Teacher can't be sued for anti-religion statements

By Don J. DeBenedictis

A high school teacher who made anti-religion statements in class cannot be sued for allegedly violating the First Amendment rights of a devout Christian student, the 9th U.S. Circuit Court of Appeals ruled Friday in a closely watched case.

The court said several times that the case is unprecedented - which is exactly why the teacher won.

"There has never been any reported case holding that a teacher violated the Establishment Clause by making statements in the classroom that were allegedly hostile to religion," Judge Raymond C. Fisher wrote.

Because there was no "clearly established law" against such classroom statements, Fisher held, "the teacher is entitled to qualified immunity." C.F. v. Capistrano Unified School District, 09-56689 (9th Cir., op'n filed Aug. 19, 2011)

Constitutional scholar Erwin Chemerinsky, who argued at the 9th Circuit for teacher James Corbett, said it is "a very difficult question [to determine] when a teacher is so hostile to religion to violate the Establishment Clause," which prohibits government from endorsing or opposing religion.

But this was "an easy case on qualified immunity," he said, because it was unprecedented.

One of the student's attorneys, Robert H. Tyler of Advocates for Faith and Freedom in Murrieta, told the Associated Press he would ask the circuit court to reconsider its decision. "This was the perfect opportunity for the court to address the issue one way or the other," Tyler said. "Instead, it failed to give guidance on the constitutional question."

Chad Farnan attended Corbett's advanced-placement class in European history at Capistrano Valley High School in 2007. Those lectures often touched on the role of religion, according to the 9th Circuit.

But Farnan was so offended by some things Corbett said that he began making audio recordings of the classes, and he quoted many of the teacher's comments in his 2007 lawsuit, including, "When you put on your Jesus glasses, you can't see the truth."

In their lawsuit, he and his parents asked for an injunction barring Corbett from making such statements and for nominal damages. The injunction request became moot when Farnan graduated from high school.

U.S. District Judge James V. Selna ruled that most of the statements had
Some charges against developer tossed
In a major blow to prosecutors, a San Bernardino County judge Friday tossed several charges against an Inland Empire developer and several former county officials accused in a corruption case involving a $102 million settlement.

Judge gives Wal-Mart plaintiffs more time to file claims
A Northern District judge gave former class members in a massive gender discrimination lawsuit against Wal-Mart Stores Inc. new deadlines Friday for filing claims.

New allegations against Fullerton police
The Fullerton Police Department, already under heavy scrutiny for the beating death of a homeless man last month, was sued Friday for arresting a man who claims he was videotaping a separate altercation with officers in October.

Disciplinary Actions
Here are summaries of lawyer disciplinary actions taken recently by the state Supreme Court or the Bar Court, listing attorney by name, age, city of residence and date of the court's action.

Redevelopment agency under investigation
The city of Hercules and its redevelopment agency are under investigation by the state controller's office due to questions over annual financial reports.

CVS settles lawsuit over prices
CVS Pharmacy Inc. agreed to pay $2 million to settle a consumer lawsuit alleging price-scanning violations.

Still looking to US courts for justice
For victims of international human rights violations, U.S. courts remain their best hope for compensation. By Robert Knowles of Thomas Jefferson School of Law

State Bar discipline: Public reprovals can hurt you
Don't be fooled - a public reproval for attorney misconduct can tarnish your image and hurt your business. By Stephen J. Strauss and Diane L. Karpman of Karpman & Associates

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