

Publications

In Victory for Religiously-Affiliated Hospitals, the Supreme Court Rules that Church Plans Need not be Established by Churches

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On June 5, 2017, the United States Supreme Court held in *Advocate Health Care Network et al. v. Stapleton et al.* that a plan does not have to be established by a church in order to qualify for ERISA's church plan exemption. Instead, plans maintained by certain tax-exempt organizations that are controlled by or associated with a church may qualify as church plans. The decision was unanimous, with Justice Sotomayor filing a concurring opinion. Justice Gorsuch took no part in the decision. Although the Supreme Court resolved this key threshold question, the Court left open certain other legal issues under the church plan exemption that could lead to continued litigation in the lower courts. Please see the attached memo for further information.

[In Victory for Religiously-Affiliated Hospitals, the Supreme Court Rules that Church Plans Need not be Established by Churches](#)