

IN BRIEF

NEWSLETTER | SPRING 2025



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

President's Message

This spring we find ourselves working hard to preserve our successes and to achieve new ones. As Massachusetts attempts to roll back the elimination of equity theft and the City of Newton seeks to deprive children in private schools their statutory rights, we have no shortage of challenges. On the public education stage, we held a well-attended and robust third *Reasonable Minds Can Differ* review of the current Supreme Court term. Throughout the first quarter of the year, we have worked to oppose executive branch overreach on both the federal and state level. Thank you for your support, without it, we could not pursue many of the vital cases and causes that matter most.



REASONABLE MINDS CAN DIFFER



The Pioneer Public Interest Law Center recently hosted *Reasonable Minds Can Differ*, a timely conversation on the U.S. Supreme Court's 2024–2025 term and its potential to reshape American constitutional law. Featuring Professors Kent Greenfield and Renée Landers, and moderated by PPILC President Frank Bailey, the event explored key cases arising amid a surge of executive actions from the current administration.



PHOTO GALLERY

VIDEO

IN THE NEWS AND COMMUNITY



Frank Bailey at the American Bar Association in Phoenix, Arizona.



Frank Bailey spoke at the American Bar Association midyear meeting to the federal judges and bar in the District of Arizona (Phoenix) about the challenges and achievements of public interest law, especially the vital role of retired federal and state judges.

CONTINUED ON PAGE 3.

SAVE THE DATE!

May 29, 2025 at 1 p.m.

One of the largest hospital bankruptcies in U.S. history. Courtroom battles, community impact, and a billion-dollar collapse.

Join two legal experts as they unpack the **Steward Healthcare** case:


- **Andrew Troop**, Partner at Pillsbury Winthrop Shaw Pittman, who represented the Commonwealth of Massachusetts in the landmark bankruptcy case.
- **Hon. Frank J. Bailey (Ret.)**, former U.S. Bankruptcy Judge and President of the Pioneer Public Interest Law Center.

They'll dive into what really happened, what's at stake for healthcare systems across the country, and what it means for the future of public interest law and healthcare access.

Hosted by: Business Law Section of the American Bar Association and the Pioneer Public Interest Law Center




Full invitation and registration details coming soon. Mark your calendar—you won't want to miss this.



 Frank Bailey speaks at a press conference with Mass Fiscal Alliance at the Massachusetts State House in December 2024. These groups along with other coalitions came together to announce they would bring legal action to enforce ballot question #1 that requires the state legislature to comply with the audit requests of the Office of the State Auditor.



Frank Bailey speaking at the press conference at the Massachusetts State House.

-  Frank Bailey will serve on a panel of retired lawyers and judges at the American Bar Association annual meeting in Toronto, Canada addressing opportunities to have an impact later in your career by working in the non-profit law sector.
-  Frank Bailey has been invited to serve on a panel in June 2025 in Milwaukee, Wisconsin at the Bradley Foundation annual meeting for public interest law school summer fellows.
-  Frank Bailey will lead a program in August 2025 at the annual conference of Bankruptcy Trustees in Chicago, Illinois.

COURT CHRONICLES

Pioneer Law Center Leads Efforts to Compel State Legislature to Comply with Ballot Question #1



Massachusetts is among the least transparent states in the country, and we are acting on it. Pioneer Law Center has led the effort to research and provide guidance to the State Auditor as she seeks to enforce Ballot Question #1. The law requires the State Legislature to comply with the Office of the State Auditor's audit requests, to ensure the government transparency to which Massachusetts citizens are now entitled. Massachusetts voters approved Question #1 by a landslide, with 72 percent voting in favor. Still, legislative

leaders have refused to comply with a narrow audit request. Our work has included negotiations with the Attorney General's Office to ensure that counsel is appointed to represent the Auditor, an effort that has dragged on despite our best efforts. We have also signed up over ten voters, including members of the legislature, who have asked us to file suit on their behalf. As we go to print with this newsletter, we are on the cusp of seeking judicial intervention to end the stalemate with the Attorney General and to force legislative leaders to comply with the will of the voters.

Law Center Launches Challenge to Executive Orders Seeking to Punish Private Lawyers and Law Firms

President Trump has recently issued an executive order ("EO") targeting law firms such as WilmerHale, Perkins Coie, and others. The EO appears intended to punish them for representing clients and causing the federal executive branch to disagree with bringing suit against the government, and for hiring former Department of Justice attorneys. The EO pressures current clients to leave WilmerHale and prospective clients to stay away. This interference is

CONTINUED ON PAGE 4.



accomplished by barring WilmerHale lawyers from federal buildings and banning the firm from practice before federal agencies. Such executive overreach is a shocking affront to free enterprise, infringes the lawyers' rights of free speech, and denies clients the right to choose the most appropriate counsel. Pioneer Law is preparing briefs in support of WilmerHale in federal court in Washington, D.C.



Law Center Works to Ensure that Newton Private School Students Receive the Services Required by Law

To save money after the illegal union strike in 2024, the Newton Public Schools decided in November of 2024 to reduce school bus transportation benefits for private school students. This is a blatant attack on school choice. Can Newton's decision be squared with Massachusetts statutory law, and case precedent? Specifically, do these laws and rulings govern school bus transportation for students attending private and religious schools, as opposed to the transportation being provided to public school students? Having consulted with private school parents and with students affected by the decision, Pioneer Law has served a public records request to Newton Public Schools seeking justification on the issue. The request yielded documents which are now under review to assess any potential challenge to the decision. The Pioneer Law team is continuing their investigation.

PPILC Fights for Special Education for All; Regardless of School Setting

Consistent with our goal of ensuring school choice for all school-age children, public or private, Pioneer Law has been working on litigation in Massachusetts federal court, where the plaintiff has challenged limitations imposed on special education services provided to a child attending a private, religious school. In the *Hellman* case, the requirement at issue is that such children receive services in a designated, public, neutral location, as distinguished from public school students who receive such aid at their schools. On March 31, 2025, the court dismissed the case in an opinion that we believe conflicts with recent Supreme Court precedent in cases such as *Carson and Espinoza*. Pioneer Law filed briefs in both those ground-breaking cases, and we will continue our fight for school choice in the *Hellman* case.

Pioneer Law Challenges PLA's that Hike the Cost of Public Construction Projects

Project Labor Agreements ("PLAs"), which are illegal in many states, favor competitive bidding on public construction projects by union businesses at the expense of non-union businesses. PLAs are blatantly anticompetitive and pass on the increased cost to taxpayers. Not only has the Massachusetts legislature approved PLAs, but the Governor



CONTINUED ON PAGE 5.



has signed an executive order that requires all state projects valued of \$35 million or more to consider the use of PLAs first. PPILC is assessing the legality of Governor Healey's executive order.

Research provides a potent basis for challenging PLAs, particularly when circumstances suggest they violate competitive bidding laws or infringe on constitutional rights of workers or contractors involved in executive agency public construction projects. Any such challenge could follow appropriate public records requests issued to agencies proposing to employ a PLA on a project; the preparation of a blueprint for a complaint of potential use to a contractor considering a court challenge to a PLA; and assistance in educating construction industry participants concerning the pitfalls and potential unlawfulness of PLAs in a public construction setting.

Pioneer Law Center Files Brief in Case to Protect Our Gains Ending Equity Theft



The Law Center was successful in bringing transformational cases such as *Mills v. City of Springfield*, which essentially forced the Massachusetts Legislature to amend state tax lien foreclosure law after the United States Supreme Court ended equity theft in the *Tyler* decision. Undaunted, the Massachusetts Department of Revenue issued guidance to municipalities that the new law was not retroactive in certain material respects. This allowed cities and towns to continue to take family wealth from the most vulnerable homeowners.

Pioneer Law Center filed a brief in the Land Court, at the specific request of the judge in the case, supporting the taxpayer's argument that the amended legislation applies retroactively. At this time, we are awaiting argument and a ruling.

PPILC Seeking Civics Clients



Massachusetts state law requires that school districts teach and test civics as part of the curriculum. Unfortunately, the Department of Elementary and Secondary Education (DESE) has never rolled out a test as part of the MCAS testing regimen. We had prepared a legal challenge to this failure but put it on hold after the ballot question removing MCAS as a graduation requirement passed in November 2024. We are now seeking clients to get this case back on track. Even if it is not a graduation requirement, DESE has an obligation to teach and test civics.



PIONEER LAW'S NEW STAFF



Thomas Gorman is a graduate of Harvard College and Boston University School of Law. He has concentrated his practice in a wide range of business litigation, including commercial real estate, contract, and intellectual property disputes. He has successfully handled cases in state and federal courts and has successfully arbitrated and mediated numerous cases over

forty years of litigation experience. In addition to having served on municipal boards, he has authored a number of articles on a variety of legal issues, including for *Lawyers Weekly* and publications of the American Bar Association, Massachusetts Bar Association, and Boston Bar Association.

INTERNS



Gabriela Forero

Gabriela Forero is an LL.M. candidate at Boston University and a licensed attorney in Colombia.

"Being an intern at PPILC has been an eye-opening experience through the firsthand exposure to cases that remind me of the urgent need to defend democracy, educational and economic freedoms. Working under the mentorship of Hon. Judge Bailey, John Laliberte and Thomas Gorman has provided me with knowledge and tools, but also, I have come to understand and share the passion behind their hard work, compromise and dedication. Contributing to the team's mission has been a personal and professional growth experience that goes beyond any law school class."



Emma Ferdinandi

Emma is a rising second year law student at the Boston University School of Law.

"The invaluable legal experience and mentorship I have gained during my time at Pioneer Legal has allowed me to develop my litigation skills while creating meaningful impacts in the community."



Deeya Modhwadiya

Deeya is a rising second year law student at the Boston University School of Law.

"Working at Pioneer Legal has afforded me the opportunity to enhance my legal research and writing skills, while simultaneously gaining insight into several complex legal topics from experienced attorneys."

DEVELOPMENT UPDATE

Court Rulings Need Champions, Not Just Celebrations

As you have read in this edition of *In Brief*, legal victories do not always guarantee compliance. Whether it is the Department of Revenue weakening legislatively enacted protections against home equity theft or the Legislature's refusal to comply with the voter mandated audit, time and again we see examples of law makers selectively applying their own interpretations to legislation.

With your support, we can pursue these vital cases that protect constitutional rights, promote government accountability, and ensure educational freedom for Massachusetts families. As we work to preserve past victories and pursue new challenges, your investment enables our legal team to take on powerful interests and defend the principles that matter most.

Join us in this important work by donating today—together, we can make a lasting difference for Massachusetts and beyond.

