

**IN THE SUPREME COURT  
STATE OF WYOMING**

An Inquiry Concerning the Honorable Ruth Neely, Municipal Court Judge and Circuit Court Magistrate, Ninth Judicial District, Pinedale, Sublette County, Wyoming

OCTOBER TERM A.D. 2015

Judge Ruth Neely

(Petitioner),

v.

Wyoming Commission on Judicial Conduct and Ethics,

(Respondent).

No. J-16-0001  
IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

MAY 10 2016

CAROL THOMPSON CLERK  
  
by DEPUTY

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**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF CHURCHES AND  
RELIGIOUS ORGANIZATIONS IN SUPPORT OF THE HONORABLE RUTH  
NEELY'S VERIFIED PETITION OBJECTING TO THE COMMISSION'S  
RECOMMENDATION**

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COMES NOW *Amici Curiae* Churches and Religious Organizations (which are listed below) and hereby moves the Court, pursuant to Wyo. R. App. P. 7.12, for an Order granting them leave to file the attached amicus curiae brief in support of Petitioner, the Honorable Ruth Neely. In support of this Motion, *Amici Curiae* state the following:

1. Interest of *Amici Curiae*. The Commission's recommendation, if affirmed by the Court, would effectively establish that no individual who holds a religious belief in traditional marriage and faithfully lives out that belief can be a judge. Thus, the outcome of this case threatens to disqualify innumerable Jews, Christians, and Muslims who

would conclude, as Judge Neely did, that presiding over same-sex marriages violates their faith. As religious organizations that represent and minister to millions of people in those faith traditions, *Amici Curiae* have a significant interest in the outcome of this case and the effect that it will have on the people who follow their teachings.

*Amici Curiae* include national religious organizations representing millions of religious believers in the United States. One of these organizations is the National Association of Evangelicals (“NAE”). NAE is the largest network of evangelical churches, denominations, colleges, and independent ministries in the United States. It serves 40 member denominations, as well as numerous evangelical associations, missions, nonprofits, colleges, seminaries and independent churches. NAE serves as the collective voice of evangelical churches and other religious ministries. It believes that God has ordained marriage as the most basic unit for the building of earthly societies, and that the union is alone reserved for the joining of one man and one woman.

Another national religious organization that has joined this brief is the Lutheran Church – Missouri Synod (“the Synod”). The Synod has some 6,150 member congregations with 2,200,000 baptized members throughout the United States. It steadfastly adheres to orthodox Lutheran theology and practice, and among its beliefs is the Biblical teaching that marriage is a sacred union of one man and one woman (Genesis 2:24-25), and that God gave marriage as a picture of the relationship between Christ and His bride the Church (Ephesians 5:32). As a Christian body in this country, the Synod believes it has the duty and responsibility to speak publicly in support of traditional marriage and in support of the religious liberty of all—including the right of judges such

as Judge Neely—to express their religious belief that marriage is a divinely created relationship between one man and one woman.

*Amici Curiae* also include religious organizations and individual churches in Wyoming. One of these groups is the Wyoming District of the Lutheran Church – Missouri Synod, which has 60 congregations and over 12,000 members. The individual Wyoming churches that have joined this brief are Calvary Chapel in Cheyenne, Restoration Fellowship International in Cheyenne, Destiny Church in Cheyenne, Emmanuel Bible Church in Thayne, Immanuel Lutheran in Sheridan, Our Savior’s Lutheran Church in Pinedale, Peace Lutheran Church in Marbleton, Redeemer Lutheran Church in Jackson, Christ Our Savior Lutheran Church in Etna, Shepherd of the Valley Lutheran Church in Fort Bridger, St. Paul Lutheran Church in Thermopolis, Our Saviour Lutheran Church in Evanston, St. Paul’s Lutheran Church in Kemmerer, Christ Reformed Presbyterian Church in Torrington, Flat Creek Community Church in Jackson, Community Bible Church in Jackson, Crossroads New Life Fellowship in Evanston, Grace Baptist Church in Kemmerer. These groups do not want to see their members and attendees excluded from the judiciary simply because of their faith.

2. Appropriateness and Desirability of this Brief. It is important for the Court to understand the sweeping implications of its ruling in this case. As the attached brief explains, hundreds of thousands of Wyomingites and millions of Americans subscribe to the religious beliefs about marriage that Judge Neely holds. If she cannot be a judge because of those beliefs, neither can the others who share her religious tenets.

It is also important for the Court to understand that, as the attached brief discusses, Judge Neely's religious beliefs about marriage—and those of many other adherents of Judaism, Christianity, and Islam—are rooted in respectable theological views. Those beliefs are based on what their sacred Scriptures teach about marriage, human sexuality, family life, and God's intended purpose for sexual activity. They are not grounded in any sort of bigotry or prejudice against anyone. In fact, while these religious traditions encourage their followers to faithfully witness to what they believe to be true about marriage, they forcefully condemn any hostility, bias, or ill will toward homosexuals. Thus, to say that Judge Neely's beliefs manifest bias, which is what the Commission concluded in this case, is to grossly misrepresent what her faith and other religious traditions teach.

3. Representation of the Parties. It is *Amici Curiae's* view that the parties to this case are well represented, but that *Amici Curiae's* brief is appropriate and desirable because it provides the Court with a broader religious perspective concerning the ramifications of its ruling in this case.

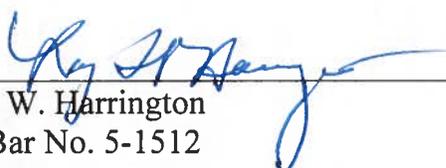
4. *Amici Curiae's* Interests in Other Cases. *Amici Curiae* does not have a direct interest in any other pending case that will be affected by the Court's decision in this case. But as previously mentioned, *Amici Curiae* are concerned that if the Court affirms the Commission's recommendation, it will effectively disqualify faithful adherents of their religious traditions from holding judicial office.

5. *Amici Curiae's* Perspective. *Amici Curiae* bring the perspective of many people of faith who stand to lose their right to be a judge simply because they belong to

and follow the teachings of *Amici Curiae's* organizations. They also bring the perspective of many who have studied and deeply reflected on the religious convictions that motivated Judge Neely in this case. These perspectives will aid the Court in better understanding the ramifications of its decision in this case and the religious beliefs that are at issue.

For all these reasons, *Amici Curiae* respectfully asks that the Court grant them leave to file their attached brief in this case.

Respectfully submitted,



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Dated: May 9, 2016

## CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2016, I filed the original of this motion and six copies thereof with the Clerk of Court via FedEx, and that I mailed a copy of this document by First-Class Mail, postage prepaid, to each of the following:

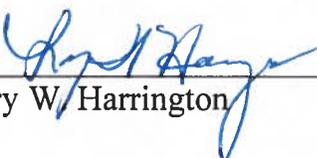
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