



Mark E. Chopko

Senior Counsel and Chair Emeritus, Religious, Educational & Nonprofit Organizations

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For nearly 50 years, Mark Chopko has advised and advocated for entities dealing with some of the most complex liability and organizational issues. He has represented religious and nonprofit entities since 1984 and is well-versed in managing the risks they encounter — in both planning and organizing activities and in litigation. He is chair emeritus of the firm's religious, educational and nonprofit organizations practice. Nationally known for his work on the liability of nonprofit entities and constitutional 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 teaching a seminar on church-state law.

A major emphasis of Mark's practice is constitutional law and deflecting attempts by the government and private litigants to infringe on 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 40 years of experience in defending claims of professional misconduct by clergy and staff of religious and nonprofit institutions, including investigation, evaluation and mediation of those claims. He has served as an expert for clients in cases where litigants seek to ignore corporate and denominational lines in imposing liability. In addition to his appellate and U.S. Supreme Court work for clients of the firm, Mark has participated in more than 30 Supreme Court cases as counsel for the U.S. Conference of Catholic Bishops (USCCB) and other religious groups in friend-of-the-court briefs.

Mark 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. He previously served as an adviser to the American Law Institute's Restatement of the Law, Charitable Nonprofit Organizations.

During his 20-year tenure as general counsel of the USCCB, Mark led a seven-lawyer staff handling comprehensive litigation, corporate, tax, intellectual property, employment and government contracts services. Mark was one of the staff drafters of the "Charter for the Protection of Children and Young People" (Dallas Charter) in 2002 and principal negotiators for the final version of the Religious Freedom Restoration Act of 1993.

Featured Representative Matters

Services

- Religious, Educational & Nonprofit Organizations
- Litigation
- Government Affairs
- Appellate
- Complex Commercial & Class Action Litigation
- Corporate, Mergers & Acquisitions, and Securities
- Trial Practice

Education

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

Admissions

- U.S. Supreme Court
- District of Columbia
- Pennsylvania
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for

- 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 and attempting government regulation of religious entities.
- Represented religious healthcare interests in Employee Retirement Income Security Act (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 issues in trial and appellate courts.
- Successfully defended a 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.
- Advocated and defended client interests limiting the scope of liability or the scope of government regulation in litigation and before regulatory agencies.
- Planned and implemented organizational and management issues for diverse religious organizations to integrate their religious principles 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.
- Developed and implemented proactive strategies to anticipate and plan for risks by designing new structures, mitigating unsafe or dangerous activities through child protection and other internal policies, and through accountability and risk management guidelines.
- Advised and defended religious educational institutions about regulatory and employment issues involving their religious identity.

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

Community Impact

Mark is a board member and officer of the Saint John XXIII Foundation in Washington, D.C. 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.

Mark has served (and continues to serve) as a volunteer in his community, including in community orchestras and choirs, on his local PTO board, as a lector in his parish church, as a past member of his Parish Council and Finance Council, and as a youth basketball coach. He served two terms on the Board of Advisors of the National Center on Philanthropy and the Law at New York University School of Law.

Memberships

- Member, District of Columbia Bar
- Member, Equestrian Order of the Holy Sepulchre of Jerusalem
- Member, The John Carroll Society

- Member, National Diocesan Attorneys Association
- Member, Nonprofit Forum, New York City
- Member, Religious Liberty Committee, National Council of the Churches of Christ
- Member, CMSM Review Board, Region III
- Member, Catholic Business Network of Northern Virginia

Recognitions

- Vision Award, National Association of Church Personnel Administrators (2023)
- AV Preeminent rating, Martindale-Hubbell
- Honorary Member, Church Law Society, Prague
- Frank O'Hara Award, University of Scranton (2004)
- Corporate Counsel of the Week, *The National Law Journal* (2002)

Featured Speaking Engagements

- Panelist, "Records Management & Retention: Practicalities and Best Practice," Resource Center for Religious Institutes 2025 National Conference
- Co-Presenter, "Getting Started with Structures," Resource Center for Religious Institutions National Conference
- Presenter, "The Ministerial Exception and the Church Workplace," National Association of Church Personnel Administrators' Webinar (November 2024).
- Presenter, "Parsing Liabilities Between Dioceses and Institutes," Arthur J. Gallagher Convocation (May 2024) and Resource Center for Religious Institutes' Annual Conference (October 2023)
- Presenter "Tax Classifications and the First Amendment," NYU Nonprofit Forum (April 2024)
- 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, "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
- Panelist, "Religious Freedom Implications of the COVID-19 Pandemic," American Bar Association Section of Civil Rights and Social Justice Webinar, April 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," National

Diocesan Attorneys 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
- Speaker, “Litigation Under a Spotlight: Use of Litigation as a Resolution Tool,” 27th Annual National Catholic Risk Retention Group Meeting, 2018
- 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
- 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
- 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
- Speaker, “State of Religious Accommodation in Government Policy,” Colloquium, Catholic Charities USA
- 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

Featured Publications

- Co-author, “Tax Issues of Religious Organizations,” 484-3rd T.M., *Bloomberg Tax* (2024)
- Co-author, “Work with What You Have – Navigating Religious Accommodations in the American Vaccine Era,” *Journal of Church and State* (November 15, 2022)
- Author, “The Constitutionality of Providing Public Funds for U.S. Houses of Worship During the Coronavirus” (February 2, 2021)
- Author, “The Scope and Standard - ‘Effective Amicus Briefs’” (October 27, 2020)
- Author, “What Are Friends For?” (July 30, 2020)
- Author, “NLRB Limits Authority Over Religiously Affiliated Colleges and Universities” (June 11, 2020)
- Author, “Nonprofits Get New Rules for Unrelated Business Income Classification,” *Diocesan Fiscal Management Conference 2020 Spring Herald* (May 26, 2020)

- Author, "Weekend Update: CARES Accommodates Nonprofit and Religious Organizations" (April 6, 2020)
- Author, "Coronavirus and Cancellations: What Your Organization Should Know" (March 10, 2020)
- Author, "Nonprofit News for the New Year, Nonprofit & Religious Organizations Alert" (January 14, 2020)
- Co-author, "Client Alert, Health Law and Nonprofit & Religious Organizations: Courts Vacate Conscience Rules & Religious Protections" (November 8, 2019)
- Co-author, "Client Alert, IP and Nonprofit & Religious Organizations: What's in a Name? And Other Intellectual Property Issues for Religious Groups" (October 3, 2019)
- Co-author, "Nonprofit & Religious Organizations Alert: Circuits Divide in Application of Ministerial Exception" (September 11, 2019)
- Co-author, "New Legislation Will Alter the Sexual Abuse Liability Landscape," *AIRROC Matters* (Spring 2019)
- Co-author, "Allegations of Clergy Misconduct," *AIRROC Matters* (Winter 2018-19)
- Author, "Nonprofit & Religious Organizations Alert: Seventh Circuit Court of Appeals Saves Parsonage Exemption" (March 20, 2019)
- Co-author, "Still a Threshold Question: Refining the Ministerial Exception Post *Hosanna-Tabor*," *First Amendment Law Review* (2012)
- Author, "Stating Claims Against Religious Organizations," *Boston College Law Review* (2003)

Publications

Portfolio 484-3rd: Tax Issues of Religious Organizations

Bloomberg Law

February 17, 2026

Supreme Court Tells States to Question Regulations—Not Religions

Bloomberg Law

June 9, 2025