

PATRICK E. REIDY, C.S.C.

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ACADEMIC APPOINTMENTS

Notre Dame Law School, Associate Professor of Law, 2023 – present

Courses: Land Use, Property

Service: Committee on the Spiritual Life of the Law School

EDUCATION

Yale Law School, Juris Doctor, 2021

Co-Founder, Yale Free Exercise Clinic

Editor, *Yale Law Journal*

Editor, *Yale Journal on Regulation*

Coker Teaching Fellow, Professor Daniel Markovits (Contracts)

Quintin Johnstone Prize in Real Property Law (best paper on real property topic)

University of Notre Dame, Master of Divinity, 2013

M.A. Schumacher Award for Academic Excellence (top graduate seminary student)

University of Notre Dame, Bachelor of Arts (Political Science), 2008

Phi Beta Kappa, *summa cum laude*

Salutatorian and Distinguished Undergraduate Student Award

RESEARCH AND TEACHING INTERESTS

Primary Interests: Property, Land Use, Real Estate, Local Government Law, Law and Religion

Secondary Interests: Federal Indian Law, Higher Education, Private Law Theory, Trusts and Estates

ARTICLES AND ESSAYS

Sacred Easements, 110 VA. L. REV. (forthcoming 2024), <https://ssrn.com/abstract=4492026>

Claims involving religious liberty and property remain largely incommensurate for Native American worshippers who struggle to prove substantial burden of their sincerely held religious belief. Unlike religious liberty litigation involving non-Indian property—for example, zoning regulations that preclude construction of a mosque, or an eminent domain action against religious summer camps—cases like *Apache Stronghold v. United States* (9th Cir. 2022) seek to protect land that tribal faith communities do not themselves own. Non-Indian property interests consistently trump Indian free exercise interests under Supreme Court precedent, leaving sacred sites vulnerable to destruction or desecration. This paper argues that Congress can, and should, create statutory property rights for tribes to claim a nonpossessory ownership interest in their sacred sites: a sacred easement. Tribes holding sacred easements could monitor, and constrain if necessary, both present and future uses of government-owned lands, ensuring compliance with the needs of their religious exercise without barring public access to sacred sites. Because they would also be precluded from developing property placed under sacred easement, tribes would have an incentive to define the property interest as narrowly as their religion requires. Their sacred easement would correspond meaningfully to their sincerely held religious belief, making it easier for courts to adjudicate tribal claims when sacred sites are threatened.

Religious Covenants, 74 FLA. L. REV. 821 (2022) (with Nicole Stelle Garnett), <https://ssrn.com/abstract=3941953>

When religious institutions alienate property, they often include religiously motivated deed restrictions that bind future owners, sometimes in perpetuity. These “religious covenants” serve different purposes and advance different goals. Some prohibit land uses that the alienating faith community considers illicit; others seek to ensure continuity of faith commitments; still others signal public disaffiliation with the new owners and their successors.

Some religious covenants are required by theological mandates, but many are not. This Article examines the phenomenon of religious covenants as both a private-law and public-law problem. We conclude that most, but not all, religious covenants are likely enforceable, and, furthermore, that traditional private-law rules governing covenant enforcement represent a more-significant impediment to their enforcement than public-law principles.

Condemning Worship: Religious Liberty Protections and Church Takings, Note, 130 YALE L.J. 226 (2020), <https://ssrn.com/abstract=3943996>

Recent eminent-domain actions against houses of worship (“church takings”) along the Mexico-U.S. border have inspired new questions about religious liberty and land use. This Note explores how courts interpret constitutional and statutory religious liberty protections when the government seeks to condemn property owned by faith communities, revealing how courts discriminate between types of religious property. While protecting those structures in which faith communities gather for worship, courts allow condemning authorities to take other properties integral to communities’ religious missions. Courts thus transform houses of worship into paradigmatic property for the free exercise of religion.

SHORTER WORKS

“Religious Covenants on Former Church Property,” *Religion, Property Law, and the Crisis of Houses of Worship*, CANOPY F. (May 2023), <https://canopyforum.org/2023/05/03/religious-covenants-on-former-church-property>

CONFERENCES AND PRESENTATIONS

Sacred Easements

Nootbaar Fellows Conference, Pepperdine Caruso School of Law (February 3, 2023)

Notre Dame Law School Faculty Workshop, University of Notre Dame (January 17, 2023)

Religious Covenants

Colloquium in Law and Religion, Saint John’s School of Law (October 17, 2022)

Church Real Estate Seminar, University of Notre Dame (April 13, 2022)

Yale Advanced Free Exercise Clinic, Yale Law School (February 11, 2022)

“Managing the Assets of the Church,” Global Institute of Church Management (December 9, 2021)

Notre Dame Law School Faculty Workshop, University of Notre Dame (November 23, 2021)

Real Estate Research Roundtable, University of Notre Dame (April 20, 2021)

Northwestern Law School Faculty Workshop, Northwestern University (March 15, 2021)

Yale Law Journal Scholarship Workshop, Yale Law School (April 28, 2021)

Additional Invited Presentations

Commentator, *Church Property & Teacher Housing*, Church Properties Initiative, Fitzgerald Institute for Real Estate, University of Notre Dame (June 8, 2023)

“Religious Covenants on Former Church Property,” *Religion, Property Law, and the Crisis of Houses of Worship*, Center for the Study of Law and Religion, Emory University (May 3, 2023)

PROFESSIONAL EXPERIENCE

Hon. Brett M. Kavanaugh, U.S. Supreme Court (Washington, D.C.)

Law Clerk, 2024–25 (anticipated)

Fitzgerald Institute for Real Estate, University of Notre Dame (Notre Dame, IN)

Faculty Co-Director, Church Properties Initiative, 2023 – present

Center for Private Law, Yale Law School (New Haven, CT)

Fellow in Private Law, 2022–23

Visiting Lecturer in Law (Property), Fall 2022

Hon. Thomas M. Hardiman, U.S. Court of Appeals for the Third Circuit (Pittsburgh, PA)
Law Clerk, 2021–22
Judicial Intern, Summer 2019

Becket Law (Washington, D.C.)
Legal Intern, Summer 2020

University of Notre Dame (Notre Dame, IN)
Rector, Marilyn M. Keough Hall, 2013–18
Chaplain, Notre Dame Law School, 2016–18
Chaplain, Notre Dame Vision Program, 2013–18
Chaplain, Notre Dame Boxing Team, 2013–18
Associate Director, Holy Cross Vocations Office, 2015–18
Director, Freshman Retreat Program, 2013–15

University of Portland (Portland, OR)
Regent, Board of Regents (2016–Present)

PROFESSIONAL MEMBERSHIPS

North American Workshop on Private Law Theory
Nootbaar Institute on Law, Religion, and Ethics, Pepperdine Caruso School of Law
Church Properties Initiative, Fitzgerald Institute for Real Estate, University of Notre Dame
Bar Admission: Indiana (2021), Third Circuit (2022)

AWARDS AND FELLOWSHIPS

Fellow in Private Law, Yale Law School (2022–23)
Quintin Johnstone Prize in Real Property Law, Yale Law School (2021)
Coker Fellow, Yale Law School (2020–21)
Law Fellow, Fellowships at Auschwitz for the Study of Professional Ethics (2020–21)
Rev. William A. Toohey, C.S.C. Award for Preaching, University of Notre Dame (2016)
Marten Holy Land Preaching Program, Tantur Ecumenical Institute (2016)
Lou Holtz Leadership Award, University of Notre Dame (2007)
Undergraduate Research Opportunities Program Seng Award, University of Notre Dame (2007)
Institute for Educational Initiatives Research Grant, University of Notre Dame (2007)
Student Leadership Award, University of Notre Dame (2007)
Sorin College Citation of Merit, University of Notre Dame (2007)

REFERENCES

The Honorable Thomas M. Hardiman
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