



LEGAL FOOD HUB
A project of Conservation Law Foundation



LEGAL FOOD HUB YEAR IN REVIEW



OUR FOCUS

The Legal Food Hub provides pro bono legal assistance by matching qualified attorneys in our network with...



FARMERS



FOOD ENTREPRENEURS



& THE ORGANIZATIONS
THAT SUPPORT THEM

BY THE NUMBERS

The Legal Food Hub now serves every New England state.

174

FIRMS
IN OUR
NETWORK

794

CASES
PLACED
SINCE
2014

4.4

MILLION
DOLLARS
LEVERAGED
SINCE 2014

OUR YEAR IN REVIEW

This has been a year of resilience for farmers and food businesses in our region.

Despite the continuing challenges of the pandemic, farmers are doing the essential work of feeding our communities and stewarding our working lands. Local food businesses are springing up again, creating jobs and making our communities more vibrant. Nonprofit organizations across the region are improving food access, making farmland available to beginning farmers, educating our communities about how to grow food, and cultivating urban farms. We are grateful for all of these hardworking folks and thankful that the Legal Food Hub plays a part in supporting them.

This year, we helped 126 farmers and food businesses get the legal help they need with the support of our wonderful pro bono attorneys. We hosted a record-breaking winter webinar series, engaging more than 200 stakeholders across the region on topics like agritourism and hiring farm employees. We published new legal guides in our Resource Library, including over a dozen in Spanish. And we were thrilled to launch the Hub in New Hampshire, which means we are now operating in all the New England states.

Jim Gerritsen of Wood Prairie Family Farm offered this reflection on the Legal Food Hub's work: "In New England, farmers enjoy a significant benefit because of the Legal Food Hub's work to support local agriculture. The Hub offers pro bono legal services to family farmers looking to address a legal issue. Knowing the Legal Food Hub has our backs allows us to focus on the farming we love. Because of them we sleep better at night."

In this uncertain world, we applaud the resilience of New England's farmers, food entrepreneurs, and nonprofit organizations, and we look forward to supporting them in the years to come.



DISTINGUISHED SERVICE AWARDS

Jeff Polubinski

Gravel & Shea, VT



Attorney Jeff Polubinski is a tremendous asset to the Vermont Legal Food Hub. A shareholder at Gravel & Shea, Jeff's practice focuses on real estate, environmental, and land use law. He was one of the first attorneys to join the Vermont Hub network and has gone above and beyond for Vermont farmers, accepting multiple pro bono placements over the past two years.

Jeff has worked with Vermont farmers, including New American farmers, on land leases and alternative land access models. We consistently hear from his clients how much they appreciate working with him, due to his skill in the subject matter and his considerate nature. According to one enthusiastic participant, "Jeff was so helpful for our project. He came into a complicated scenario and provided us with thoughtful and timely legal support. I would certainly work with him again in the future if I have the chance!"

We so appreciate Jeff's partnership and support to the Vermont Legal Food Hub.

Catherine M. DiVita

Conn Kavanaugh, MA



Attorney Catherine DiVita has been a tireless advocate for farmers in New England through her pro bono employment law work. As an attorney at Conn Kavanaugh, she focuses on employment law, business disputes, and other matters. She took her first Legal Food Hub matter in 2019, assisting a small farm to successfully resolve a complicated employment issue.

Since then, Catherine has assisted a number of farmers with problems with employees, counseling on compliance issues, and drafting employment policies and handbooks. Her work has had a big impact on the Hub's participants.

Catherine and the terrific team at Conn Kavanaugh make a huge difference for farmers working to navigate the complexities of employment law and a range of other legal issues. Thank you for your pro bono service.

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LATEST NEWS

All Farmers Gets a Helping Hand

by Nick Arnemann

Stretching across the Connecticut River at the southern tip of Massachusetts' Pioneer Valley, the Greater Springfield area boasted a rich agricultural tradition well into the 20th century. Today, the local economy relies more on its academic might and service industries. But over the last two decades, newer arrivals from Africa, Asia, and Latin America have been playing a role in revitalizing the area's agrarian identity.

Many of these refugee and immigrant farmers – from the Somali Bantu, displaced by civil war, to the Bhutanese, fleeing oppression in Bhutan and Nepal – brought their farming traditions and cultural crops to their new homes.

Once settled in the area, they sought to return to their farming roots. Growing their own fruits and vegetables provided a way to feed their families healthy meals with the familiar produce from their home countries. It also allowed them to share with their neighbors and contribute to the local community. For many, their farms and gardens also became a source of additional income.

The racially diverse Springfield is home to neighborhoods at higher risk of food insecurity, stemming from systemic discrimination that leads to a lack of affordable healthy food options compared to whiter, wealthier areas. Making locally grown and culturally diverse produce available and affordable in these neighborhoods plays an essential part in the fight against this food apartheid.

Over the past decade, the farmers have banded together in informal collectives to support and stay connected to each other. These groups include the Bhutanese Vegetable Farmers of West Springfield, New Families Community Farm Cooperative, and Wakulima. However, even working together, they face the same obstacles – like obtaining land – as other small and beginning farmers, but with the additional challenges of language and legal barriers, systemic discrimination, and limited family wealth.

In late 2017, leaders from four of these groups came together to start a nonprofit organization called All Farmers, committed to “putting and keeping refugee and



immigrant farmers in the food system.” All Farmers works with these autonomous groups in Massachusetts and Connecticut, assisting in land access and acquisition, language interpretation, farm and business education and assistance, and other necessary resources.

After the initial agreement to form All Farmers came the less glamorous step of forming a nonprofit corporation and applying for recognition of tax-exempt status. The red tape around that process can be a costly burden in both time and money for a fledgling operation. At the time, says Hannah Spare, Executive Director of All Farmers, the organization was in an “incubation period,” running on a shoestring budget. Before they could continue to advocate for farmers as a new entity, they needed some help themselves. Spare had heard about CLF's Legal Food Hub during her years in local farming circles and reached out.

Small farms, food start-ups, and food-related organizations have the odds stacked against them when it comes to the legal fees and complexities that come with starting businesses, acquiring land, contracts, and more. A clear “legal gap” exists, with only 10% of farmers using necessary legal services compared to 70% of small businesses. And what farmers don't know can hurt their chances of success. “Smaller organizations are at a disadvantage and may not be aware of the benefits of receiving legal advice. There are many ways a lawyer can help you obtain your business goals,” says Jenelle Dodds, partner at Bulkley Richardson and volunteer lawyer with the Hub.



Working with the Legal Food Hub in 2018, All Farmers registered as a state nonprofit and came to a fiscal sponsorship agreement with CISA (Community Involved in Sustaining Agriculture), a larger, local nonprofit. That allowed the organization to hold off on applying for recognition of federal tax-exempt status – a common approach, according to Dodds.

After three years, All Farmers has become firmly established in the region as a vital resource, now supporting over 60 families and growing. In 2020, the group expanded its reach, starting two farmer’s markets in predominantly low-income, immigrant neighborhoods. With this growth came the need for the organization to apply for federal tax-exempt status, which was critical to their ability to acquire land using tax-exempt donations. So, as she had done before, Spare reached out to the Legal Food Hub.

This time, Dodds answered the call. Dodds, who practices business and finance law, says she has developed a specialty in tax exemption – a critical area for nonprofit organizations. She has volunteered with the Legal Food Hub for the past few years, offering free legal assistance for farmers markets in Massachusetts.

Her sense of duty comes from trying to bridge the gap between those who can readily afford legal assistance and those who can’t. “It’s an opportunity to counsel to people who don’t have a lot of legal support,” Dodds says. “Working with them has made me more appreciative of the organizations [like All Farmers] that are out there.”

With only a month to apply for recognition of tax-exempt status before accepting a large donation for a land purchase, Spare and Dodds got to work. Dodds flagged issues and translated the legal jargon within the complicated paperwork for Spare, who provided the nonprofit’s numbers while also working with an accountant. The team turned All Farmers’ application around in a tight window, and the organization received recognition of its federal tax-exempt status in early 2022.

Spare felt grateful to work with the Hub again and mark another milestone in All Farmers’ journey. “Agriculture is not a lucrative field, especially nonprofit,” she says. “Having this resource [the Legal Food Hub] that farmers can actually get the support they need is great.”

With that peace of mind, All Farmers can focus on advocating for and providing that same sense of security for the community they serve – and, in turn, for their neighbors in their corner of the Pioneer Valley.



LATEST NEWS

A New Owner for Provider Farm

by Nick Arnemann

Salem, Connecticut, a remote town of just over 4,000, challenges the image of a state of universities, office buildings, and commuter suburbs. Beyond the urban coast and approaching the state's northeastern corner – known as the Last Green Valley – quiet open space dominates, and local small farms like Provider Farm feed the region.



Founded in 2012, the farm comprises 16 acres of cropland and 11 acres of pasture on the historic Woodbridge Farm property, land that has been cultivated for over 200 years. The farm offers a vegetable and beef community supported agriculture (CSA) program, providing 220 shares in 2021. It also sells some produce and meat through wholesale channels.

Owner-manager Hannah Tripp is proud of the farm's contribution to sustainably feeding her neighbors. "Small farms making food a little more accessible are really important assets to their communities."

Hailing from Salem, Tripp has worked at the farm since 2012. She started as a volunteer and then served as assistant manager for six years before taking over its ownership.

Tripp's journey to farming was not always clear-cut, she says. She recounts her mother's interest in organic and

natural foods during her childhood. Still, it wasn't until college that she began learning about sustainability and food culture and production in the U.S. That's when she encountered transformative literature like "The Omnivore's Dilemma" by Michael Pollan.

"I never really thought of myself as becoming a farmer, but my first summer home from college, I started as a volunteer [at Provider Farm], and then they ended up hiring me," Tripp explains.

In October 2020, the farm's owners decided to return to their native Massachusetts to manage Amherst's historic Brookfield Farm. They offered to sell Provider Farm to Tripp. Owning the farm would culminate almost a decade of service and learning for her – and a chance to make sure the farm endured. "I was excited to take over and carry on the farm," she says. She accepted the offer to buy the farm in November of that year.

The next, more complicated step was the transfer of the business. The owners and Tripp aimed to finalize the sale in February 2021, ahead of the next growing season for both Provider and Brookfield farms. "It was a pretty compressed time period to hit the ground running for both farms," Tripp explains.

Tripp and the outgoing farmers wanted to maintain the relationship they'd fostered over the past eight years while not leaving any legal loose ends for the farm they'd all had a hand in building. They agreed to turn to CLF's Legal Food Hub for help.

By the time Tripp needed assistance, the Hub had developed a positive reputation across the region. Provider Farm's previous owners and a family member of Tripp's who also works in agriculture referred her to it.

"The services they offer are pretty incredible, so it was a big help for us," she says.

The Hub paired Tripp with volunteer lawyer Bill Dakin, partner at Connecticut-based Kahan Kerensky Capossela, a law firm with a history of working with farmers and farming organizations on the unique needs of the agricultural community. Like Tripp, Dakin arrived at his current career somewhat unexpectedly, starting in accounting rather than legal services.

Dakin recalls labyrinthine estate tax laws and codes that complicated small farmers' businesses. "It was a wonderful tutelage, but it caused me to say, 'I'd rather be on the front-end providing guidance'" to farmers. He went to law school, eventually focusing on taxation and estate planning, among other specialties.

Over the past 40 years of his career, Dakin has provided free assistance to farmers through regional services like Farm Credit East and Land For Good. That network of advocates led him to the Legal Food Hub early on in its existence. Through the Hub, he and other lawyers could continue to support the area's agricultural community.

Working with Dakin free of charge through the Hub gave Tripp a sense of relief: "If I'd have had to hire a lawyer myself, that would have been a challenge. In trying to start a business, a lot of my available funds were going towards that."

The formality also made both Tripp and the previous owners more comfortable and maintained their good relationship. "Even though it was [already] very amicable and supportive, everyone felt better having lawyers draft the contracts," she says.

Like other food producers who have used the Legal Food Hub's services, Tripp appreciated the support and seamless transition so she could focus on doing what she loves: feeding her local community. "I'm really grateful to the Legal Food Hub and Bill," says Tripp, who felt Dakin had her best interests in mind.

Dakin notes the struggles small farms and food producers face, like globalization and an aging population. "I live in eastern Connecticut. I enjoy the rural aspect. It would be sad to see it go," Dakin says. "How can we help preserve a very special place?"

Dakin says that part of the answer is younger farmers like Tripp taking up the mantle: "I'm in constant awe. They are passionate beyond belief."



LEGAL FOOD HUB VOLUNTEER ATTORNEY BILL DAKIN HAS WORKED WITH FARMERS FREQUENTLY THROUGHOUT HIS CAREER. HERE HE VISITS WITH A FARMER CLIENT IN CONNECTICUT.

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LATEST NEWS

Protecting Black Kettle Farm

by Adilson González Morales

Laura Neale first fell in love with Maine in 1996, when she moved from the outskirts of New York City to Waterville for college. As she drove past farm fields, open spaces, and green woods for the first time, she felt at peace. After graduating from Colby College, Neale left the state. But the precious memories of Maine's nature and culture brought her back. And soon, she found herself cultivating farm fields of her own.

Sadly, Maine's farming landscape has changed profoundly over the last decades. In Lyman, where Neale owns and runs Black Kettle Farm, construction sites and rows of houses have too often replaced open space and trees.

Tired of feeling frustrated by witnessing these changes, Neale took matters into her own hands. With help from the Legal Food Hub, she secured a conservation easement that will permanently protect her farmland from development.

Connecting with People Through Food

Neale owns Black Kettle Farm, an organic vegetable farm in Lyman, Maine, a town of about 4,300 people a half-hour from Portland. These 12 acres of land, located in one of the state's most densely developed regions, have a remarkable impact on the community. Neale has made it a point to develop a relationship with her customers, from local chefs to neighbors. To her, it is critical that people get to know where their food comes from and who grows it.

Despite the success of her small farm, Neale had recently begun to fear for its future and the community relying on it. She had seen too many farms plowed under for housing developments.

Pressures from housing and industrial development are not unique to her community. The American Farmland Trust estimates that, between 2001 and 2016, over 27,000 acres of Maine's agricultural land were converted to industrial and housing development. That's about 5.2% of the available agricultural land in the state. And these pressures extend beyond Maine. Across New England, over 105,000 acres of agricultural land were threatened or lost to development during that same period. It's a



disheartening loss for a region that prides itself on its rural character and agrarian traditions.

Turning Frustration into Action

After years of feeling frustrated watching development overtake fertile farmland, Neale decided to take action. She chose to protect her farm permanently through a conservation easement. That legal tool would ensure Black Kettle remained open space – and could be farmed even by a future owner.

The Legal Food Hub connected Neale to Chris Gordon, a first-time volunteer attorney from the law firm Perkins Thompson, who helped her review and negotiate the terms of the easement. "His expertise in real estate, his training, and his awareness of legal language made a huge difference," says Neale.

Gordon advocated for her at every step of the process and made sure she felt comfortable with all details of the easement. Putting an easement on your property is a substantial undertaking that should not be undertaken lightly, he says. "It was very important that [Neale] knew of the impacts and limitations that would come with the easement."

In the spring of 2021, after a year of dealing with arduous legal paperwork, the conservation easement on Black Kettle Farm became official. Neale feels proud and empowered by her ability to complete this process for her farm. But more than anything, she feels happy that there will be a space for other people to farm after her. "I have my small business here. I live here. This place is my world. And even when I move on and I'm forgotten, this farm will continue."

LATEST NEWS

Strengthening Vermont's Local Food System

by Vermont Law School

In February, Vermont Law School and Conservation Law Foundation celebrated two years of the Vermont Legal Food Hub. Launched in January 2020, Vermont Law School's Center for Agriculture and Food Systems (CAFS) operates the program.

The Hub connects income-eligible farmers, food entrepreneurs, and related organizations with attorneys willing to provide free legal assistance. Since it launched two years ago, students, faculty, and staff in CAFS's Food and Agriculture Clinic have been fielding requests from Vermont's farm and food community and placing cases with local attorneys in the Hub's volunteer network. The results so far are impressive: Participants have saved more than \$103,270 in legal fees, leveraging more than 473 hours of pro bono legal services. 21 cases have been resolved, while more than a dozen are in the works.

"We have seen tremendous interest since launching in 2020 and are so pleased to have been able to meet the demand because of our incredible attorney network," says Vermont Legal Food Hub program coordinator Whitney Shields. "While COVID-19 slowed down so many programs, we were able to function at full capacity due to the generosity of our volunteer attorneys."

We caught up with one of the Hub's clients from the past year to learn more about the legal issues they faced and how a Hub attorney pitched in to help.

Supporting a Women-Led Latinx Food Collective

Viva El Sabor is a women-led collective dedicated to introducing the food and culture of Mexico and Central America to Vermont and promoting community and economic justice for its members. A dozen or so cooks

from Mexico and Guatemala – many of whom have been cooking for the local farmworker community for years – launched the collective in the summer of 2021 with a pop-up dinner featuring tamales, tacos, and gorditas in Middlebury. As requests poured in for catering gigs following the successful launch, members looked to expand the business. They contacted the Vermont Legal Food Hub for an attorney's guidance.

Attorney Drew Kervick of firm Dunkiel Saunders consulted with the collective on various legal aspects of business development, from filing an LLC with the Secretary of State, to drafting an operating agreement outlining the roles of the owner and others involved in operating the business. Some Viva El Sabor members are now fully established, registered, and permitted for home-based catering. "Drew produced well-drafted documents and was quick to follow up and respond to questions," says Elizabeth Ready, who works with the women of Viva El Sabor. "We hope he and his firm will continue to help if business-related questions come up in the future."





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