

LITIGATION

Central Maine Power Company, et al. v. Maine Commission on Governmental Ethics and Election Practices, et al.
(First Circuit Court of Appeals)

In this amicus brief to the U.S. Court of Appeals for the First Circuit, NELF supports the plaintiffs-appellees challenging a Maine law that bars corporations with at least 5% foreign government ownership from any campaign spending. NELF argues the law is "facially overbroad" under the First Amendment, imposing a blanket ban on political contributions without proof of actual foreign influence. Citing Supreme Court rulings, NELF contends that the state must show concrete evidence of foreign control to justify the restriction and urges the Court to affirm the lower court's decision striking down the law as unconstitutional.

[Read the full brief](#)

PPC Realty, LLC v. City of Hartford
(Connecticut Supreme Court, No. SC 20826)

The Connecticut Supreme Court ruled in PPC Realty, LLC v. City of Hartford that the city can impose a lien on a blameless landlord to recover \$250,000 in costs from a fire caused by an arsonist. Despite Hartford admitting PPC bore no fault, the court upheld the lien, citing the legislature's intent to protect municipalities. NELF supported PPC in an amicus brief, arguing the plain language of the statutes. Staff attorney John Pagliaro criticized the decision, stating it allows the city to unjustly pressure PPC's business with a baseless lien.

[Read the full brief](#)

E.M.D. Sales, Inc. v. Carrera
(United States Supreme Court, on the merits)

NELF has submitted an amicus brief to the U.S. Supreme Court in E.M.D. Sales, Inc. v. Faustino Sanchez Carrera, addressing the standard of proof under the Fair Labor Standards Act (FLSA) for exempting employees from overtime pay. NELF advocates for a preponderance standard, requiring employers to prove exemption by 51%, instead of a stricter clear-and-convincing standard. NELF argues that a higher standard would unfairly burden employers and disrupt the balance Congress intended, emphasizing that the preponderance standard ensures fairness and preserves the legislative compromise on overtime pay.

[Read the full brief](#)



FREE MARKET AFFORDABLE RENT

A Model Zoning Bylaw Alternative to Rent Control for MA Towns

Thought Leadership by the New England Legal Foundation

NELF's new Free Market Affordable Rent (FMAR) zoning model addresses the housing crisis by offering an alternative to rent controls. It streamlines housing development by reducing local regulations, speeding up permitting, and incentivizing developers to add affordable rental units.

Customizable by towns, FMAR caps rents based on the 80th percentile of Annual Median Income (AMI) (e.g., \$2,005 for a one-bedroom in Boston) and applies to properties with 30-year deed restrictions. This voluntary program avoids income-based restrictions and heavy bureaucracy, balancing market forces with affordable housing. NELF also provides free legal consultations for towns interested in adopting the model.

[Read the full paper](#)

PEOPLE

NELF's Massachusetts Advisory Council Welcomes Three New Members

Allie Mitropoulos
President - WMAA
Deputy GC - Berklee College of Music
Senior Counsel - HIRSCH ROBERTS WEINSTEIN LLP



Thomas E. Samoluk
General Counsel & Head of Government Relations
 John Hancock



Michael J. Rossi
Partner
 CONN KAVANAUGH ATTORNEYS AT LAW



UPCOMING EVENTS

Cocktails & Jazz at Sip Cafe'



About the event:

New England Legal Foundation (NELF) cordially invites you to an evening of cocktails, jazz and conversation at Sip Cafe in Post Office Square in Boston,

We welcome you to savor an autumn evening of conviviality with local legal colleagues, some good food and drink and the smooth sounds of jazz as the backdrop.

This evening made possible by the generous sponsorship of Licata Risk Advisors.

Location

Sip Cafe'
Zero Post Office Square
Boston, Massachusetts
02108
United States

Date & Time

Thursday, 09/26/2024
5:30pm - 7:30pm EDT

[RSVP](#)

2024 John G.L. Cabot Gala

This October 22 will be NELF's 10th anniversary of its flagship fundraiser the John G.L. Cabot Gala, at which we are honoring two female leaders, Regina Jones from ADM and Grace Lee from M&T Bank. We are excited to expand the attendance at a new location this year, the Omni Boston in the Seaport.

Event Details:

Date: Tuesday, October 22, 2024

Location: [Omni Boston Hotel at the Seaport](#)

[Get Tickets](#)

NELF IN THE NEWS

NELF SCOTUS Brief Featured in Law360



[Orgs Tell Justices Stricter Proof Bar Isn't In OT Carveout](#)

By Irene Spezzamonte
08.15.2024

The New England Legal Foundation (NELF) and Washington Legal Foundation have filed amicus briefs with the U.S. Supreme Court in support of E.M.D. Sales Inc.'s challenge to a Fourth Circuit ruling. The case concerns whether employers must meet a "clear and convincing" standard to prove employees are exempt from overtime under the Fair Labor Standards Act (FLSA). Both organizations argue for a lower "preponderance of evidence" standard, asserting that the heightened requirement disrupts the legislative balance intended by Congress.

Benjamin G. Robbins of NELF stressed, "Only a mere-preponderance standard would preserve that legislative balance of competing interests, by giving virtually equal weight to the parties' respective interests... A clear-and-convincing standard would destroy Congress's balanced treatment of overtime pay."



Sidebar with Judge Dan Winslow

We are now taping Season 3 of Sidebar with Judge Dan Winslow which will launch in the fall and features compelling conversations with many of our members on topics at the intersection of business and law.

If you have a topic you feel would be a good fit, please reach out to sidebar@newenglandlegal.org.



HONORING



Regina Jones
SVP, General Counsel
and Secretary,
ADM



Grace Lee
MA Regional President,
EVP M&T Bank

NELF's "Free Market Affordable Rent" Model Zoning Bylaw Featured in Contrarian Boston



by [Scott Van Voorhis](#)
08.20.2024

Boston's Zoning Commission recently voted against Mayor Michelle Wu's Boston Net Zero Carbon Zoning Initiative, which would have banned fossil fuels in new housing and large commercial buildings. This pushback highlights concerns from business and real estate groups about rising costs and declining housing development amid a real estate downturn. The Wu administration remains committed to the plan, despite the housing slowdown and rising rents, intending to address the Commission's concerns in future meetings.

Meanwhile, the New England Legal Foundation (NELF) is proposing an alternative to rent control with its Free Market Affordable Rent (FMAR) zoning bylaw. Led by former judge Dan Winslow, NELF's plan aims to streamline approvals and reduce regulatory burdens for new developments in exchange for capping rents at 80% of the annual median income for half of the units. This approach is designed to boost the construction of affordable apartments without the typical bureaucratic hurdles, offering a market-based solution to the housing crisis.