

## Alliance Profile

# Michael Tierney

By Chris Potts

**M**ichael Tierney is one of those lawyers who didn't start out to be a lawyer. He'd been teaching high school civics classes for several years in Vermont when the conviction took hold that he might be called to do more than just grade papers about religious liberty and sanctity of life.

Maybe he needed to impact those issues more directly.

So he completed a law degree at Notre Dame, came back to his wife's home state of New Hampshire, joined a good-sized law firm ... and soon found himself specializing in one of the quieter corners of litigation, defending churches under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Defending, in other words, the right of churches to be churches.

Congress passed RLUIPA nearly 20 years ago to protect, among other things, congregations from the tendency of many municipalities to torpedo church applications to buy land, put up buildings, or add new structures to their property. Many city officials are inclined to think there's more money to be made in giving the legal edge to commercial ventures, which can provide more tax revenue.

**B**ut opposition is rarely just about the money, Tierney has found. Working across New England in "some of the least-churched states in the Union," he's learned that "a large number of people do not understand the importance of having that kind of relationship with our Lord. They don't get the



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necessity of communal worship. They just don't get it.

"They don't understand that preventing the use of property for religious worship, or blocking Bible studies in a facility built with a federal loan, is religious discrimination."

**T**ierney's first RLUIPA case, for instance, involved a church that was being denied building permits because the planning board chairman said — candidly, publicly — that the church was anti-choice and homophobic, and if it expanded, it would just mean more of *those* kinds coming to his town. The years-long case ended in a million-dollar-plus judgment on behalf of the church.

"That was a pretty big win," Tierney says — in fact, the biggest of its kind in New Hampshire history. He's litigated some 30 similar cases since, and won most of them. And while not many feature such headline-making settlements, "sometimes we're able to get things done quickly and inexpensively," he says, "so that more people can hear the Gospel.

"Hope comes from seeing the huge results of small successes," says Tierney, who — drawing in part on training and resources provided by ADF — has also argued on behalf of private Christian schools, church tax exemptions, and more than 25 pro-life ministries. But "I really get my greatest pleasure," he says, "when I'm able to assist someone else to get the Gospel out there." 