Houston Graduate School of Theology  
PL 680 Legal Issues In Ministry  
Spring 2014, Wednesdays, 1:30 p.m. to 4:00 p.m.  
Professor Herbert Fain  
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The mission of Houston Graduate School of Theology is empowering spiritual leadership through the intellectual, spiritual, and vocational development of men and women in order to advance the gospel of Jesus Christ throughout the world.

I. Course Description  
A study of the basic constitutional history and practice regarding religion in the United States, the original related decisions of the Supreme Court, the administration (taxation) of ministers and churches, tax law provisions relating to ministers, and issues of the relationship between the church and the present multicultural society.

II. Student Learning Outcomes  
Upon completion of this course, the student will be able to:

A. Critique legal issues in ministry in light of Christian tradition as evidenced by success in oral examination and evaluation.  
B. Interpret legal issues in ministry in light of your personal experience as evidenced in success in oral examination and evaluation.  
C. Compare legal issues in ministry in light of one’s culture or pastoral concern as evidenced by success in oral examination and evaluation.  
D. Determine legal issues in ministry and reflect theologically on what has been revealed to you as evidenced by success in oral examination and evaluation.

III. Texts  
A. The Holy Bible.  
B. House Bill 1287 (State of Texas)  
C. Constitution of the United States of America  

IV. Course Requirements  
The requirements of the course include an oral presentation, a final paper, class participation, a book review, and assignment folder. Complete other assignments as requested.
A. **Oral Presentation**: Each seminarian will be required to present an oral presentation to the class from a reading assignment, course bibliography or other material from the class as determined by the instructor. The seminarian will prepare an abstract summarizing the oral presentation. The seminarian is required to offer insight and analysis of the material and will be evaluated by the instructor and their peers. See Addendum 1.

B. **Final Paper/Exam**: Each seminarian will be required to submit a final paper on a course topic of his/her choice from the bibliography. The paper should be at least 5-10 pages in length. Citations must comply with the latest issue of APA or Kate L. Turabian, *A Manual for Writers* 8th Ed. ISBN-10: 0226816389.

C. **Seminar Meetings & Class Participation**: Each seminarian is required to attend class meeting, theologically reflect and evaluate materials and presentations. Each seminarian will be required to participate in each class, demonstrating a basic grasp of the material being presented.

D. **Read and Analyze Assignments**: The seminarian will submit a chapter summary over each reading assignment and offer analysis, comprehension, application and synthesis of the reading assignment. The seminarian will submit all chapter summaries in their assignment folder which is due at the end of the semester. See VIII Class and Reading Schedule for reading assignments. Reading assignments are subject to revision depending on the needs of the class, weather events and other factors. You are responsible for the material covered because of an adjustment. **Email is HGST’s official means of communication.** Revised timetables will be sent to your assigned HGST email address.

E. **Book Review**: Each seminarian is required to choose a book listed in the bibliography during the first two weeks of class. The seminarian will read the book and write a book review. See Addendum 2 for book review requirements.

F. **Extra Credit Film Review (optional)**: If a film is released that will help the student understand the goals and objectives of the course, the instructor may assign a film review as extra credit. Please see Addendum 3 for film review requirements.

G. **Assignment Folder**: Each seminarian is required to submit an assignment folder on the last class day of the semester. The assignment folder contains the entire seminarian’s work for the semester including, but not limited to, assignments, chapter summaries, book review, peer-reviews, and final paper. In addition, seminarians may be required to submit some or all assignments electronically.

*All seminarians are required to timely submit all assignments by the date on which the work is due. There will be no exceptions, and there will be no excuses allowed. Grades will be adversely affected by the late submittal of assignments.*
V. Grading Scale

Grades will be recommended as follows:
(1) Seminar Meetings & Class Participation, 20%;
(2) Oral Presentation, 20%;
(3) Book Review, 5%;
(4) Final Paper, 20%;
(5) Assignment Folder, 15%;
(6) Read and Analyze Assignments, 20%.

Seminarians are admonished to avoid all forms of scholastic dishonesty.

General Criteria for Evaluation:

A  Excellent attendance and oral presentation, assignment folder contains all required material including a table of contents, accurately completed and received no later than the last class meeting day, timely completion of all assignments, class participation and oral presentation showing basic grasp of material, critical exposition plus independent thought and 94-100% success in meeting course objectives.

B  Good attendance and oral presentation, timely completion of most assignments, class participation and oral presentation show basic grasp of material and critical exposition of themes and 86-93% success in meeting course objectives.

C  Fair attendance and oral presentation, timely completion of some assignments, class participation and oral presentation show basic grasp of themes and 78-85% success in meeting course objectives.

D or F Poor attendance and oral presentation, completion of few assignments, class participation/oral examination shows a lack of understanding for the basic material and themes and 77% or less success in meeting course objectives.

Grades will be derived using the following scale:

A  = 94-100
B  = 86-93
C  = 78-85
D  = 70-77
F   = 69 and below

VI. Policies

A. Regular attendance and submission of assignments on due dates in syllabus is expected. Each student must talk to the instructor about circumstances affecting his or her ability to attend class and complete assignments. Attendance is required at scheduled classes and at the scheduled start time. The student could lose as much as a letter grade for excessive tardiness.
B. Work is expected on the due date. Students should expect a grade reduction of up to one letter grade on late papers.

C. Electronic Equipment Usage in Classrooms
   It is expected that students will use technology (cell phones, laptop computers, iPads, etc.) during classes only for the purposes of class work. Therefore, students should turn off cell phones and refrain from texting and using laptop computers during classes except for the purposes of taking notes or doing research specifically authorized by the course instructor. Students who have emergency needs not covered by this policy must ask for an exception from the course instructor.

D. Incompletes
   In cases of extenuating circumstances, and at the discretion of the instructor, a student may request and apply for an extension on all required assignments, which are not completed by the end of the semester or term, subject to a 5-point grade reduction on the final grade of each assignment. If an extension is granted, the instructor will record a grade of “I” (Incomplete) and set an extension of time, not to exceed thirty calendar days from the end of the class, within which to complete the work. Additional extensions may be granted only by the Academic Dean or Associate Dean and only after a student has petitioned the Dean in writing. If the course work is not completed within the extended time allotment, the grade of “I” will be converted to the grade earned by the student up to that point. The student is responsible to ensure that all necessary paperwork is submitted to the registrar’s office by the deadline published in the school calendar.

E. Plagiarism
   Plagiarism is presenting the work of another person as one’s own without giving proper credit for the use of the information. Students must not quote books, articles, essays, or Internet sites without giving proper credit to the author(s). Students should guard against plagiarism by crediting the original author through use of proper citations. Internet plagiarism is a particularly easy and tempting form of intellectual theft. Cutting and pasting sentences and paragraphs from the Internet without citations is plagiarism. Failure to cite Internet sources is plagiarism. Any student who is found guilty of plagiarism is subject to a range of consequences as outlined below.

1. If a faculty member suspects plagiarism, the instructor will investigate. If suspicions are confirmed, the faculty member will present the evidence to the appropriate Associate Dean as a record of the offense. If the Associate Dean concurs with the allegations, the following procedures should be implemented as applicable:
   - The faculty member may discuss the offense with the student following consultation with the Associate Dean, but the student will meet with the Associate Dean.
   - For a first offense, the faculty member, in consultation with the Associate Dean, may give opportunity for a rewrite of the assignment or may assign a grade of zero for the plagiarized assignment.
   - For a particularly egregious case of plagiarism on a major assignment, the consequences could result in automatic failure of the course.
2. The student may appeal the above-mentioned decisions of the faculty member in writing to the Academic Dean.

3. The second confirmed offense will result in expulsion from school. The student will be notified by a letter from the Academic Dean. His or her only opportunity for appeal will be to the President in writing. The President’s decision will be final.

F. Library Usage

A student’s ability to get the most out of library resources will enhance the possibility of earning a high grade in this class. Therefore, students should consider using, in addition to the HGST library, one or more of the following libraries.

1. Houston Public Library—Any resident of Texas can obtain a free Houston Public Library card. Library cardholders have access to all of the books in the library system as well as the use of free interlibrary loans, meaning that HPL cardholders can borrow almost any book available. Cardholders can use the library’s website, www.houstonlibrary.org, to search the catalog and manage interlibrary loans. The website also contains links to WorldCat and other online databases that will enhance your research. The HPL location that is closest to HGST, the Collier Regional Branch (832-393-1740), is located at 6200 Pinemont, which is less than three miles from campus. A better option would be the newly expanded and renovated Central Library (832-393-1313), which is located downtown at 500 McKinney. In addition, HPL has many other locations. The HGST library can give you an application for an HPL library card, or you can print the application form from their website.

2. Fondren Library at Rice University—The Fondren Library (713-348-5113) is located at 6100 Main. Please visit www.rice.edu/fondren for more information. The procedure for borrowing books at the Fondren Library is, first, go to the online catalog [www.rice.edu/fondren] to search for available books; second, go to the HGST library and fill out a form, signed by HGST library personnel, to take with you to the Fondren Library for each book; third, retrieve the book(s) yourself; fourth, take the book(s) and the signed form to the circulation desk to complete checkout (return the yellow copy to the HGST library; when the book(s) are returned to the Fondren Library, they will indicate so on the pink and gold copies; return the pink copy to the HGST Library and keep the gold copy for your records).

3. Lanier Theological Library is a new resource for scholarly theological research in the Houston area. The library is open to the public, Monday-Friday, 9:00 AM - 5:00 PM. The library is a research library with no circulation privileges. Nonetheless, students should consider Lanier Library to be a valuable research option. The catalog of Lanier Library is available online: http://ltl.goalexandria.com/.

4. Cardinal Beran Library at St Mary’s Seminary—the home of an extensive theological library, St Mary’s Seminary (713-686-4345) is located at 9845 Memorial Drive, only 4.6 miles from HGST. For more information, please visit http://beran.stthom.edu. The Doherty Library on the main campus of University of St Thomas is also an option.
5. **Library of the Presbytery of the New Covenant** – as an HGST student you have borrowing privileges at this library located at 1110 Lovett Blvd, Houston. To search their online catalog, go to [http://www.pbyofnewcovenant.org/cgi-bin/rqm/rqm.cgi](http://www.pbyofnewcovenant.org/cgi-bin/rqm/rqm.cgi)

6. Other options include Harris County Public Library ([www.hcpl.net](http://www.hcpl.net)) and the libraries at the University of Houston and Houston Baptist University.

### VII. Notes for Writing Assignments

A. Writing assignments should conform to Kate Turabian, *A Manual for Writers of Term Papers, Theses, and Dissertations*, 7th Edition. This includes matters of style and format. Counseling students should pay particular attention to the *Manual* guidelines on submission of academic papers.

B. The instructor requires the use of footnotes for documentation. The student should number pages. According to Turabian, page numbers should be in the upper right hand corner, except for the first page of the paper (not counting the title page). Margins should be one inch on all four sides, except where major headings require a two-inch top margin.

C. The student should utilize 12-point Times New Roman font throughout. The instructor prefers that the student not use presentation or report binders or folders. She prefers submission of papers with staples or binder clips.

D. Critical or formal writing differs from colloquial writing or spoken English at several points. The student should note the following guidelines for critical writing. The instructor expects students to follow these guidelines strictly. Failure to do so will be penalized.

1. Avoid 1st or 2nd person references (“I,” “we,” or “you”). Keep the written projects objective and professional. The student must remember that imperative forms are second person.

2. Never use contractions.

3. Avoid passive voice construction (i.e. The student should write “God chose Joshua” rather than “Joshua was chosen by God.”). Some exceptions are necessary, but limiting the use of passive voice is a good policy.

4. Be sure that number and tense always agree (i.e., Do not write in one place that “Brueggemann argues . . .” and at another place “Brueggemann argued . . .”). Subject-verb agreement is imperative.

5. Spellcheck! Spellcheck! Spellcheck! Professor Fain does not tolerate misspelled words. Failure to spellcheck will result in a substantive reduction on the grade for written assignments.

6. Grammar check works as well!

7. All pronouns should have clear antecedents. Avoiding “it is” and “there is” in the paper removes much of the ambiguity of pronoun usage.

8. Sentence fragments are unacceptable. Every sentence must have a subject and a predicate.
VIII. Class and Reading Schedule

Selected readings should be completed prior to class discussion on the topic. The professor of record reserves the right to adjust classroom topics as the course develops.

Week 1  Law and Religion: Cases in Context
(01/22/14) Introduction pp. 1-10
The Context of the Religion Clauses
Chapter 1 Malnak v. Yogi pp. 11-32
The New Age and the New Law

Week 2  Law and Religion: Cases in Context
(01/29/14) Chapter 2 United States v. Ballard pp. 33-49
Government Prohibited from Declaring Religious Truth

Week 3  Law and Religion: Cases in Context
(02/05/14) Chapter 3 Wisconsin v. Yoder pp. 53-70
An Anthropologist Shapes a Supreme Court Decision

Week 4  Law and Religion: Cases in Context
(02/12/14) Chapter 4 Goldman v. Weinberger pp.71-84
Religious Freedom Confronts Military Uniformity

Week 5  Law and Religion: Cases in Context
(02/19/14) Chapter 5 Bob Jones University v. United States pp. 85-105
A Journey Through Scripture and History

Week 6  Law and Religion: Cases in Context
(02/26/14) Chapter 6 Employment Division, Dept. of Human Resources pp. 107-126
Of Oregon v. Smith
The Battle for Religious Freedom

Week 7  Law and Religion: Cases in Context
(03/05/14) Chapter 7 Church of the Lukumi Babalu Ay, Inc. v. City pp. 127-149
Of Hialeah
The Protection of Majority Religions’ Privilege at the Nexus of Race, Class, and Ethnicity

Week 8  Guest Speaker Professor Leslie C. Griffin (Via Skype)
(03/12/14) William S. Boyd Professor of Law
University of Nevada, Las Vegas William S. Boyd School of Law

Law and Religion: Cases in Context
Chapter 8 Lemon v. Kurtzman pp. 153-176
The Parochial School Crisis and the Establishment Clause
<table>
<thead>
<tr>
<th>Week</th>
<th>Course</th>
<th>Topic</th>
<th>Dates</th>
<th>Chapters and Readings</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Spring Break</td>
<td>No Classes</td>
<td>(03/17/14)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Law and Religion: Cases in Context</td>
<td>Lynch v. Donnelly and Allegheny County v. ACLU, &quot;Christ Is Not a Turkey&quot;</td>
<td>(03/26/14)</td>
<td>Chapter 9</td>
<td>pp. 177-202</td>
</tr>
<tr>
<td>13</td>
<td>Law and Religion: Cases in Context</td>
<td>Rosenberger v. Rector and Visitors of the University of Virginia, The Triumph of the Neutrality Principle</td>
<td>(04/16/14)</td>
<td>Chapter 12</td>
<td>pp. 251-270</td>
</tr>
</tbody>
</table>

Week 15 Assignment Folders Due (05/07/14)

IX. Bibliography


11/29/13


STUDENT PRESENTATION PEER EVALUATION FORM

The evaluator should place a “yes” or “no” in each blank. A “yes” is worth 2 points. A “no” is worth 0 points. The maximum points allowed are 100. The evaluator should add all points to determine presenter’s final score. Each speaker will receive all evaluations after their presentation.

A=94-100
B= 86-93
C=78-85
D=70-77
F=69 and below

Introduction:

Does it get your attention? ______
Does it touch some need directly or indirectly? ______
Does it orient you to the subject_____ or to the main idea? _____
Is it the right length? _____ Is there a specific purpose? ______

Body and Structure:

Is the development clear? ____ Is the overall structure clear? ______
Does the presentation have a central idea? _____ Can you state it? ______
Are the transmissions clear? ______
Is there a logical or psychological link between the points? ______
Do the main points relate back to the main idea? ______
Are the sub points clearly related to their main points? ______

Conclusion:

Does the presentation build a climax? ______
Is there an adequate summary of ideas? ______
Are there effective closing appeals or suggestions? ______
CONTENT

Subject Development:

Is this subject significant? _____
Is the analysis of the subject thorough? _____
Does the speaker convince you that he is right? _____
Does the content show originality? _______

Supporting Material:

Did the speaker use illustrations? _____
Is the supporting material related to its point? _____
Is it interesting? _______

Style:

Does the speaker use correct grammar? _____
Is her/his vocabulary concrete? _____
Are words used correctly? _____
Does the choice of words add to the effectiveness of the presentation? _______

DELIVERY

Intellectual Directness:

Does the speaker want to be heard? ______ Is he/she alert? ______
Do you feel he/she is talking with you? ______ Is he/she friendly? ______
Does the delivery sound like conversation? ______
Are words pronounced correctly? ______

Oral Presentation:

Is the voice easy to listen to? ______ Is he/she alert? ______
Do you feel he/she is talking with you? ______ Is he/she friendly? ______
Does the delivery sound like conversation? ______
Are words pronounced correctly? ______

Physical Presentation:

Is her/his entire body involved in the delivery? ______ Does he/she gesture? ______
Are the gestures spontaneous? ______
Are there distracting mannerisms? _____ Is the posture good? ______

11/29/13
Does the speaker look alert? ______ Are there good facial expressions? ______

GENERAL EFFECTIVENESS

Audience Adaption:

Is the presentation adapted to your interest? ______
Does the speaker look you in your eye? _____
Did the speaker’s presentation fit or accommodate the various learning styles? ____

COMMENTS

Total Points: __________

11/29/13
Addendum 2

BOOK REVIEW: CRITIQUE REQUIREMENTS

The reading critiques are a vital part of the study of legal issues in ministry. It is important in our study to continue our professional development by reviewing suggested reading.

The reading critique should be at least two pages, no more than four pages, double spaced and formatted with one-inch margins and a size 12 font. Include your name, date, and name of book.

The critique should address the following:

1. Bibliographic data

2. Concisely summarize the writer's main idea

3. How did this reading affect your understanding of?
   a) God
   b) The Christian Life
   c) Ministry/Minister
   d) Yourself

4. Analyze the most meaningful part of the reading and explain your reasons

5. Evaluate your favorite quote and explain

All critiques should be completed and submitted within your assignment folder.

11/29/13
Addendum 3

FILM REVIEW: CRITIQUE REQUIREMENTS

The movie critiques are a vital part of our review of culture and society. It is important to sense the tension between one’s theology, one’s tradition and the experience of the practice of ministry and gives us an opportunity to reflect theology.

The movie critique should be at least two pages no more than four pages, double spaced, and formatted with one-inch margins and a size 12 font. Include your name and date, name of book, and name of seminar leader.

The critique should address the following:

1. Setting, background data.
2. Concisely summarize the director’s main idea.
3. How did this film affect your understanding of
   (a) God
   (b) The Christian Life
   (c) Ministry/Minister
   (d) Yourself
   (e) Culture, integrity and ethics
4. Analyze the most meaningful part of the film.
5. Evaluate your favorite quote.

All critiques should be completed and submitted within your assignment folder.
SPRING 2014 HGST ACADEMIC CALENDAR

New student spring application deadline without late fee .......................... January 2, 2014
Spring DMin on-site instruction week .......................................................... January 13-17, 2014
Resident faculty return to offices ............................................................... January 14, 2014
Test date for CPCE ................................................................................... January 15, 2014
New student orientation (Masters) ............................................................... January 16, 2014
Last day to register without late fee ......................................................... January 17, 2014
MLK Day (HGST offices closed/no classes) ............................................... January 20, 2014
First day of spring semester classes ....................................................... January 21, 2014
Last day to withdraw with partial refund ................................................ February 10, 2014
Last day to withdraw with no record on transcript ................................... February 10, 2014
Last day to apply for May graduation ...................................................... February 10, 2014
Deadline to register for the March 19 CPCE with guarantee of an exam booklet .......................... February 12, 2014
Summer 2014 registration opens .............................................................. February 17, 2014
Last day to withdraw with a “W” ............................................................... March 3, 2014
Test date for CPCE ................................................................................... March 26, 2014
Easter break (HGST offices closed – no classes) ........................................ April 18-19, 2014
New DMin student Fall 2014 admission deadline without late fee .......... April 15, 2014
Last day to apply for August graduation ................................................ April 21, 2014
Last day to withdraw with “WP” or “WF” ............................................... April 21, 2014
Fall 2014 registration opens ................................................................. April 28, 2014
Last day of classes ................................................................................. May 9, 2014
Last day to file for extensions for spring courses ................................. May 9, 2014
Spring commencement ceremony ....................................................... May 10, 2014
Fall 2014 DMin entering student orientation ........................................ May 14, 2014
Last day to register for Fall 2012 DMin courses without late fee .......... May 15, 2014
Deadline to register for the June 18 CPCE with guarantee of an exam booklet .......................... May 14, 2014
DMin semester begins
(Last day to register for DMin Fall 2014 without late fee) ....................... May 15, 2014