



Judge James C. Ho

U.S. Court of Appeals for the Fifth Circuit

Record and Background on Religious Freedom

- Ho who was one of the most active volunteer network attorneys with First Liberty Institute, donating thousands of pro bono hours on religious freedom cases.
- Ho led efforts to defend cheerleaders in Kountze, Texas when school officials told them the Bible verses on their homemade run-through banners were illegal.
- In private practice, Ho represented an African-American congregation in Holly Springs, Mississippi when city officials sought to use zoning ordinances to prevent the church from expanding.
- ***Barr v. Sinton (2009)***: Ho was instrumental in securing a monumental victory at the Texas Supreme Court for a pastor whose religious non-profit ministry dedicated to helping men released from prison to successfully become active, productive members of society was banned from operating within city limits by a restrictive ordinance.
- ***Whole Woman's Health v. Texas Catholic Conference of Bishops (2019)***: Judge James Ho handed down a poignant opinion in a case involving the Texas Conference of Catholic Bishops, which was ordered to hand over 6,000 pages of its internal correspondence as part of a discovery process. Judge Ho held true to his originalist reputation, stating: "It is hard to imagine a better example of how far we have strayed from the text and original understanding of the Constitution than this case. The First Amendment expressly guarantees the free exercise of religion...[It's] with regret that the relief we grant today is even necessary."
- ***Horvath v. City of Leander (2020)***: Ho authored a partial concurrence in which he strongly criticized and questioned *Employment Division v. Smith*, a case that has been used to strike down the free exercise of religion on numerous occasions. In his partial concurrence, Ho cited "the Founders' understanding of free exercise" as the appropriate legal test.



Judge Lawrence VanDyke

U.S. Court of Appeals for the Ninth Circuit

Record and Background on Religious Freedom

- VanDyke gave the first oral argument of his career as a First Liberty Institute (formerly named the Free Market Foundation) network attorney and won a critical victory protecting the First Amendment rights of issue-oriented think-tanks.
- While in private practice, VanDyke handled a pro bono case with the Alliance Defending Freedom (ADF) representing an Orthodox Jewish Day School in New York that was challenging discriminatory zoning.
- ***Barr v. Sinton (2009)***: VanDyke volunteered his time with First Liberty attorneys to defend a ministry dedicated to helping men released from prison to successfully become active, productive members of society.
- ***Opulent Life Church v. Holly Springs (2012)***: VanDyke helped defend and secure a victory for Opulent Life Church, a growing congregation in Holly Springs, Mississippi, where city officials sought to use zoning ordinances to prevent the church from expanding.
- As Solicitor General of Nevada, he led the filing of the multi-state amicus brief at the Supreme Court in ***Trinity Lutheran v. Comer (2017)***, arguing that a state government cannot deny public benefits to a church on account of its religious status.