

IN BRIEF

NEWSLETTER | SUMMER 2025



The Honorable Frank J. Bailey
President
U.S. Bankruptcy Judge (ret.)


President's Message


Pioneer Public Interest Law Center was transformed in June 2025 when we entered a transition agreement with New England Legal Foundation (NELF). Indeed, we are now Pioneer New England Legal Foundation! Pioneer Legal Foundation is now the leading voice in New England for education options, economic opportunity, and government transparency. We welcome five new board members, each of whom is a leader in the legal and business communities. We are working hard to bring along NELF's longstanding and impactful State Advisory Councils which will invigorate our outreach in New England. Andrew Horgan, our Chief Development Officer, is working to ensure a smooth transition as we welcome NELF supporters into our mission. As part of this exciting new chapter, we are pleased to announce that our second annual Denniston Lecturer will be Danielle Sassoon, the former acting United States Attorney for the Southern District of New York, who gained national attention when she chose to resign rather than dismiss corruption charges against New York Mayor Eric Adams. Save the date for December 4, 2025!



IN THE NEWS AND COMMUNITY




 **Honoring Chief Justice Wilkins:** Frank Bailey was prominently featured in *Massachusetts Lawyers Weekly* in a heartfelt tribute to the late Chief Justice Herbert Wilkins, who passed away in June 2025. Frank's reflections captured the legacy and personal impact of the Chief Justice's remarkable career.

 **Challenging Tax Penalties in Boston:** As detailed below, PNELF has formally requested that the Massachusetts Commissioner of Revenue investigate the Boston City Tax Assessor's practice of imposing extra penalties on taxpayers who appeal to the Appellate Tax Board. Frank Bailey has been a leading voice on the issue, with recent quotes in *Politico*, *Boston Herald*, *The Boston Globe*, and other regional and national outlets.

 **Speaking at NACTT 2025:** Frank Bailey spoke at the NACTT Annual Conference in Chicago on July 9–10. Drawing on his experience as a retired federal judge, he led a series of demonstrations on complex evidentiary issues.



 **Upcoming AIRA Appearance:** In September, Frank will join the AIRA conference in Chicago—held alongside a national federal judges' forum—where he will take part in a high-level debate on the role of professional neutrals in federal court. His perspective promises to add depth to a timely and evolving conversation in the legal community.

PNELF Receives Coveted Boston Bar Foundation IOLTA Grant

The Boston Bar Foundation was founded in 1957 and has a rich history as the official charity of the Boston Bar Association. Over the years, the BBF has maintained a strong commitment to the public service projects of the Boston Bar Association. The grant to PNELF is in recognition of our ongoing "equity theft" work counseling taxpayers that have lost their home equity to municipalities that collect not only relatively small amounts of past due taxes but all the hard-earned equity in their family homes.

CASE UPDATES

PNELF Demands State Probe into Boston's Unlawful Tax Penalties



With office property values reportedly down as much as 38% in the post-COVID market, Massachusetts law is clear: municipalities must assess property at full and fair market value—no higher.

Yet several commercial property owners have reported to PNELF that, upon filing an appeal with the Appellate Tax Board, the City of Boston increases the assessed value of the property, resulting in even higher taxes during the appeal process. This practice penalizes taxpayers for exercising their statutory and constitutional right to challenge an assessment.

In response, PNELF served formal notice on the Massachusetts Commissioner of Revenue, urging an investigation. The Commissioner has a clear statutory obligation to intervene and, where warranted, issue cease-and-desist orders to halt improper tax collections. If no action is taken, PNELF is prepared to pursue judicial remedies to protect taxpayers' rights and uphold the rule of law.

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NELF Protects Employer's Right to Avoid "Poaching" of Staff by Former Employee

In a case recently decided by the SJC, NELF successfully argued that the Massachusetts Noncompetition Act does not apply to a "Forfeiture for Solicitation" agreement in an employee termination agreement.

The Massachusetts Superior Court concluded that the Act applies to a forfeiture solicitation agreement, therefore finding the agreement was unenforceable. As a result, the court required the employer to pay the former employee \$1.5 million in remaining severance pay, even though the employee had encouraged other employees to leave the employer and join her at her new job. NELF successfully argued that the Superior Court was wrong because the Act expressly *excludes* non-solicitation agreements from the definition of non-competition agreements. Massachusetts employers are therefore protected from losing valued employees to poaching when they enter employee termination agreements.

PLAs Increase Costs to Taxpayers and Are Discriminatory: PNELF Launches an Attack



PNELF advocates in favor of small and minority-owned businesses and against government waste and overreach. Under Massachusetts legislation enacted in 2024, Massachusetts public entities are authorized and

encouraged to enter Project Labor Agreements (PLAs) for large public projects. PLAs, which are illegal in many states, favor union contractors and increase taxpayer burdens. PLAs are also detrimental to small, non-union minority-owned contractors because they simply cannot compete. PNELF is committed to the promotion of economic opportunity which is served by the competitive bidding process. Accordingly, in response to a PLA announced for construction of school projects in Boston, PNELF has issued a public records request to the City, focused on determining whether the statutory prerequisites for issuance of a PLA have been satisfied, or whether it impairs the opportunities of small and minority-owned businesses, and thereby jeopardizes the public interest.

PNELF Defends School Choice in Another School Sports Case

TM, aged 14, lives in Northampton and will attend the Smith Vocational and Agricultural High School (Smith) in the fall. He is a dedicated and talented ultimate frisbee player. However, Smith does not have an ultimate frisbee team.

Northampton High School (NHS), located a few blocks away from Smith, does have ultimate frisbee teams. But with an unexplained change in policy, the new NHS athletic director has decided to exclude students from alternative high schools from the NHS sports teams even though the other school does not offer the sport. TM and his family live in Northampton and pay taxes there to support the schools.



Supporters will recall that PNELF represented children in Massachusetts virtual schools when the MIAA reversed its practice of allowing children to play sports on their hometown teams. After we launched state and federal lawsuits, the MIAA dropped the discriminatory process. In this case, the MIAA does not govern ultimate frisbee, but the NHS claims to follow MIAA rules which provide a path for students to play for their local high school.

PNELF defends school choice. Children should be in the school that is best for them and their families. Discriminatory practices tend to drive children to the wrong schools for the wrong reasons. We will fight to get TM to the right school and to preserve his right to pursue the sport that he loves.

PNELF Supports Massachusetts Cranberry Industry's Fight Against Town's Overreaching Regulation of its Protected Agricultural Land Use

This case involves our commitment to free enterprise unburdened by excess and unauthorized regulation. NELF brought this case to PNELF. Morse Brothers is a storied New England cranberry business. Morse wanted to harvest sand from its Halifax property and transport the sand to its other cranberry bogs. Morse believed its use of sand was protected land use under state law. The town disagreed. Invoking its



broad earth-removal regulatory powers under a non-zoning statute, the town insisted that Morse must obtain a permit to remove and transport the sand. Morse applied for a permit under protest, and the town granted the permit but burdened it with several conditions that made it virtually impossible for Morse to sustain its business. Morse sued the town in Superior Court, challenging the legality of the town's permit requirement and the onerous permit conditions. Relying on state law, NELF argued that the town had exceeded its authority. The Superior Court agreed. The town filed an appeal in the Appeals Court, and PNELF will file an appellate amicus brief in advance of oral argument, which the court has not yet scheduled.

Civics Education Needed Now – Call for A Client!

As we have reported for many months, Massachusetts state law has required teaching and testing American civics since the Massachusetts Education Reform Act in 1993. Still, the state has never met that obligation. We have invested in deep legal research on how we might sue in the name of an entity to require the state to meet its responsibilities under the statute. But an appropriate plaintiff to bring this action is a student and his or her family because that is who is injured by the state's failures.

Mark Your Calendars for PNELF Events in 2025

Who Wrote This Opinion, a Judge, or a Machine? The Role of AI Detection Software

Tuesday, August 5, 2025, at 12:00 PM

Artificial intelligence is transforming the practice of law. Last summer, our interns demonstrated the use of AI in the creation of legal pleadings. In the past year, many courts have become concerned about AI-created court submissions, and the market has reacted with the production of AI detection software. Join us as our interns demonstrate AI detection systems and talk about how AI is transforming our legal system.

Register today!

The Steward Healthcare Case Demystified

Thursday, September 4, 2025, at 1:00 PM

The Steward Healthcare hospital failure had a profound impact on the Massachusetts health system and resulted in a loss of many millions of dollars in taxpayers' money. PNELF invites you to join us for a discussion of the Steward case featuring Andrew Troop of Pillsbury, who represented the Commonwealth in the case, and Sam Maizel of the Dentons law firm in Los Angeles. Frank Bailey, President of PNELF, will moderate the discussion. **Reserve your seat today!**

2025 Brackett B. Denniston, III Rule of Law Lecture

Thursday, December 4, 2025, at 5:30 PM

We are pleased to announce that the 2025 Denniston Lecturer is Danielle Sassoon, former acting United States Attorney in the Southern District of New York. Danielle received national attention in February 2025 when she declined to dismiss corruption charges against New York Mayor Eric Adams when directed to do so by the Justice Department. Danielle believed that dismissal was inappropriate because of evidence of an undisclosed deal to facilitate deportations in exchange for the dismissal. Danielle chose to resign rather than violate the rule of law. We invite you to save the date and keep an eye out for more details!

MEET THE INTERNS



Lucy Cameron Kabrhel

*University of North Carolina
Class of 2028*



Michael Champigny

*Suffolk University
School of Law (Eve)
Class of 2029*



Thomas Lane

*Boston College Law School
Class Of 2028*



Jenna Smyth

*University of Galway
School of Law
Class of 2025*

MEET THE NEW BOARD MEMBERS



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Paul Cushing, *Mass General Brigham*



Paul is Sr. Deputy General Counsel and Section Head for Litigation, Compliance and Contracts in the Office of General Counsel at Mass General Brigham. He also serves as the Managing Counsel for North Shore Medical Center within the system. He is a graduate of Boston College and Boston College Law School. In addition to serving on the Board of the Pioneer New England Legal Foundation, Paul serves on the Board of the Catholic Community Fund under the leadership of the Archbishop of Boston.

Paul has a long history of service to the Boston Bar Association and Boston Bar Foundation, where he served on the BBA Council and the BBF Board and as a member of the Executive Committee of both entities. He chaired the Joint Audit Committee and the BBA Ethics Committee and served on the Fellows Committee, the Adams Benefit Steering Committee, the Law Day Steering Committee, and the Summer Jobs Steering Committee. He also was the BBA appointee to the Trial Court Standing Committee on Public Access to Court Records and is a member of the BBF Society of Fellows.

Paul also was a longstanding Board Member and past President of the Association of Corporate Counsel, Northeast Chapter where he co-founded the Chapter's Diversity Committee and its Law Student Ethics Awards program. He has been a member of the Board and past Chair of the New England Legal Foundation. He also has been an adjunct professor at New England Law Boston.

Paul Dacier, *IonQ, Inc.*



Paul T. Dacier is Chief Legal Officer and Corporate Secretary at IonQ, Inc., a quantum computing company headquartered in College Park, MD. Previously Paul was a Partner in Quinn Emanuel's Boston Office from January 2024 through July 2025.

From 2017 to 2023, Paul was the Executive Vice President, General Counsel and Secretary at Indigo Agriculture, Inc., in Boston, Massachusetts – a unicorn start-up science and agriculture technology company. From 1990 through 2016, Paul served as the Executive Vice President and General Counsel at EMC Corporation ("EMC") in Hopkinton, Massachusetts. During this time, he helped make business history as EMC became the world's largest enterprise storage company and later transformed into a diversified technology company and one of the world's largest software companies through the acquisition of over 40 companies, including VMware, Inc., for \$635M in cash in 2003. He left EMC in 2016 after its \$67B acquisition by another high technology company.

Since 2020, Paul has been Chairman of the Board of Directors of AerCap Holdings, N.V., (NYSE:AER). AerCap is the world's largest commercial aircraft leasing company with over \$70B in assets. From 2017 to the present, Paul has been on the board of directors of Progress Software (NASDAQ:PRGS) and is also Chairman of the Nominating and Corporate Governance Committee.

Paul is active in the Boston community having served as Chairman of the Judicial Nominating Commission ("JNC") and Co-Chairman of the Supreme Judicial Court Nominating Commission under Governor Charlie Baker. In 2013 and 2014, Paul was President of the Boston Bar Association ("BBA") – the first general counsel to serve as President of the BBA and its then 10,000 lawyer members in its 223-year history. Paul also served as the chairman of the New England Legal Foundation from 2004-2006.

Paul is a graduate of Marquette University and Marquette University Law School.

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MEET THE NEW BOARD MEMBERS



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Brian Leary, *Holland & Knight*



Brian G. Leary is a partner in Holland & Knight's Boston office and is the Practice Group Leader for the Boston Region of the Corporate, M&A and Securities Group. He regularly advises several national and global companies on legal and business considerations in deal negotiation, customer management, sales channel and supply chain development and management, intellectual property (IP) protection, regulatory strategy and dispute resolution.

He has led multiple deal teams across the firm that, in the past three years completed more than three dozen transactions for private equity-sponsored clients.

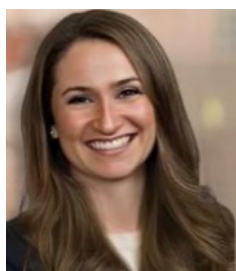
Prior to entering private practice, Mr. Leary was the founder and CEO of Mogall, Inc., one of the early pioneers of the social networking phenomenon, and later Arctius Corp., a developer of knowledge management software. Arctius was acquired by a national consulting firm in 2001.

Prior to founding Mogall, Mr. Leary was a nationally recognized reporter and anchor for Boston's WCVB-TV. In 1997, he received the prestigious George Foster Peabody Award, considered to be broadcasting's Pulitzer Prize, for his investigative reporting on the Massachusetts Probate Court. Mr. Leary reported extensively from overseas. In 1999, he was awarded the National Society of Professional Journalists' top prize for his reporting from Cuba.

In 2012, Mr. Leary was appointed as chairman of the City of Boston's gaming commission, officially known as the Host Community Advisory Committee, by Mayor Thomas Menino.

Mr. Leary is a graduate of the College of the Holy Cross and Harvard Law School.

Natalie Logan, *New England Legal Foundation - Past President*



Natalie joined the Pioneer New England Legal Foundation board as an accomplished legal advisor and executive-level leader with 10+ years of experience advising senior management teams and boards of directors of companies across multiple industries on a variety of complex business, strategic, risk and legal issues. She thrives on collaborating with passionate, mission-driven leaders to create next level growth.

Most recently, Natalie served as President of the New England Legal Foundation, where she led the organization in establishing the successful partnership with Pioneer Public Interest Law Center.

Prior to joining the New England Legal Foundation, Natalie served as Chief Legal Officer of Accession Risk Management Group, a large, national insurance and risk management company, where she supported the company's growth from a \$300M business to a \$1.7B business over the course of just five years.

Prior to joining Accession, Ms. Logan was a partner at Kirkland & Ellis, where she specialized in advising private equity firms and their portfolio companies on a wide range of corporate, transactional and securities matters and started her legal career as an associate at Ropes & Gray. A summa cum laude graduate of the University of Oregon and cum laude graduate of Boston University School of Law, Ms. Logan holds a Bachelor of Science degree in Business Administration, a Bachelor of

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MEET THE NEW BOARD MEMBERS



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Kevin Martin, *Goodwin Procter*



Kevin P. Martin is co-chair of the Appellate and Supreme Court Litigation practice at Goodwin, where he has practiced since 2001. Kevin has argued nearly 40 cases in federal and state appellate courts around the country, and is a first-chair trial lawyer with experience around the country. Kevin has a particular focus in the areas of patent litigation and complex commercial disputes, though his practice reaches a breadth of substantive areas. Prior to joining Goodwin, Kevin clerked for Justice Antonin Scalia on the United States Supreme Court and Judge Laurence Silberman on the U.S. Court of Appeals for the District of Columbia Circuit.

Kevin is a fellow of the American Academy of Appellate Lawyers. The Legal 500 has noted that Kevin is known as an “excellent writer, advocate, and strategist.” He is ranked a “Star” for Appellate Litigation in Massachusetts by Benchmark Litigation, and has been named a “Lawyer of the Year” by Massachusetts Lawyers Weekly for his work before the Massachusetts Supreme Judicial Court (SJC). In 2024, Massachusetts Lawyers Weekly also recognized Kevin as a Go To Lawyer for Business Litigation, highlighting his leadership in the Massachusetts legal community. He has been recognized by the Boston Business Journal as one of its “Power 50,” an annual listing of top executives and “movers and shakers” in the Boston economy. Kevin is the immediate past chair of the board of directors of the New England Legal Foundation, and is a member of Goodwin’s Pro Bono Committee.

Want to Learn More about Pioneer New England Legal Foundation?

Visit Our Website
www.pioneerlegal.org



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