brief Amicus Curiae submitted on behalf of voluntary associations and individuals committed to peaceful protest in Support of Petitioners in *Scheidler v. National Organization for Women, Inc.*, United States Supreme Court, July 2002.
- Drafter, amicus brief submitted on behalf of religious organizations in *First United Methodist Church v. Hearing Examiner* in support of church's petition for certiorari before the Washington Supreme Court, June 1995.
- Community of Jesus v. Cape Cod Commission before the Barnstable County Superior Court, Commonwealth of Massachusetts, December 1992.
- Lead Drafter, amicus brief submitted on behalf of religious organizations in *First Covenant Church of Seattle v. City of Seattle* on remand from the U.S. Supreme Court to the Washington Supreme Court, Summer 1991.
- Contributor, amicus brief submitted on behalf of religious organizations in *Society of Jesus of New England, et al. v. Boston Landmarks Commission* on Appeal to the Supreme Judicial Court of Massachusetts, Summer 1990.

6/13/16