

## Mark E. Chopko

### Chair Emeritus, Nonprofit & Religious Organizations

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Mark Chopko is the chair emeritus of Stradley Ronon’s nonprofit & religious organizations practice group, which brings together 25 lawyers from across the firm’s many legal disciplines to serve the unique needs of those clients. He joined the firm in 2007, after serving for more than 20 years as general counsel for the U.S. Conference of Catholic Bishops (USCCB) and nearly eight years as a regulatory attorney in Washington, D.C. He has extensive experience in untangling the liabilities of complex organizations, in both planning and organizing activities and in litigation. Mark has represented clients across the country, and from Europe to the Pacific Rim. A major emphasis of his practice is constitutional law and deflecting attempts by government to regulate the activities of religious institutions. This work includes creating and adapting civil structures that reflect the mission of the organization but also separate and protect the operations and mission of the organization. He also has more than thirty years’ experience in defending claims of professional misconduct by clergy and staff of religious and nonprofit institutions, including evaluation and mediation of those claims.

In addition to his appellate and Supreme Court work for clients of the firm, Mark has participated in more than 30 Supreme Court cases as counsel for the Catholic Bishops, as well as other religious groups, in friend-of-the-court briefs. He is also nationally known for his work on the liability of nonprofit entities and protection of religious institutions. Mark’s work has been cited in articles and court opinions more than 300 times.

Since 2003, Mark has served as an adjunct professor of law at Georgetown University Law Center where he teaches a seminar on church-state law. He also teaches as an adjunct professor in Georgetown’s School of Foreign Service about religion as a human right. He has lectured widely in the United States and in Europe on such topics as liability trends, church-state relations and legal ethics at conferences hosted by bar associations, colleges and universities, lawyer guilds and religious organizations. Mark routinely publishes articles that address legal trends and organizational concerns on such topics as church-state affairs, education, bioethics and liability. He is co-author of “Exposed: A Legal Field Guide for Nonprofit Executives,” which was written to assist nonprofit executives in identifying legal issues that can arise in ordinary business activities and to take the fear and mystery out of dealing with legal issues when problems occur. He previously served as an adviser to an American Law Institute project on restating the law of nonprofit organizations.

#### FOCUS

Nonprofit & Religious Organizations  
Tax-Exempt Organizations  
Government & Public Affairs  
Complex Commercial & Class Action Litigation  
Corporate & Securities  
Litigation  
Education  
Misconduct Litigation  
Special Situations  
Appellate

#### BAR ADMISSIONS

District of Columbia  
Pennsylvania

#### COURT ADMISSIONS

U.S. Supreme Court  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Second Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Sixth Circuit  
U.S. Court of Appeals for the Seventh Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Tenth Circuit  
U.S. District Court for the District of Columbia  
U.S. District Court for the Middle District of Pennsylvania  
U.S. District Court for the Eastern District of New York

#### EDUCATION

J.D., *cum laude*, Cornell Law School  
B.S., *summa cum laude*, University of Scranton



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During his tenure with the USCCB, Mark led a seven-lawyer staff that handled comprehensive litigation, corporate, tax, intellectual property, employment and government contracts services. He was also the public contact for the USCCB on all legal matters, including church-state, Supreme Court cases, bankruptcy, complex litigation and bioethics. He was one of the staff drafters of the Dallas Charter for the Protection of Children in 2002 and principal negotiators for the final version of the Religious Freedom Restoration Act of 1993.

During his government service with the Nuclear Regulatory Commission, Mark served in the Office of General Counsel where he advised the Commissioners on legal requirements related to nuclear power plants and other uses of radioactive substances as they affected questions of public health and safety, and defended the Commission in federal, district and appellate courts.

## RESULTS

- successfully defended religious organizations in litigation to protect their internal operations and to advance rights of the free exercise of religion in workplace, regulatory, and disciplinary matters
- successfully dismissed lawsuits challenging discipline of clergy by religious organizations
- represented religious healthcare interests in ERISA litigation in appellate courts and Supreme Court
- defended and resolved through mediation cases resulting from workplace violence
- advised and defended religious agencies in matters dealing with harassment, exploitation, and discrimination claims
- defended, investigated, advised and negotiated high-profile and complex cases involving often decades-old claims of abuse and misconduct and other similarly sensitive and important issues in trial and appellate courts
- successfully defended religious entity against a public accommodation investigation
- evaluated and assessed hundreds of misconduct cases for nonprofit organizations and insurers, including victim interviews and comparative and detailed liability and damages assessments for mediation
- lobbied for client public policy and regulatory issues in the Congress and the federal government
- created civil structures for congregations, drafted child protection and other internal policies, obtained tax exemption, and implemented accountability and risk management guidelines for Catholic dioceses, monasteries, and orders, and for many other religious organizations
- advocated and defended client interests limiting the scope of liability or the scope of government regulation in litigation and before regulatory agencies

## MEMBERSHIPS

Adjunct Professor, Georgetown University Law Center  
District of Columbia Bar Association  
Honorary Member, Church Law Society, Prague, Czech Republic  
John Carroll Society of Washington, D.C.  
National Diocesan Attorneys Association  
Nonprofit Forum, New York City  
Registered Lobbyist  
Religious Liberty Committee, National Council of the Churches of Christ  
Catholic Business Network of Northern Virginia  
Equestrian Order of the Holy Sepulchre of Jerusalem  
CMSM Review Board, Region III



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- planned and implemented organizational and management issues for religious organizations that express Christian and non-Christian, western and eastern beliefs, to integrate the concerns and principles of those religious clients into various civil structures to protect assets and to organize risk and liabilities; and to protect the expectations of religious leaders, congregants and the public
- successfully represented both nonprofit parent and nonprofit subsidiary entities in resolving internal disputes over respective rights and responsibilities
- led client teams in developing and implementing proactive strategies to anticipate and plan for risks- by designing new structures and policies, and mitigating unsafe or dangerous activities
- advised and defended religious higher education institutions about regulatory and employment issues involving their religious identity

## **SPEAKING ENGAGEMENTS**

- Co-presenter, "Getting Started with Structures," Resource Center for Religious Institutions National Conference
- Presenter, "Parsing Liabilities Between Dioceses and Institutes," Resource Center for Religious Institutes' Annual Conference
- Presenter, "The Church and Public Policy," National Catholic Risk Retention Winter Meeting
- Panelist, "Standards for Exemption: Speech," National Center on Philanthropy and the Law, 2022
- Presenter, "Sponsorship in Jeopardy," Resource Center for Religious Institutes, Annual Conference 2022
- Presenter, "A Legal Perspective on Building a Culture That Is Sensitive, Aware and Anticipates," Convocation: The Spirit of Collaboration, 2022
- Presenter, "Constitutional Privilege in Discovery Disputes," NDAA Annual Meeting 2022
- Presenter, "Legal Issues Updates: Maintaining Identity and Fidelity in a Changing Environment," Association of Catholic Colleges and Universities 2022 Annual Meeting
- Panelist, "To The Limit: A Discussion of Litigation and Public Policy Considerations Regarding Reviving Time-Barred Civil Claims," American Property Casualty Insurance Association's Virtual National General Counsel Conference, October 2021
- Presenter, "The Implications of 2020 Court Rulings on Catholic Institutions," Association of Catholic Colleges and Universities
- Moderator, "Must Know HR Information: The Supreme Court's July 8 Decision on the Ministerial Exception and What it Means for Religious Employers," National Association of Church Personnel Administrators' Webinar
- Panelist, "Sexual Abuse Molestation in Dioceses," Arthur J. Gallagher Webinar, 2020



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- Panelist, “Understanding the CARES Act for Catholic Dioceses,” Villanova University’s Center for Church Management Webinar, April 2020
- Panelist, “Religious Freedom Implications of the COVID-19 Pandemic,” American Bar Association Section of Civil Rights and Social Justice Webinar, April 2020
- Panelist, “Civil Law Overview – New President’s Institute,” Association of Catholic Colleges and Universities, January 2020
- Panelist, “Ministerial Public Juridic Persons – Civil Law Aspects,” Resource Center for Religious Institutes, October 2019
- Presenter, “Ten Worst Practices for Diocesan HR,” National Association of Church Personnel Administrators 2019 Convocation
- Speaker, “Current and Historic Abuse in the Church in the United States,” Catholic Diocesan Attorneys Annual Meeting, April 2019
- Presenter, “Uses and Abuses of the First Amendment in Defending Church Litigation,” United Methodist Church Annual Meeting, April 2019
- Panelist, “#MeToo and #Insurance, Too,” Resource Center for Religious Institutes’ 2018 National Conference, 2018
- Panelist, “Fundamental Public Policy for Churches: Arguments and Problems,” New York University School of Law’s National Center on Philanthropy and the Law Annual Conference, 2018
- Presenter, Association of Catholic Colleges and Universities Meeting- Civil Law Issues for College Presidents, 2018
- Speaker, “Litigation Under a Spotlight: Use of Litigation as a Resolution Tool,” 27th Annual National Catholic Risk Retention Group Meeting, 2018
- Presenter, Webinar on Ministerial Exception and First Amendment Rights of Churches (with Professor Robert Tuttle), 2017
- Panelist, “All Things Mission: Hiring for Mission and Formation for Faculty and Staff,” Association of Catholic Colleges and Universities’ Catholic Mission Institute
- Webinar Panelist, “Involvement of Religious Charities in the Political Process: Dos and Don’ts,” Church Mutual Insurance, 2016
- Webinar Panelist, “Nonprofit Risk Management: Identify and Prevent Devastating Threats,” Lorman Education Services
- Speaker, “Public Accommodation Laws and the Use of Religious Properties,” Arthur J. Gallagher and Co. Convocation, 2016
- Moderator, “Twelve Years under the Dallas Charter for the Protection of Children,” Arthur J. Gallagher and Co. Convocation, 2014
- Speaker, “Ten Top Tips for Building an Effective Child Protection Program on Campus,” University Risk Management and Insurance Association Conference
- Presenter, “The Constitutionality of the Parsonage Allowance,” Nonprofit Forum
- Speaker, “Fifty Years of Service,” Panelist, Annual Meeting of National Diocesan Attorneys Association



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- Panelist, “Celebrating the Religious Freedom Restoration Act,” Program for U.S. Senate and House of Representatives members and staff, 2013
- Panelist, “Drafting and Interpreting the Religious Freedom Restoration Act,” Moment Magazine, the Committee on Religious Liberty and the Religious Freedom Education Project, 2013
- Moderator, “Legacy Gift Giving: The Ins and Outs”
- Speaker, “State of Religious Accommodation in Government Policy,” Colloquium, Catholic Charities USA
- Speaker, “Incorporation and Risk Management Basics for Nonprofits and Churches,” Seminar for Queen Anne County Education Association, Inc., Pecometh Camp & Retreat Ministries
- Presenter, “Asset Protection Strategies, Regulatory Developments and Changes in the Marketplace,” Annual Convention of Catholic Cemetery Conference
- Panelist, “Who’s a Minister? What’s a Church? Who Decides?,” American Bar Association Annual Meeting
- Panelist, “Title VII Religious Discrimination Claims,” National Association of College and University Attorneys Annual Conference
- Speaker, “What is Religious Freedom? Is Religious Freedom Under Attack Today?” Newseum Event, sponsored by Religious Freedom Education Project, Moment Magazine and the National Council of Churches – USA
- Presenter, “Emerging Issue: State Jurisdiction Over Religious Organizations,” Charities Regulation Policy Conference, Columbia University Law School, National State Attorneys General Program

## RECENT PUBLICATIONS

- Co-author, “Work With What You Have – Navigating Religious Accommodations in the American Vaccine Era,” *Journal of Church and State*
- Author, “The Constitutionality of Providing Public Funds for U.S. Houses of Worship during the Coronavirus,” MDPI
- Co-author, “Nonprofits Get New Rules for Unrelated Business Income Classification,” Diocesan Fiscal Management Conference Herald
- Co-author, “New Legislations will Alter the Sexual Abuse Liability Landscape,” AIRROC, Spring 2019
- Co-author, “Allegations of Misconduct,” AIRROC, Winter 2019

## RECOGNITIONS

- National Association of Church Personnel Administrators, Vision Award
- *Martindale-Hubbell*, AV Preeminent rating
- “Washington, D.C. and Baltimore’s Top Rated Lawyers,” *Martindale-Hubbell* and *ALM Media*

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- Honorary Member, Church Law Society of the Czech Republic
- Frank O'Hara Award as distinguished alumnus, University of Scranton
- Named "Corporate Counsel of the Week" by *The National Law Journal*

## IN THE COMMUNITY

Mark served two terms on the Board of Advisors of the National Center on Philanthropy and the Law at New York University Law School and on the advisory board of the Theological College at the Catholic University of America. He is also a member of the Catholic Business Network of Northern Virginia and a Chancellor in the Equestrian Order of the Holy Sepulchre of Jerusalem. He and his wife are Patrons of the Bethlehem University Foundation. He has also served as a volunteer in his community, including in community orchestras and on his local PTO board, and Parish Council and as a Youth Basketball Coach.

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