



LEGAL FOOD HUB  
*A project of Conservation Law Foundation*

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conservation law foundation

# LEGAL FOOD HUB YEAR IN REVIEW

2018

# OUR FOCUS

The Legal Food Hub provides pro bono legal assistance by matching farmers, food entrepreneurs, and related organizations with qualified attorneys in our network.



FARMERS

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FOOD ENTREPRENEURS

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& THE ORGANIZATIONS  
THAT SUPPORT THEM

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# BY THE NUMBERS

Since 2014, we have leveraged more than **\$2.5 million** in pro bono services.

**146**

FIRMS  
IN OUR  
NETWORK

**375**

CASES  
PLACED  
SINCE  
JUNE 2014

**2.5**

MILLION  
DOLLARS  
LEVERAGED

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# WE'RE GROWING

As we enter our fifth year, we have many successes to celebrate.

The Legal Food Hub passed a number of milestones in 2018, including 375 cases placed and more than \$2.5 million leveraged in pro bono legal services.

We also launched our fourth Legal Food Hub, adding Connecticut to the Hubs already at work in Maine, Massachusetts, and Rhode Island. In addition, we expanded our educational opportunities for farmers, food businesses, and attorneys alike. Workshops ranged in topic from community kitchens to agricultural employment law to intellectual property law.

This year, we're continuing our educational offerings with webinar series and a new online portal with legal resources and guides.

None of these successes would have been possible without the vision and leadership of Jenny Rushlow, who created the Legal Food Hub five years ago. While Jenny has moved from Conservation Law Foundation to Vermont Law School, we will continue to benefit from her many talents as she oversees the Hub's expansion to the Green Mountain State.



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# DISTINGUISHED SERVICE AWARDS

## Josh Fox

WilmerHale



Josh has been a tremendous partner of the Legal Food Hub in Massachusetts, generously volunteering his valuable time to ensure that farms, food businesses, and nonprofits have the legal advice they need to thrive. As a partner in corporate law at WilmerHale, he has expertise in representing companies throughout the stages of their lifecycle. His experience counseling entrepreneurs on the formation of their businesses is particularly helpful to the Legal Food Hub's many new enterprises that seek help getting started.

In addition to directly serving Legal Food Hub participants, Josh has helped place many more cases as the pro bono coordinator for his firm. He has provided invaluable advice to the Legal Food Hub coordinators on a variety of topics. Thank you, Josh, for all of your hard work supporting local food systems in Massachusetts.

## Beth Boepple

BCM Environmental Law



With her focus on farm and food law, Beth is a staunch supporter of the local food system across New England. She has been a champion of the Legal Food Hub since its launch in Maine in 2014. She serves her clients with a wealth of knowledge garnered from years of experience working with clients in farming and food production throughout New Hampshire, Maine, and Vermont. Beth's broad expertise in real estate, land use, corporate, and commercial and banking law has been a great asset to the Legal Food Hub. After taking on one of Maine's first Hub cases in 2014, Beth has been assisting participants since then on a range of issues. Beth, we can't thank you enough for your dedication to your clients, farm and food law, and the Legal Food Hub.



# LATEST NEWS

## Free Guide Takes Guesswork Out of Hiring for Rhode Island Farmers

Sarah Turkus knows firsthand how difficult it can be to navigate complex legal issues while running a busy small farm. Sarah has been a farmer and youth educator since 2010 and, in her latest endeavor, manages a nonprofit cooperative farm that opened in 2018. In preparing for the farm's launch, Sarah wanted to ensure that she had a clear understanding of the legal rights and responsibilities of both the farm owners and its employees. With her demanding schedule, however, she simply did not have the time to get up to speed on the numerous employment laws affecting her farm.

She's not alone. The reality is that small farmers usually lack the time and resources to tackle many legal matters head-on. To help farmers like Sarah, CLF's Legal Food Hub has released a new guide that makes it easier for them to comply with state and federal employment laws – so they can spend more time growing and producing delicious local food, and less time trying to navigate these complex laws on their own.

### Farm Employment Law is Complicated

In Rhode Island, over 90 percent of farms qualify as small farms, growing and selling between \$1,000 and \$250,000 of agricultural products per year. The state has become a leader in small farm growth in the United States, and this has created a boon for consumers craving local food. To meet this demand, our farmers work tirelessly and face numerous hurdles every day. While many of these challenges are unpredictable or beyond their control, such as low production yields and increasingly extreme weather, others should be more manageable, such as following the letter of the law when hiring an employee or intern.

However, following the letter of the law isn't always easy because many exceptions and exemptions apply to agricultural work. For example, under both U.S. and Rhode Island employment laws, agricultural employees are exempted from overtime pay requirements if they are doing farm work. That means an employee would not get paid overtime for planting or harvesting work but would when working a stall at a weekly farmers' market.



Also, even though many farmers call their workers "interns," federal law prohibits for-profit farmers from hiring people for unpaid internships unless seven specific criteria are met. Rhode Island state law goes even further and prohibits for-profit farms from using volunteers. Usually, this means that all workers at a for-profit farm must be paid as employees unless they qualify as interns under the law. However, many farmers don't even know that these laws exist and may unintentionally fail to comply with them.

### Guide Aims to Help Farmers Navigate Employment Law

Overtime pay and internship requirements are just a few of the employment issues often overlooked or misunderstood by small farmers. Developed in collaboration with Rhode Island employment law attorney Gina DiCenso, the Legal Food Hub's new employment guide provides an overview and summary of common employment law issues. These include workers' rights, how a farmer must pay their employees, what time off employees are entitled to, workplace safety requirements, and best practices for employee handbooks. The guide also lists useful resources that farmers can consult for more information. Also, farmers can reach out to the Legal Food Hub for help in navigating these legal issues.

Understanding employment law is essential to protect both farmers and their employees. Ultimately, CLF's new guide will help our busy small farmers like Sarah Turkus succeed by making it easier for them to understand and address employment law issues proactively.

Find the guide online at [www.legalfoodhub.org](http://www.legalfoodhub.org).



# LATEST NEWS

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## New Workshops Help Farmers Navigate Employment Law

New England farmers looking to hire a farm apprentice or a few employees for the farming season face a web of confusing legal requirements. These requirements can be hard to navigate. For example, what types of farm work qualify for exemptions from minimum wage or overtime? When can a farmer have volunteers help on the farm? What kinds of leave does a farmer need to provide for employees?

The Legal Food Hub is here to help sort through those complex questions. In partnership with New Entry Sustainable Farming Project and Conn, Kavanaugh, Rosenthal, Peisch & Ford, a Boston law firm, we put together a legal guide on employment law for Massachusetts farmers. The guide, written by attorneys Mary O'Neal, Andrew Dennington, and Henry Tran, identifies the key legal issues that farmers should think about when hiring employees. We also hosted a series of workshops and webinars on the topic for farmers across the state. These educational offerings help farmers identify the legal risks in their operations so that they know when to turn to a lawyer for help.

"The issue of whether and how farmers should compensate interns, apprentices, and volunteers is a particularly challenging one," the team of attorneys from Conn Kavanaugh reports. "Our work for the Legal Food Hub has been a wonderful opportunity for us to share our knowledge with agricultural entrepreneurs who may not otherwise have access to legal services. We also have enjoyed learning more about an emerging growth sector of our region's economy."

In other states, we have paired farmers with attorneys in our network to help navigate their employment law questions. When he was hiring an apprentice for the season, Phil Cuddeback of Phil's Farm in Eliot, Maine, worked with Tom Trenholm of Drummond Woodsum in

Portland to answer his questions. And that legal help made a difference. "I now feel confident in my approach to find affordable labor, which is essential in the success of my business," Phil said.

The Legal Food Hub has just released an employment guide for Rhode Island and is working to develop legal guides and workshops on a range of legal topics. For example, we produced a legal guide on community kitchens and hosted workshops on topics including intellectual property law for food entrepreneurs, business formation for farmers, and leases for farmland. In the coming year, we look forward to providing educational offerings that help farmers and food businesses across the region identify legal challenges and feel prepared to work with one of our volunteer attorneys on their legal needs.



# LATEST NEWS

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## Connecticut Farmers and Food Businesses Welcome Legal Food Hub

Getting timely legal assistance can make all the difference for a farm, food business, or community organization. Just ask Suzie Flores and Jay Douglas of Stonington Kelp Company. Suzie and Jay, who operate their new kelp company in Long Island Sound, sought the Legal Food Hub's help to form a business entity before their first kelp harvest.

In March 2018, the Legal Food Hub launched in Connecticut in partnership with the Ludwig Center for Community and Economic Development and the Environmental Protection Clinic at Yale Law School. The Legal Food Hub's arrival in Connecticut has been an exciting opportunity to provide accessible legal assistance to farmers and food entrepreneurs in the state.

"The Legal Food Hub comes to Connecticut at a critical time for our state's agriculture industry," said State Rep. James Albis. "The average age of farmers in Connecticut is 59 years old – retiring farmers will need help in succession planning to make sure their farms are being preserved, and entrepreneurial farmers will need help getting started as many farms transition from one owner to the next. The Legal Food Hub can help fill the inevitable legal needs of farmers new and retiring alike."

Since its launch, the Legal Food Hub has served 14 farmers, food entrepreneurs, and nonprofit organizations in the state. These participants include a mobile farmers' market, a local refugee assistance project, a nonprofit educational farm, and a small food business that makes products with food that would otherwise be wasted. Our growing network of attorneys in the state

has assisted with issues ranging from business formation and employment law to real estate transactions.

The Legal Food Hub has more work to do to support a resilient and sustainable local food system in Connecticut. One study found that only 10% of surveyed farmers use legal services, in contrast to 70% of small businesses in general. There are numerous legal needs associated with starting a farm or business, acquiring land, entering into contracts, transferring land to family members, and other essential business matters. Some farmers and food entrepreneurs who cannot afford legal fees either go without or pay more than they can afford, harming other aspects of their business's economic viability.

As the Legal Food Hub continues to grow in Connecticut, we are eager to serve more innovative farmers and food businesses across the state. Local farmers and food businesses are at the heart of healthy and thriving communities. A sustainable food system is essential to the health, environment, and economic growth of our communities in Connecticut and throughout New England.





# OUR WORK



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## Sowbelly Butchery Forms an LLC

**About:** Logan Higger is a beginning farmer and butcher who recently purchased a 200-year-old farm in Jefferson, Maine. He has started to raise animals including pigs, chickens, and sheep on the property. He processes his livestock into culinary meats and sells it through his butchery business, Sowbelly Butchery, at local farmers' markets. Logan also hosts butchery workshops throughout Maine. He hopes to develop more educational programs and wholesale availability on the farm.

**Legal Issue:** Logan sought legal assistance with entity formation for the farm.

**Lawyer:** The Legal Food Hub matched Sowbelly Butchery with attorney Ian Green of Perkins Thompson. Ian brought a particular focus on offering practical legal advice to businesses. He was able to help Logan form an LLC for the farm, designate ownership of the LLC's property, and create waivers necessary to host workshops. Logan found Ian to be an invaluable resource in starting his small business.



# OUR WORK



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## Bootblack Brand Changes Business Structure

**Background:** Bootblack Brand in Pawtucket, Rhode Island, makes and sells small-batch cocktail and soda simple syrups. Paul Kubiski and Jackie Duhamel built the business on the premise that they do not eat or drink anything inferior. To meet that standard, Bootblack Brand creates complex syrups using natural ingredients, including fresh produce, herbs, and spices. Flavors include Ginger Cardamom Lime, Classic Citrus Tonic, Traditional Old Fashioned, and Cranberry Jalapeño Lime, which recently won a Yankee Magazine Food Award for 2018.

**Legal Need:** Paul and Jackie sought legal assistance converting the food business from a sole proprietorship to a member-managed LLC. With several distributor contracts lined up, they needed to make the change prior to signing the new contracts.

**Lawyer:** The Legal Food Hub connected Bootblack Brand with attorney Nicole Matteo at Pierce Atwood, who was able to resolve the matter quickly so Paul and Jackie could keep their business moving forward.



# OUR WORK



## All Farmers Seeks Fiscal Sponsorship

**About:** All Farmers supports autonomous groups of refugee and immigrant farmers in western Massachusetts in accessing land, training, and resources. The organization's work supports over 60 families' ability to farm; half of what the farmers grow feeds their families directly. All Farmers understands the barriers immigrant and refugee farmers face, including structural racism, language and cultural barriers, and limited financial resources. The organization works to ensure the farmers can succeed despite these challenges.

**Legal Need:** All Farmers sought fiscal sponsorship from an existing nonprofit organization. Fiscal sponsorship can provide an opportunity for newly formed nonprofits to apply for grants and benefit from the sponsor's administrative capacity without going through the lengthy and difficult process of gaining 501(c)(3) tax-exempt status.

**Lawyer:** The Legal Food Hub matched All Farmers with attorney Sarah McGarrell at Pierce Atwood. Sarah's experience organizing businesses and charitable organizations and her strong interest in supporting a vibrant local food system made her the perfect fit to assist All Farmers.



# OUR WORK



## Calf & Clover Creamery Transitions to New Ownership

**About:** Jeff Casel is taking over Stone Wall Dairy Farm in Cornwall, Connecticut, through a lease-to-own agreement. The farm, which Jeff renamed Calf & Clover Creamery, produces raw milk, eggs, and vegetables without antibiotics, synthetic hormones, or pesticides. In the future, Jeff wants to expand his dairy production to include yogurt, chocolate milk, and ice cream.

**Legal Need:** Jeff wanted to enter into a lease-to-own agreement with a farmland investor, who planned to purchase the currently operating dairy farm and then lease it to Jeff. The structure of the transaction would allow the current farmer to get a retirement income and would keep the farmland in production as Jeff smoothly transitions to ownership.

**Lawyer:** The Legal Food Hub matched Jeff with attorney Brian Fischer. With Brian's experience in financing transactions, he was the perfect fit to help Jeff become a farm owner.



# OUR WORK



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## Freedom Food Farm Finds Stability

**About:** Freedom Food Farm is an 88-acre organic-certified farm in Raynham, Massachusetts, that produces a wide variety of produce, herbs, eggs, grains, honey, and pasture-raised meat. Chuck Currie and Marie Kaziunas started the farm in 2012, and they strive to provide nutritious food using holistic practices such as cover-cropping and field rotation. Freedom Food Farm has a CSA and sells at farmers' markets around the region.

**Legal Need:** Chuck and Marie sought legal assistance through the Legal Food Hub when the land they leased was sold to new owners. They wanted assistance in reviewing and negotiating the terms of the new operating agreement to ensure the farm would have a smooth transition.

**Lawyer:** The Legal Food Hub matched Chuck and Marie with attorneys Jasmine Haddad and Robert Burke of WilmerHale. Both Jasmine and Robert are experienced in business law, making them well-positioned to help with advising regarding an operating agreement that will provide stability for the farm's future.



# OUR WORK



## Fresh Food Generation Secures Investment Funds

**About:** Fresh Food Generation is a Boston-based farm-to-plate food truck and catering company that serves healthy, affordable prepared food inspired by Latin and Caribbean cuisine across Boston. In addition to its food truck and catering business, Fresh Food Generation also boasts a café located at a community health center in Dorchester. The company is dedicated to serving low-income neighborhoods, and co-founders Cassandra Campbell and Jackson Renshaw take a local approach to the business by hiring from the communities served by the food truck and sourcing ingredients from local suppliers.

**Legal Need:** Poised to receive sizeable investments, Cassandra and Jackson sought assistance in reviewing and negotiating the terms of the investment agreements.

**Lawyer:** The Legal Food Hub matched Cassandra and Jackson with Josh Fox at WilmerHale. The Legal Food Hub had previously matched Fresh Food Generation with Josh to create an operating agreement and to advise regarding a term sheet for a possible investment. With his strong background in advising entrepreneurs and startups, Josh has been able to assist Fresh Food Generation with its legal needs.



# OUR WORK



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## Crooked Face Creamery Protects Intellectual Property as It Grows

**About:** Born to a milk-making family, Amy Rowbottom makes artisanal cheeses at her company, Crooked Face Creamery. Based in Norridgewock, Maine, the creamery's signature cheese is her cold-smoked Applewood Smoked Ricotta. Amy sells her award-winning cheeses, which are made with limited ingredients and without preservatives, at farmers' markets, specialty shops, and farm-to-table restaurants across Maine.

**Legal Need:** As the business has grown – the creamery now has about 40 wholesale accounts in Maine, as well as two distributors – Amy sought legal help in protecting her products and her brand.

**Lawyer:** The Legal Food Hub matched Amy with attorney David B. McConnell of Perkins Thompson. David has an active practice in trademark and copyright issues and brings a wealth of knowledge to assist Crooked Face Creamery with its intellectual property needs.



# OUR WORK



## Maine Farmers' Markets Seeks Nonprofit Status & Trademark Protection

**About:** The Maine Federation of Farmers' Markets (MFFM) is a grassroots farmer-focused nonprofit that serves as a hub and resource for farmers' markets in Maine. Founded in 1991 as an all-volunteer organization, MFFM hired its first full-time staffer in 2011. They aim to cultivate a sustainable farmers' market community by working with farmers, consumers, and communities to make wholesome, locally grown foods available to all residents.

**Legal Need:** MFFM sought assistance with filing for 501(c)(3) nonprofit status. In addition, MFFM wished to file for trademark protection.

**Lawyer:** The Legal Food Hub matched MFFM with attorneys David B. McConnell (Perkins Thompson) and Kenleigh Nicolletta (Brann & Isaacson). David utilized his expertise in intellectual property law to assist MFFM with its trademark issues, while Kenleigh brought experience assisting nonprofits to qualify for tax-exempt status.





# OUR WORK



## Stonington Kelp Co. Formalizes Its Business Structure

**About:** Suzie Flores and James Douglas operate Stonington Kelp Co., a kelp farm located in Pawcatuck, Connecticut, on Long Island Sound. They started the kelp farm in 2017, leasing their site from the State of Connecticut as participants in a local, innovative sustainable-aquaculture incubation program. Kelp, a zero-input crop, requires no fresh water or fertilizer. It also absorbs carbon dioxide, helping to mitigate ocean acidification. Stonington Kelp Co. spans about ten acres, with three acres in production.

**Legal Need:** Suzie and James planned on selling their first crop – about five tons of fresh kelp – to a wholesaler. To prepare for this, they wanted to formalize their business structure, then determine whether they needed to modify their aquaculture site’s lease with the State.

**Lawyer:** The Legal Food Hub matched Suzie and James with attorneys Robert Day and Bill Rock of Shipman & Goodwin, who were able to leverage their collective experience in business and real estate law to assist Stonington Kelp.



# THE LEGAL FOOD HUB TEAM



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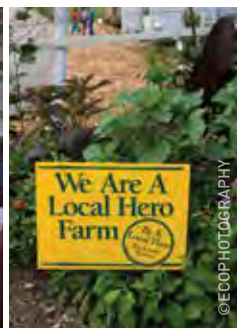
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