

**Testimony**

**Jonathan Brown, Director**  
**Jack Hornickel, Staff Attorney**  
**Food and Beverage Law Clinic, Elisabeth Haub School of Law at Pace University**

Funding for Pro Bono Legal Services for NYS Farms  
Tuesday, February 1, 2022

Joint Legislative Public Hearing on 2022 Executive Budget Proposal:  
Topic Environmental Conservation  
New York State Senate Committee on Finance  
New York State Assembly Committee on Ways & Means

As Director and Staff Attorney for Pace University's Food and Beverage Law Clinic, we are pleased to submit written testimony in support of the 2022-23 Executive Budget, which provides funding for legal services for farmers. The Governor's Budget included a \$1,575,000 appropriation for a number of agriculture initiatives including affordable legal services for farmers. We were heartened by this funding and thank Governor Hochul for recognizing the importance of making legal services available for the small farms of New York State.

We urge the Legislature to support this appropriation, which we understand allocates \$225,000 for the important work that our Clinic does. We also request that the assumed allocation to our program be specifically lined out in the final budget.

Capable legal assistance is critical to the success and resiliency of farm businesses. Unfortunately, the legal needs of small New York State farms are often unmet. Small farm businesses often lack the cash flow to afford market rate legal services, but typically are not eligible for traditional pro bono assistance. Further, they may not know when to seek legal assistance. Finally, farmers hold a perception, which is often valid, that attorneys do not know enough about agricultural production or economics to be of service. Lack of access to legal services can hinder a business at a critical stage of growth or cripple it during a moment of vulnerability.

The Food and Beverage Law Clinic (the "Clinic") is a legal clinic housed at Pace University's Elisabeth Haub School of Law in White Plains, New York. The Clinic provides transactional legal services to small farm, food, and beverage businesses, with legal work performed by the Director, the Staff Attorney, and law students under their supervision. By providing pro bono legal representation to clients that cannot afford market-rate legal services, the Clinic seeks to facilitate the development of a more just and sustainable regional food system and economy. At the same time, by teaching fundamental lawyering skills and professionalism through hands-on legal work and client interaction, the Clinic seeks to transform law students into practice-ready professionals who can support the needs of New York State agriculture and food businesses.

Legal assistance plays an important role not only at moments of crisis but also at moments of growth for a farm business. For instance, legal assistance can create a strong foundation for a business to grow by establishing a legal structure that reduces risks to the business owners, by providing secure access to land rather than relying on hand-shake deals, and by obtaining more protective terms when negotiating financial agreements. The Clinic helps build successful farm businesses by assisting clients on matters ranging from forming business entities and partnerships, securing land tenure and structuring intergenerational farm successions, drafting and negotiating commercial contracts, and advising on land use laws, trademarks, employment law, food safety regulations, and other regulatory matters.

The Clinic has been in operation since 2017. In the past year, we significantly expanded our operations by hiring staff attorney Jack Hornickel, who brings seven years of experience representing small farm and food businesses on transactional and regulatory matters from his service in the GrowNYC Farmer Assistance program. By merging the GrowNYC Farmer Assistance legal services into the Clinic's practice, we have collectively achieved the following impact:

- Students: Over 85 law students have served in the Clinic, receiving practical training in case management, legal drafting, and client counseling, as well as substantive education on issues facing agriculture and rural communities.
- Clients: Over 200 clients have received legal services, with upwards of 80% being farm businesses or farm-related advocacy organizations, nearly all of which sell agricultural products into direct retail markets.
- Statewide: While services to date have been primarily concentrated in the Hudson Valley and Catskills, we have represented clients in 32 of 57 counties in New York State and all 10 of the Economic Development Regions.
- Savings: Based on billable rates from comparable private practice law firms, we estimate we have provided approximately \$3.85 million in legal services throughout the state. This accounts for an estimated 28,000 billable hours.

The Clinic also coordinates with other regional organizations that support New York farms. In addition to our partnership with GrowNYC Greenmarket, the Clinic serves as a Regional Navigator in American Farmland Trust's Farmland for a New Generation New York Regional Navigator program as the sole provider of transactional services and legal trainings among the network of statewide farmland access service providers. The Clinic also receives referrals from NY FarmNet, with our legal services complementing the critical social services and financial counseling they offer to farm families, along with referrals from a number of other agricultural organizations in the region.

We hope to have the opportunity to continue and expand the work of our program—building a lasting, statewide legal infrastructure for New York State agriculture. Thank you very much for your consideration, and please do not hesitate to reach out with any questions.