



**News Release**  
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Contact: Lacey McNeil, [media@firstliberty.org](mailto:media@firstliberty.org)  
Direct: 972-941-4453

## **Court Hears Oral Argument as Texas Justice of the Peace Seeks to Overturn Decision Invalidating Invocations in Courtroom**

*The practice is consistent with the nation's rich historic tradition of opening judicial proceedings with invocations*

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**New Orleans, LA**—Attorneys with First Liberty Institute and the law firm of Gibson, Dunn & Crutcher LLP, today attended oral argument on behalf of their client Judge Wayne Mack, a Montgomery County Justice of the Peace, asking the U.S. Court of Appeals for the Fifth Circuit to reverse a lower court decision that prohibited Judge Mack's practice of recognizing volunteer chaplains—including Muslim, Jewish, Buddhist, Hindu, and Christian religious leaders—who sometimes open court sessions with a brief invocation.

“The U.S. Supreme Court has repeatedly approved of invocations like Judge Mack's practice of allowing chaplains from all faiths to provide invocations,” said Justin Butterfield, Deputy General Counsel for First Liberty Institute. “It's time for a court to finally put an end this seven-year-long harassment of Judge Mack.”

“Judge Mack's brief ceremony is entirely consistent with our Nation's rich history and tradition of opening judicial proceedings with an invocation—a practice that dates back to the Founding,” said Bradley Hubbard, the Gibson Dunn attorney who argued the case.

“I simply provide the opportunity for our volunteer chaplains from all faith traditions to offer remarks and, if they choose, a brief invocation,” said Judge Mack. “It is frustrating that this lawsuit against a longstanding, historic practice continues to distract us from the business of serving the citizens of Montgomery County.”

In July 2021, the Fifth Circuit issued a stay of the lower court's decision, thus permitting Judge Mack to continue allowing volunteer chaplains to offer invocations at the start of his court sessions while his appeal is pending.

Judge Mack, whose duties include serving as a coroner for Montgomery County, created a volunteer chaplaincy program to aid members of the community while he conducts independent death investigations. In his role as Justice of the Peace, Judge Mack allows the multi-faith, volunteer chaplains to open his courtroom ceremonies with a brief invocation in order to honor their service. The chaplaincy program includes leaders from multiple faiths, including Muslim, Jewish, Buddhist, Hindu, and Christian religious leaders.

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**About First Liberty Institute**

First Liberty Institute is the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

To arrange an interview, contact Lacey McNiel at [media@firstliberty.org](mailto:media@firstliberty.org) or by calling 972-941-4453.