

Case No. S294565

IN THE SUPREME COURT OF CALIFORNIA

ANNETTE LORENZO

Plaintiff and Appellant,

v.

SAN FRANCISCO ZEN CENTER, INC.,
LINDA GALIJAM, and MIKE SMITH

Defendants and Respondents.

After Decision by the Court of Appeal,
First Appellate District, Division Five
Case No. A171659

San Francisco Superior Court, Case No. CGC-22-602047
(Hon. Rochelle C. East)

**APPLICATION TO FILE AMICI CURIAE BRIEF AND
BRIEF OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, NATIONAL ASSOCIATION OF
EVANGELICALS, THE LUTHERAN CHURCH—MISSOURI
SYNOD, COALITION FOR JEWISH VALUES, GENERAL
CONFERENCE OF SEVENTH-DAY ADVENTISTS, THE
JEWISH COALITION FOR RELIGIOUS LIBERTY, AND
THE ANGLICAN REFORMED CATHOLIC CHURCH AS
AMICI CURIAE IN SUPPORT OF DEFENDANT SAN
FRANCISCO ZEN CENTER, INC.**

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APPLICATION TO FILE AMICI CURIAE BRIEF

Pursuant to rule 8.520(f) of the California Rules of Court, The Church of Jesus Christ of Latter-day Saints, National Association of Evangelicals, the Lutheran Church—Missouri Synod, Coalition for Jewish Values, General Conference of Seventh-day Adventists, the Jewish Coalition for Religious Liberty, and the Anglican Reformed Catholic Church respectfully request the permission of the Chief Justice to file the attached amici curiae brief.

INTEREST OF AMICI

The Church of Jesus Christ of Latter-day Saints has over 700,000 members in California. The Church functions in large measure because of the unpaid volunteer ministry of its members. (See *Lay Leadership: Volunteer Ministry of the Church*, The Church of Jesus Christ of Latter-day Saints, <https://tinyurl.com/tmye37jx> [as of Sept. 24, 2026].) The Church opposes attempts by courts to adjudicate employment disputes between a religious organization and its ministers. Such attempts violate the Religion Clauses of the First Amendment of the U.S. Constitution, which bar courts from telling religious institutions whom they may select (or retain) as ministers.

The National Association of Evangelicals is the nation's largest association of evangelical denominations, churches, schools, missions and charities. Its member ministries are led and served by ministers who fill diverse roles and are sustained by a wide range of financial and in-kind support arrangements.

The Lutheran Church—Missouri Synod (“LCMS”) has hundreds of member congregations in the State of California. The LCMS opposes attempts by courts to adjudicate employment disputes between a religious organization and its ministers, and as such has joined as amicus in numerous cases addressing these issues. Such attempts violate the Religion Clauses of the First Amendment of the U.S. Constitution, which bar courts from telling religious institutions whom they may select (or retain) as ministers or the terms and conditions of those ministerial positions.

Coalition for Jewish Values (“CJV”) is the largest rabbinic public policy organization in America, representing over 2,500 traditional, Orthodox rabbis. CJV promotes religious liberty, human rights, and classical Jewish ideas in public policy through education, mobilization, and advocacy, including by filing amicus curiae briefs in defense of equality and freedom for religious institutions and individuals.

General Conference of Seventh-day Adventists is the highest ecclesiastical body of the Adventist Church. It supports the work of the denomination globally, interfacing with regional leaders who oversee activities in their parts of the world. The General Conference has a strong interest in ensuring robust protections for religious liberty, including in matters of religious employment.

The Jewish Coalition for Religious Liberty is an association of American Jews concerned with the current state of religious liberty jurisprudence. The Coalition aims to protect the

ability of all Americans to practice their faith freely and to foster cooperation between Jews and other faith communities. It has a strong interest in keeping religious organizations free to choose the leaders who teach their faith and carry out their mission. This is particularly important for minority religions like amicus, because the majority is more likely to attempt, purposefully or accidentally, to interfere in the inner workings of religious organizations that they do not fully understand, than those with which they are more familiar.

The Anglican Reformed Catholic Church is an Anglican jurisdiction in North America, grounded in the historic faith of the undivided Church, the Thirty-Nine Articles, and the classical Anglican formularies. Through its Jurisdiction of the Armed Forces and Chaplaincy, it ordains and endorses chaplains who serve the military, hospitals, prisons, and first responders. Like much of the Church throughout history, its ministry depends on clergy and ministers-in-training who serve for housing, modest stipends, or no pay at all, often while completing theological study and supervised formation for ordination. The Church regards such service not as an employment arrangement but as a vocation of self-offering, in which those called to Holy Orders lay aside worldly cares to give themselves wholly to the care of souls. How the Church supports, forms, and compensates its ministers is a matter of its internal governance and doctrine. The Church therefore has a substantial interest in ensuring that the ministerial exception protects religious bodies from civil claims that would subject their

relationships with their ministers, including matters of pay and hours, to state regulation.

For these reasons, the proposed amici curiae respectfully request that the Court accept the enclosed brief for filing and consideration.

HOW THE PROPOSED BRIEF WILL ASSIST THE COURT

The parties address the ministerial exception as a matter of constitutional doctrine. Amici write to provide a comparative account of how religious traditions across the spectrum—Catholic, Jewish, Sikh, Hindu, Buddhist, and Latter-day Saint—treat material sacrifice by their ministers as an element of religious practice rather than as an economic term of employment. The Court of Appeal held that the Zen Center had not shown that its initiates’ low wages were part of a vow of poverty or similar religious practice. (*Lorenzo v. San Francisco Zen Center* (2025) 116 Cal.App.5th 258, 280, fn. 5, review granted Feb. 11, 2026, S294565.) That holding rests on a mistaken premise about religious practice, and its consequences reach far beyond Buddhism. This brief sets out that comparative material and identifies the federal and state authority applying the ministerial exception to wage-and-hour claims—authority the decision below did not address. This brief does not duplicate the parties’ briefing.

Pursuant to rule 8.520(f)(4), amici state that no party and no counsel for a party in this appeal authored the proposed brief in whole or in part or made a monetary contribution intended to fund its preparation or submission, and that no person or entity other

than amici, their members, and their counsel made such a monetary contribution.

DATED: September 25, 2026

Respectfully submitted,

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AMICI CURIAE BRIEF

INTRODUCTION

The ministerial exception doctrine bars courts from adjudicating employment disputes between a religious organization and its ministers. That principle reflects the combined force of both Religion Clauses of the First Amendment—the Establishment Clause, which precludes the government from dictating ministerial appointments; and the Free Exercise Clause, which protects a religious organization’s internal management decisions concerning its ministers.

Here, Lorenzo concedes that the San Francisco Zen Center is a religious organization and that she was employed as its minister. Yet the Court of Appeal ruled that the ministerial exception doctrine was inapplicable to her wage-and-hour claim because adjudicating that claim purportedly did not “require an inquiry into matters of a religious entity’s internal government that are closely linked to the entity’s faith and doctrine.” (*Lorenzo v. San Francisco Zen Center* (2025) 116 Cal.App.5th 258, 275, review granted Feb. 11, 2026, S294565.) That is wrong for at least two reasons.

First, under U.S. Supreme Court precedent, courts must “stay out of employment disputes” between ministers and religious institutions. (*Our Lady of Guadalupe School v. Morrissey-Berru* (2020) 591 U.S. 732, 746.) The ministerial exception protects religious organizations’ independence in “matters of church government *as well as* those of faith and doctrine.” (*Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC* (2012) 565

U.S. 171, 186, italics added, quoting *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in North America* (1952) 344 U.S. 94, 116.) Government intrusion into any of those three protected zones—“church government,” “faith,” and “doctrine”—is barred by the First Amendment *regardless* of the church’s reasons for the employment action. *Hosanna-Tabor* expressly holds that a church does not need to prove it acted for a “religious reason” before the ministerial exception applies. (565 U.S. at p. 194.)

Second, laws governing ministers’ pay and work schedules *always* implicate matters of internal government, faith, and doctrine. (See *Schmoll v. Chapman University* (1999) 70 Cal.App.4th 1434, 1436 [“The [ministerial exception] is about as absolute as a rule of law can be: The First Amendment guarantees to a religious institution the right to decide matters affecting its ministers’ employment, free from the scrutiny and second-guessing of the civil courts.”].) In practice, such laws interfere with churches’ freedom to decide how many ministers they will have, what their responsibilities will be, and when ministers should be discharged for failing to advance the church’s religious mission. Wage-and-hour laws that “define the minimum terms of employment” violate the First Amendment by “impos[ing] a normative vision on the ministerial relationship.” (Lupu & Tuttle, *Courts, Clergy, and Congregations: Disputes Between Religious Institutions and Their Leaders* (2009) 7 Geo. J.L. & Pub. Pol’y 119, 154.)

The government’s normative vision of the ministerial relationship will often interfere with a religious organization’s own

vision of what its ministry should be, which is often defined in terms of sacrifice, charitable service, and liberation from worldly concerns. As relevant here, laws that prohibit volunteer or low-pay ministry hinder not only ministers' efforts to live their faith, but also their religious organizations' efforts to carry out their religious mission. Without volunteer or low-pay ministry, Catholic education in America would not exist, many religious youth camps would not be economically feasible, and—as relevant here—Buddhist monks and nuns who seek to minimize worldly possessions would create legal liability for their religious communities.

The Court of Appeal misapplied the ministerial exception, threatening the freedom of California religious organizations to define and pursue their religious missions. This Court should reverse.

I. THE MINISTERIAL EXCEPTION PROTECTS RELIGIOUS INSTITUTIONS AGAINST EMPLOYMENT CLAIMS BY MINISTERS, INCLUDING WAGE-AND-HOUR CLAIMS.

The ministerial exception bars courts from adjudicating disputes regarding whether a minister is entitled to back pay from a religious institution under a state wage-and-hour law. That is not a novel proposition, and the Court of Appeal did not engage with the authority establishing it. (See, e.g., *Alcazar v. Corporation of Catholic Archbishop of Seattle* (9th Cir. 2010) 627 F.3d 1288, 1289–1290 (en banc) [ministerial exception barred a seminarian's claim for overtime wages against his religious employer under Washington's Minimum Wage Act]; *Schleicher v. Salvation Army* (7th Cir. 2008) 518 F.3d 472, 478 [ministerial

exception barred Salvation Army officers' claims for minimum wages and overtime under the Fair Labor Standards Act]; *Skrzypczak v. Roman Catholic Diocese of Tulsa* (10th Cir. 2010) 611 F.3d 1238 [ministerial exception barred a ministerial employee's Equal Pay Act and other employment claims].) The Court of Appeal erred in concluding that the ministerial exception applies only to "ecclesiastical concerns" and in purporting to apply "neutral principles of law."

A. The Ministerial Exception Is Not Limited to Disputes That Raise an "Ecclesiastical Concern."

Although the ministerial exception was first recognized in cases involving the selection of ministers (see, e.g., *McClure v. Salvation Army* (5th Cir. 1972) 460 F.2d 553; *Hosanna-Tabor, supra*, 565 U.S. 171), it is not limited to that narrow context. Rather, it extends more broadly to "claims concerning the employment *relationship* between a religious institution and its ministers." (*Hosanna-Tabor, supra*, 565 U.S. at p. 188, italics added.) Whenever government inserts itself between a church and its ministers, concerns about "state interference[]" arise. (*Id.* at p. 186, quoting *Kedroff, supra*, 344 U.S. at p. 116.)

A government obviously interferes when it seeks to tell religious institutions whom they may select (or retain) as ministers. But government also interferes when it tells churches how much they must pay their ministers or what hours their ministers can work. The First Amendment requires courts to "stay out of employment disputes" over those subjects, too. (*Our Lady, supra*, 591 U.S. at p. 746.)

The Court of Appeal misconstrued the ministerial exception in at least three ways.

First, it improperly reasoned that wage-and-hour claims do not “raise an ecclesiastical concern”—and are therefore beyond the reach of the ministerial exception—because they do not “necessarily require an inquiry into matters of a religious entity’s ‘internal government’ that are ‘closely linked’ to the entity’s ‘faith and doctrine.’” (*Lorenzo, supra*, 116 Cal.App.5th at pp. 272, 275, quoting *Our Lady, supra*, 591 U.S. at p. 747.) But this “ecclesiastical concern” test appears nowhere in *Hosanna-Tabor* or *Our Lady*, the U.S. Supreme Court’s two ministerial exception cases. Nor does either case suggest that the ministerial exception comes into play only when “faith or doctrine” is at stake.

To the contrary, both cases describe the ministerial exception as protecting the independence of religious bodies in “matters of church government[] *as well as* those of faith and doctrine.” (*Hosanna-Tabor, supra*, 565 U.S. at p. 186, italics added; accord, *Our Lady, supra*, 591 U.S. at p. 737.) The First Amendment bars state intrusion into any of those three protected zones.

Any notion that a religious body must show a “link” between its faith or doctrine and the internal governance decision at issue is also at war with *Hosanna-Tabor*’s holding that a church need not offer a “religious reason” for its actions before it can invoke the ministerial exception. (565 U.S. at p. 194.) Other California courts have expressly recognized that, for purposes of the First Amendment, “[i]t matters not whether such an employment

decision is based on doctrine or economics.” (*Schmoll, supra*, 70 Cal.App.4th at p. 1436.) Rather, the ministerial exception applies regardless of the religious institution’s motives for the employment decision. (*Ibid.*)

Second, the Court of Appeal erroneously held that wage-and-hour claims do not “invade” a religious body’s “autonomy in the selection of its ministers.” (*Lorenzo, supra*, 116 Cal.App.5th at p. 278.) That misconceives the scope of the ministerial exception.

Although *Hosanna-Tabor* and *Our Lady* both involved claims of wrongful termination (or failure to renew employment), neither case suggests the ministerial exception is limited to decisions to hire, or fire, a particular minister. To the contrary, both cases ground their analysis in the broader guarantee of “free[dom] from state interference” in “matters of church government.” (*Hosanna-Tabor, supra*, 565 U.S. at p. 186, italics added; accord, *Our Lady, supra*, 591 U.S. at p. 737.)

Selection of ministers is only one aspect of church government. *Our Lady* emphasizes that the church autonomy cases the Court drew upon in elaborating the ministerial exception did not “exclusively concern[] ... the selection or supervision of clergy.” (591 U.S. at p. 747.) Once again, California authority is in accord. (See *Schmoll, supra*, 70 Cal.App.4th at p. 1436 [“It is irrelevant whether the action involves hiring, firing or discipline or simply changes the terms and conditions of the employment.”].)

As discussed in more detail below, wage-and-hour claims invade religious autonomy by dictating the employment arrangement a religious organization must create with its

ministers. (See pt. II, *post.*) Virtually every religious organization asks its ministers to sacrifice in one form or another, even if they are also paid by the organization. Wage-and-hour requirements restrict religious organizations' freedom to structure ministerial employment in keeping with their religious beliefs. They therefore fall squarely within the ministerial exception.

Third, the Court of Appeal purported to rest its analysis on a 40-year-old Supreme Court precedent, *Tony & Susan Alamo Foundation v. Secretary of Labor* (1985) 471 U.S. 290 (hereafter *Alamo*). On the Court of Appeal's reading, *Alamo* stands for the sweeping principle that "minimum wage and recordkeeping requirements 'have *no* impact on [a religious organization's] own evangelical activities' and would not 'pose an intolerable risk of government entanglement with religion.'" (*Lorenzo, supra*, 116 Cal.App.5th at p. 273, italics added, quoting *Alamo, supra*, 471 U.S. at p. 305.)

It is true that *Alamo* involved a "nonprofit religious organization" staffed by workers who "receive[d] no cash salaries" but did get "food, clothing, shelter, and other benefits." (471 U.S. at p. 292.) It is also true that *Alamo* determined that applying the Fair Labor Standards Act to those workers would "have no impact on petitioners' own evangelical activities or on individuals engaged in volunteer work for other religious organizations." (*Id.* at p. 305.) And it may even be true, as the Court of Appeal wrote, that "[n]either *Hosanna-Tabor* nor *Our Lady* overruled *Alamo*." (*Lorenzo, supra*, 116 Cal.App.5th at p. 272.)

But the reason *Hosanna-Tabor* and *Our Lady* did not overrule that case is that *Alamo* did not involve a *minister*. Most of the associates working for the Alamo Foundation “were drug addicts, derelicts, or criminals before their conversion and rehabilitation by the Foundation”—they were not ministers. (*Alamo*, *supra*, 471 U.S. at p. 292; see also *Lorenzo*, *supra*, 116 Cal.App.5th at p. 273 [acknowledging that “the ministerial exception was not at issue in *Alamo*”].) *Alamo* thus addressed the reach of a federal labor statute as to *non*-ministerial employees; it nowhere purported to address the constitutionally significant employment relationship between a religious organization and those it entrusts with ministerial responsibilities.

The U.S. Supreme Court has held unequivocally that the ministerial exception “ensures that the authority to select and control who will minister to the faithful”—or in other words, the authority to choose “who will preach [churches’] beliefs, teach their faith, and carry out their mission”—remains “the church’s alone.” (*Hosanna-Tabor*, *supra*, 565 U.S. at pp. 194–195, 196.) Because the ministerial exception applies only to ministers, *Alamo*’s holding has no force in this case.

That leaves *Su v. Stephen S. Wise Temple* (2019) 32 Cal.App.5th 1159, a California decision on which the Court of Appeal also relied. (*Lorenzo*, *supra*, 116 Cal.App.5th at p. 273.) But *Su* decided only *who* is a minister, holding that a temple’s preschool teachers were not; it had no occasion to decide which claims the ministerial exception bars once ministerial status is established, and here that status is undisputed. (*Lorenzo*, *supra*,

116 Cal.App.5th at p. 272.) *Su*’s ministerial-status analysis also followed the Ninth Circuit’s decision in *Biel v. St. James School* (9th Cir. 2018) 911 F.3d 603, which the U.S. Supreme Court reversed in *Our Lady*. (591 U.S. at pp. 743–744, 756–758.) To the extent *Su* is read to say anything about the *scope* of the ministerial exception, *Su* rests on a foundation the Supreme Court has removed and should be disapproved.

B. The “Neutral Principles of Law” Approach to Adjudicating Property Disputes Does Not Apply to the Ministerial Exception.

The Court of Appeal also briefly suggested that wage-and-hour claims involve “neutral principles of law” that courts can apply without trespassing into matters guarded by the First Amendment. (See *Lorenzo, supra*, 116 Cal.App.5th at p. 275.) That, too, was error.

The U.S. Supreme Court held nearly 50 years ago that courts may resolve church property disputes by “rel[ying] exclusively on objective, well-established concepts of trust and property law.” (*Jones v. Wolf* (1979) 443 U.S. 595, 603.) *Jones* involved an ownership dispute over church property following a schism between a local Presbyterian congregation in Georgia and the national church. (*Id.* at p. 597.) The Court explained that “the First Amendment prohibits civil courts from resolving church property disputes on the basis of religious doctrine and practice.” (*Id.* at p. 602.) Instead, “civil courts [must] *defer* to the resolution of issues of religious doctrine or polity by the highest court of a hierarchical church organization.” (*Ibid.*, italics added.) Courts

may then apply the neutral principles of trust and property law that flow from the church's doctrinal decision to resolve the case.

But the Supreme Court has never applied this approach outside the context of church property disputes. (See generally *Jones, supra*, 443 U.S. at pp. 599–600.) Applying neutral property law was designed to *respect* a faith community's resolution of a disputed issue—not interfere with it. (See *id.* at pp. 603–604 [explaining that through the neutral-principles method, “a religious organization can ensure that a dispute over the ownership of church property will be resolved in accord with the desires of the members”].)

The Court of Appeal's use of a “neutral” wage-and-hour law to adjudicate the dispute here also contradicts more recent precedent. *Hosanna-Tabor* cites church autonomy decisions running back to *Watson v. Jones* (1871) 80 U.S. (13 Wall.) 679—but not *Jones v. Wolf*. (See *Hosanna-Tabor, supra*, 565 U.S. at pp. 185–187 [discussing *Watson*; *Kedroff, supra*, 344 U.S. 94; and *Serbian Eastern Orthodox Diocese for U.S. & Canada v. Milivojevic* (1976) 426 U.S. 696].) Neither the majority nor the dissent in *Our Lady* mentions *Jones v. Wolf* either. (See also *Our Lady, supra*, 591 U.S. at pp. 747–748 [discussing the same three decisions].)

The Court of Appeal's reference to the neutral-principles approach is a category mistake. That approach provides a method for a court to allocate property after a religious body has made a doctrinal decision—the court takes the church's resolution of the disputed matter as a starting point and applies secular law to the

downstream consequences. The ministerial exception, by contrast, relates to the church's ability to make the doctrinal decision *at all*. Stated differently, the neutral-principles approach presupposes an existing religious determination to which the court defers. But a wage-and-hour claim asks a secular court to *supply* the determination that will decide the parties' rights in the first instance. A method for deciding property ownership in post-schismatic cases is not a tool for deciding disputes over ministerial employment.

* * *

Holding that the ministerial exception bars wage-and-hour claims does not place religious employers beyond the law, and the Court need not accept any such proposition to reverse. The exception simply limits judicial interference in the *employment relationship* between a religious body and its ministers. It does not displace criminal law—statutes punishing human trafficking, fraud, and assault apply to religious organizations just as they apply to everyone else. So do generally applicable workplace safety statutes. A suit asking a court to fix a minister's wage and hours is different in kind: it asks the State to define the terms of the ministerial relationship itself, in violation of the First Amendment.

II. REGULATING MINISTERS' PAY AND WORK SCHEDULES INTERFERES WITH THE ECCLESIASTICAL WORK OF RELIGIOUS ORGANIZATIONS.

Applying wage-and-hour laws to a religious organization's employment of ministers would displace, in the name of protecting ministers, the very sacrifices that ministers across many

traditions understand their faith to ask of them. And it would restrict the faith's ability to carry out its religious mission in the manner the faith requires.

A. Decisions About Pay and Hours Are Always Matters of Internal Governance.

“Just as the initial function of selecting a minister is a matter of church administration and government, so are the functions which accompany such a selection.” (*McClure, supra*, 460 F.2d at p. 559.) These include, among other things, “the determination of a minister’s salary, his place of assignment, and the duty he is to perform in the furtherance of the religious mission of the church.” (*Ibid.*)

Each of those decisions defines “the content of the clerical office” and “the terms of the relationship between the cleric and the congregation.” (*Lupu & Tuttle, supra*, 7 Geo. J.L. & Pub. Pol’y at p. 154.) The minister’s place of assignment, for instance, determines whom he will serve and what sorts of activities his ministry will involve. An assignment in a rural congregation or a youth ministry will look very different from one in a downtown parish or an assisted living facility. So too with the choice of duties. An assignment to focus on humanitarian work will entail drastically different responsibilities than a call to strengthen the faithful or preach to nonbelievers.

Salary determinations do the same. Many religious communities expect their ministers to take a vow of poverty. (See, e.g., *Schleicher, supra*, 518 F.3d at p. 476 [describing the “vow of poverty” as “a hallowed religious observance”].) But even for those that don’t, decisions about how much to pay their ministers are

core features of “internal [church] governance.” (*Hosanna-Tabor*, *supra*, 565 U.S. at p. 188.)

A church, for example, may decide to have a single, highly paid minister who serves all congregants’ needs. Or it may decide to have multiple, less well-compensated ministers who divide responsibilities. It may prefer a single senior minister with decades of experience, or it may value younger ministers who relate well with newer congregants. It may ask its ministers to do some work for pay and other work as a volunteer.

Or, as in this case, a religious society may rely on work by ministers-in-training, providing room and board and expecting initiates to contribute to the upkeep and management of the society and its facilities. (See *Lorenzo*, *supra*, 116 Cal.App.5th at p. 266.) The wide diversity of ministerial functions among religions underscores the constitutional imperative behind the bar on wage-and-hour regulations for ministerial employment. Determining what ministerial employment structure is right for a particular congregation is a matter of church government firmly within a church’s constitutionally protected autonomy.

B. Material Sacrifice by Ministers Is Almost Always a Matter of Faith and Doctrine.

For ministers, low wages and long hours are unquestionably a sacrifice, but that is often exactly the point. Practically every major religious tradition enshrines sacrifice as a fundamental doctrine. Christians venerate the willing death of Jesus Christ. Judaism reveres Abraham’s willingness to sacrifice his son Isaac at God’s command. Islam emphasizes sacrifice as a key to personal devotion. (See Surah Al ‘Imran (Khattab trans. 2015) 3:92 [“You

will never achieve righteousness until you donate some of what you cherish.”].) This doctrinal emphasis on sacrifice is reflected in the lives of countless believers who selflessly give their time and labor for religious causes.

Begin with Buddhism, the religion of the San Francisco Zen Center. The Court of Appeal concluded that the Zen Center did not show that its initiates’ low wages were part of a vow of poverty or similar religious practice. (*Lorenzo, supra*, 116 Cal.App.5th at p. 280, fn. 5.) But in traditional Buddhist monasticism, monks and nuns “renounced wealth and private property” and were “forbidden to accept gold and silver.” (Wijayaratna, *Buddhist Monastic Life According to the Texts of the Theravada Tradition* (Grangier & Collins trans. 1990) p. 76.) For clothing, each monk was limited to one set of three robes, and if he was given any more, “he was obliged to share them among those whose robes had worn out, or to donate them to the monastery’s store.” (*Id.* at p. 41.) The Buddha taught that “the aim of the religious life” for monks “is not to gain material profit.” (*Id.* at p. 156.) Rather, “the ultimate end of the religious life is the unshakeable liberation of the mind.” (*Ibid.*)

Consider also Catholic orders, whose members take vows to devote their lives to the service of God and their fellowman. The most famous treatise on monastic orders—the Rule of Saint Benedict—directs adherents to “[h]elp the poor” and “[g]ive clothes to those who have none.” (Freeman, *The Rule of St. Benedict: An Introduction to the Contemplative Life* (2020) p. 19.) All Catholic orders share a focus on “welcoming guests with joy, caring for the

sick, elderly, and children,” “dressing simply,” and “embracing the liberation that comes from living in a community that has no private property.” (*Id.* at Introduction.)

Or consider The Church of Jesus Christ of Latter-day Saints. The Book of Mormon teaches that “[w]hen ye are in the service of your fellow beings ye are only in the service of your God.” (Mosiah 2:17.) Young Church members frequently put their education on hold to serve full-time missions of either 18 or 24 months. During this intense period of service, these young men and women dedicate themselves to serving others and sharing the fruits of gospel living. (*Newsroom: Missionary Program*, The Church of Jesus Christ of Latter-day Saints, <https://tinyurl.com/7svnssu8> [as of Sept. 24, 2026].) Missionaries do so at great personal sacrifice and “are not paid for their service[.]” (*Ibid.*)

Sacrifice has always been a central tenet of Judaism. Although modern Jews do not practice animal sacrifice as described in the Bible, the principle of sacrifice remains a core component of Jewish devotion. “Giving charity,” or “giving of oneself,” is “considered to be a method of finding atonement.” (Kogan, *How Do Jews Atone for their Sins Today?*, Chabad.org, <https://tinyurl.com/mv4hua5x> [as of Sept. 24, 2026].) The Hebrew words for sacrifice, *korban* and *lehakriv*, “mean ‘that which is brought close’ and ‘the act of bringing close’”—close to God, that is. (Sacks, *Covenant & Conversation: Leviticus* (2015) p. 82.)

Sacrifice for religious enlightenment is also a tenet of Sikhism. (See *Guru Granth Sahib* (Khalsa trans. 2020) Ang 47 [“I dedicate my body, mind, wealth and all to Him. I totally sacrifice

my soul to Him.”].) Sikhs observe this teaching in many ways, including the *langar*, a free vegetarian meal served at the community *Gurdwara*, or Sikh house of worship. (Coward et al., *The South Asian Religious Diaspora in Britain, Canada, and the United States* (2000) pp. 197, 265.)

Hinduism likewise teaches that spiritual advancement requires sacrifice of time and material possessions. (See Bhagavad Gita (Easwaran trans. 2007) 4:25 [“Some aspirants offer material sacrifices to the gods. Others offer selfless service as sacrifice in the fire of Brahman.”].) Faithful Hindus live out this principle through *daan*, or the voluntary contribution of food, clothing, and service to those in need, and *utsarg*, or the donation of time and means for the benefit of community. (Agarwal, *Daan and Other Giving Traditions in India* (2010) p. 30.) Similar traditions of *daan* are also prevalent among other Eastern religions, including Jainism and the Baha’i faith. (*Id.* at p. 20.)

C. Ministers’ Material Sacrifice Is Often Crucial to Religious Organizations’ Ability to Carry out Their Religious Mission.

Religious organizations are able to carry out their religious mission in significant part due to the sacrifices of their adherents. Foreclosing a portion of that sacrifice would interfere with organizations’ ability to carry out their religious mission.

During the twentieth century, Catholic schools were essential in bringing education to poor and marginalized children. (Jacobs, *U.S. Catholic Schools and the Religious Who Served in Them: Contributions in the 18th and 19th Centuries* (1998) 1 J. Cath. Educ. 364, 369.) One of the foremost advantages of these

schools was the availability of devoted men and women willing to offer education without enriching themselves, thereby reducing costs for students. (*Ibid.*) As one author has described, the Catholic “sisterhoods ... heavily subsidiz[ed] the burgeoning schools” with their willingness to teach at low pay out of devotion to their religious vows. (Oates, *The Catholic Philanthropic Tradition in America* (1995) p. 155.)

The same story can be told about Catholic institutions of higher learning. “By the 1960s, religious congregations of women”—i.e., women in religious orders—“had established the majority of Catholic colleges in the United States.” (Morey & Piderit, *Catholic Higher Education: A Culture in Crisis* (2006) p. 250.) “The sisters encountered grave financial obstacles in building and growing these colleges, and they survived because of the enormous sacrifices women religious [women in religious orders] made on their behalf.” (*Ibid.*)

Or consider religious youth camps. Many denominations host youth camps—particularly during summer months—where young people gather to enjoy fellowship and religious study. The seasonal workers who staff these camps are often college students or other young adults who receive room and board, as well as a small stipend, for their work. (See, e.g., *Camp Jobs*, Indian Lake Christian Camp, <https://tinyurl.com/2ta2nz8x> [as of Sept. 24, 2026] [describing camp counselor positions whose responsibilities include leading “worship” and whose compensation includes “room and board along with a salary of \$300 per week”].) This employment structure keeps costs down, thus placing the youth

camp experience within reach of more young people. And for the workers, the spiritual benefits of a summer in nature helping to strengthen the faith of children and young adults are often the primary motivation for the experience. (See, e.g., Moon, *The Life-Changing Benefits of Working at a Christian Summer Camp* (May 2, 2025) Kenyon Messenger, <https://tinyurl.com/mr3wp5wy> [as of Sept. 24, 2026] [“Few jobs give you the opportunity to make such a direct and lasting impact on someone’s life. As a counselor or staff member, you’re a role model, mentor, and spiritual guide to the campers in your care.”].)

Or consider the global emissary program of the Chabad-Lubavitch Jewish movement, in which a *shaliach* (rabbi) and *shalucha* (often the rabbi’s wife) open a Chabad House, a local center that provides community services including counseling, drug prevention, and a spiritually safe environment for young people. (See Holt, *Young Chabad-Lubavitch Emissaries: Who They Are, Where They Are Going* (Nov. 19, 2014) Chabad.org, <https://tinyurl.com/ym7wm2y3> [as of Sept. 24, 2026].) These couples often are supported by donations and do not demand a salary or other regular compensation. Indeed, “under moral teachings, the movement distances itself from business dealings.” (*Chabad & Their Wealthy Donors*, ChabadInfo, <https://tinyurl.com/mshb8p9x> [as of Sept. 24, 2026].)

Together, programs like these benefit countless lives, and many of them would be impossible but for ministers’ willingness to work at low wages for other people’s physical and spiritual welfare.

D. Application of Wage-and-Hour Laws to Ministerial Employment Disputes Would Threaten Religious Exercise in Diverse Settings.

The Court of Appeal’s decision rested on the conclusion that wage-and-hour claims do not affect “a church’s freedom to choose its representatives.” (*Lorenzo, supra*, 116 Cal.App.5th at p. 273, quoting *Su, supra*, 32 Cal.App.5th at p. 1175 (conc. opn. of Edmon, P.J.).) Not so. As explained above, laws that regulate how much a church must pay its ministers inevitably limit the church’s freedom to choose the number of ministers it will have and the scope of their duties, which in turn constrain its choices about who will fill those ministerial roles.

The threat of wage-and-hour lawsuits can also limit churches’ choice of ministers by pressuring them to “retain an unwanted minister” or “punish[ing] a church for failing to do so.” (*Hosanna-Tabor, supra*, 565 U.S. at p. 188.) Although most ministerial employees serve with gratitude and consecration, occasionally there are disgruntled former ministers who adopt a more antagonistic, litigious posture. Courts routinely dismiss as constitutionally barred suits by former church employees alleging fraud or misrepresentation (*Hutchison v. Thomas* (6th Cir. 1986) 789 F.2d 392), wrongful termination (*Natal v. Christian & Missionary Alliance* (1st Cir. 1989) 878 F.2d 1575), or defamation (see *Belya v. Kapral* (2d Cir., Aug. 18, 2026, No. 25-1085-cv) __ F.4th __ [2026 WL 2408741, at p. *7] [affirming summary judgment for church defendants on church autonomy grounds]). Opening the door to wage-and-hour claims would add another weapon in the arsenal for such individuals to attack their former

congregations. And that in turn would change the decision calculus for religious entities considering how to address ministers who no longer share their religious mission: end the relationship and risk litigation, or retain them and risk frustrating the organization's religious purposes.

The intrusive inquiries that accompany wage-and-hour claims can also threaten religious exercise. "Church personnel and records would inevitably become subject to subpoena, discovery, cross-examination," and "the full panoply of legal process designed to probe the mind of the church in the selection of its ministers." (*Rayburn v. General Conference of Seventh-Day Adventists* (4th Cir. 1985) 772 F.2d 1164, 1171.) Through these and other methods, "an investigation and review of such matters of church administration and government as a minister's salary ... could only produce by its coercive effect the very *opposite* of that separation of church and State contemplated by the First Amendment." (*McClure, supra*, 460 F.2d at p. 560, italics added.)

More fundamentally, wage-and-hour laws threaten churches' freedom to decide what it even means to be a minister. Ministerial employees, it must be remembered, are a special subset of workers. They are individuals whom the religious body has chosen to "personify its beliefs" and "shape its own faith and mission." (*Hosanna-Tabor, supra*, 565 U.S. at p. 188.) Ministers educate the faithful, inculcate religious doctrine, and guide others "toward the goal of living their lives in accordance with the faith." (*Our Lady, supra*, 591 U.S. at p. 757.) They play a vital "role in

conveying the Church’s message and carrying out its mission.” (*Hosanna-Tabor, supra*, 565 U.S. at p. 192.)

By “defin[ing] the minimum terms of [ministers’] employment,” wage-and-hour laws “impose a normative vision on the ministerial relationship.” (Lupu & Tuttle, *supra*, 7 Geo. J.L. & Pub. Pol’y at p. 154.) They tell religious organizations and ministers to view each other through the lens of employer and employee, even if that is not what either of them believes the ministry is supposed to be about.

Many religious bodies ask their ministers to make sacrifices that might not be applicable, or appropriate, in other settings—such as accepting a low wage or alternative compensation structure, performing unexpected tasks based on congregational needs, or even taking a vow of poverty. (See, e.g., Jacobs, *supra*, 1 J. Cath. Educ. at p. 369 [noting that many teachers at parochial schools historically have accepted reduced pay as part of their religious devotion].) Many ministers make those sacrifices gladly, believing that by doing so, they follow the command to “Lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves neither break through nor steal.” (Matthew 6:20 (King James Version).)

That a minister could simply donate or return his wages is no answer. (Cf. *Alamo, supra*, 471 U.S. at p. 304 [observing that non-ministerial employees could voluntarily return their wages to the organization].) A recalcitrant minister may decline to do so, leaving the church to choose between retaining a minister who no longer advances its mission and terminating him in the shadow of

an inevitable lawsuit; and in either case, telling a church and its ministers that their preferred, spiritually guided employment arrangements are unlawful distorts the relationship whether or not any wages ever change hands.

When wage-and-hour laws command ministers to be paid in earthly treasures, they do more than interfere with ministers' spiritual aspirations. Many of the charitable and religious programs listed above—youth camps, Catholic education, the Chabad-Lubavitch movement, and perhaps even communities of Buddhist monks teaching meditation—might have to curtail their activities or even close their doors if they could not accept the sacrifices that their ministers are willing to make. New religious programs in these areas, lacking even the limited resources of most better-established religions, might never get off the ground. The charitable, civic, and social life of our nation would be poorer if religious groups had to balance the divine command of community outreach with the secular commands of the state labor board.

CONCLUSION

The decision of the Court of Appeal should be reversed.

DATED: September 25, 2026

Respectfully submitted,

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CERTIFICATION OF COMPLIANCE

I certify that, pursuant to California Rules of Court, rules 8.520(b)(1) and 8.204(c)(1), the attached Brief of Amici Curiae is proportionately spaced, has a typeface of 13 points, and contains 5,378 words, according to the word processing program with which it was prepared.

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