



# 2024 ANNUAL REPORT

**EVEN WITH  
ALL THE  
UNCERTAINTY  
AND CHANGE  
THAT  
HAPPENED IN  
2024**

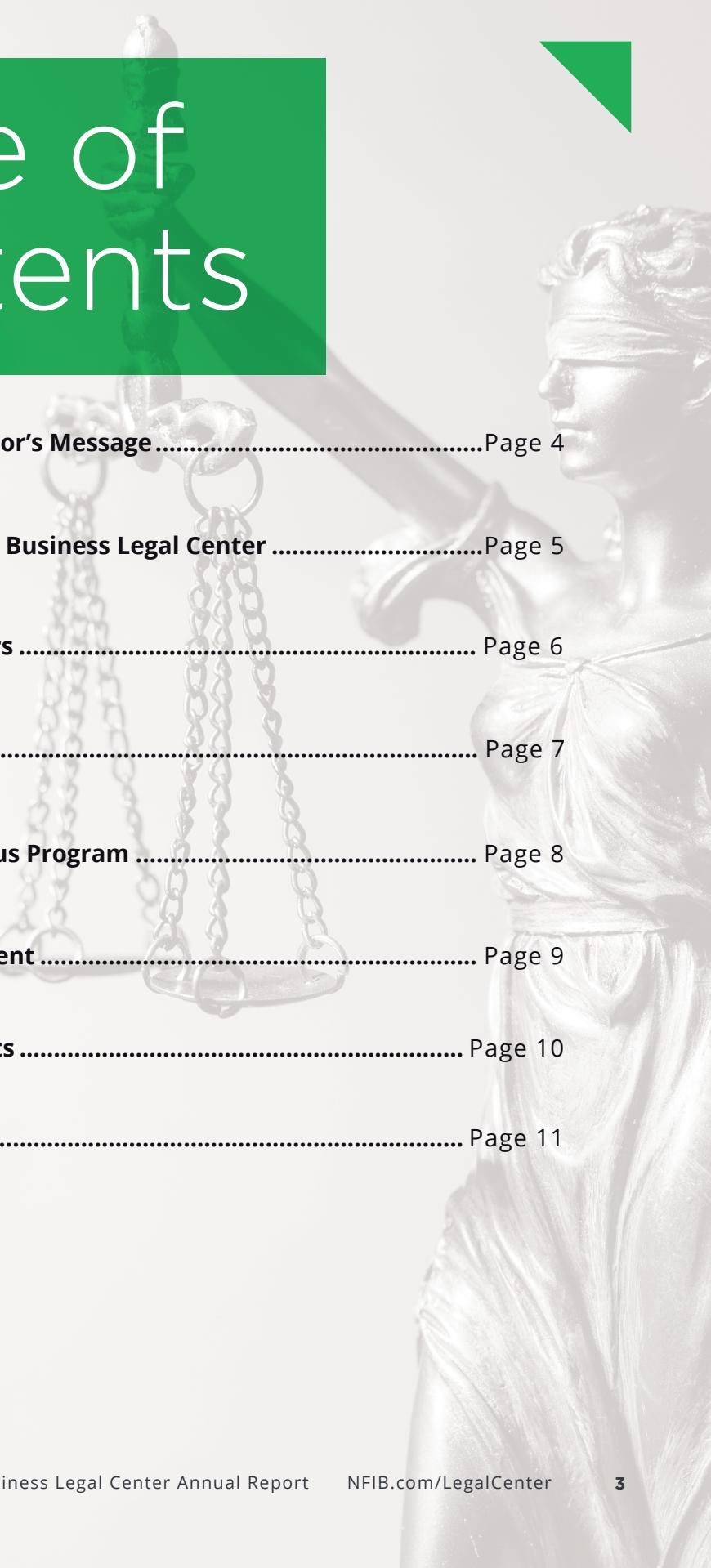
Your donations were instrumental in helping the Small Business Legal Center make meaningful and positive impacts to assist and advocate in the courts for small businesses.

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**We are more grateful  
than ever for your support.**



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# VP & Executive Director's Message



## WE ARE FIGHTING FOR YOU

I am pleased to present the Annual Report of the NFIB Small Business Legal Center for 2024. This report provides an overview of our achievements this past year.

As you will see, the NFIB Legal Center made significant progress in bringing the voice of small business to courts around the country and being a nationally recognized legal resource. We filed a record number of lawsuits in 2024! We sued three federal agencies: the U.S. Department of Labor, the Federal Trade Commission, and the U.S. Treasury Department. We also sued Minnesota and Montgomery County Maryland. Meanwhile, our amicus program covered a wide swath of the country, with nearly 40 "friend of the court" filings in federal and state courts.

This past year we also responded to over 1,000 direct member inquiries, continued our monthly webinar series, testified before Congress, participated in national conferences on behalf of NFIB members, and responded to media inquiries each week. These accomplishments reflect our continued commitment to ensuring that the NFIB Legal Center is the preeminent legal authority for federal and state courts and lawmakers around the country.

While we are proud of the progress made, we are also mindful of the opportunities and challenges that lie ahead with a new administration in Washington, D.C. and new lawmakers in statehouses and governors' mansions throughout the country. We hope you plan to continue your generous support in 2025 as we look to expand our small business outreach and continue to fight for free enterprise in courts across the country. Please use the enclosed envelope or donate online at [www.nfib.com/legal-contributions/](http://www.nfib.com/legal-contributions/).

We are grateful for the support of generous donors and our law firm and public interest partners, and we remain focused on our mission to be the voice of small business in courts nationwide and the leading small business legal resource. On behalf of America's small businesses, thank you for your continued trust and partnership.

Sincerely,

**Beth Milito**  
*VP & Executive Director*

*Elizabeth Milito*

# About the NFIB Small Business Legal Center

NFIB's Small Business Legal Center works for your small business, supporting you in the nation's courts and serving as a legal resource for you.

## What is the NFIB Small Business Legal Center?

The NFIB Small Business Legal Center is the voice for small business in the nation's courts and the legal resource for small business owners nationwide. Simply put, we educate and litigate for small business. The Legal Center is not a legal defense fund.

## NFIB Small Business Legal Center as Litigator

The Legal Center is the advocate for small business in the courts. We tell judges how the decision they make, in a given case, will impact small businesses nationwide. Importantly, we only initiate lawsuits and file amicus ("friend-of-the-court") briefs in precedent-setting cases. That means we go to court only in those cases that will impact many small business owners.

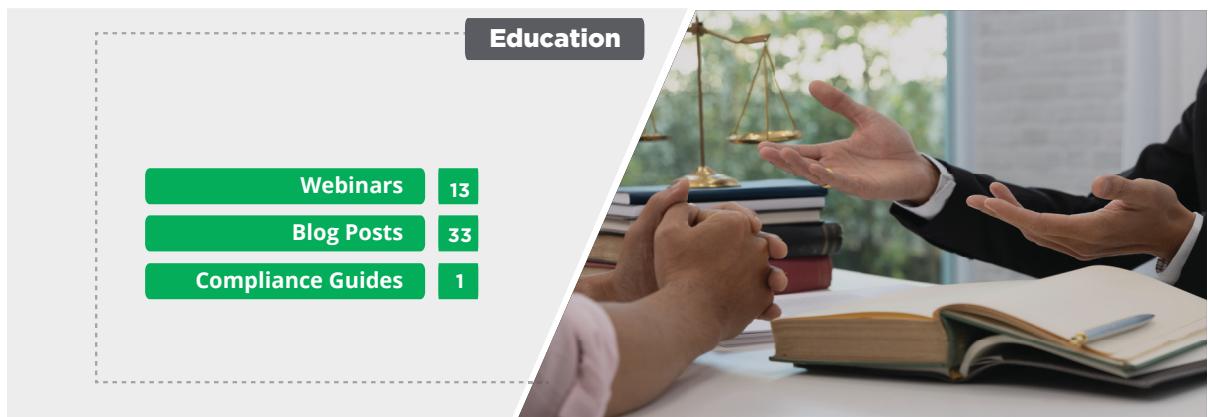
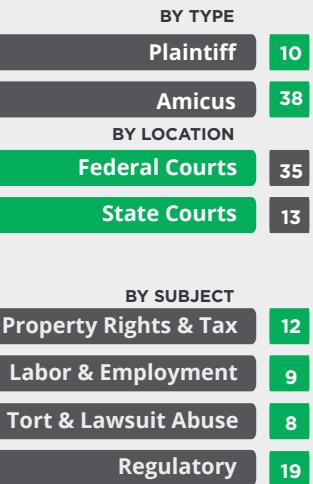
## NFIB Small Business Legal Center as Educator

Recent estimates show that the thousands of pages of federal regulations alone cost Americans more than \$1 trillion. With so many rules to keep track of, it's not surprising that small business owners don't know or understand the laws that apply to them. That's where the Legal Center comes in. We prepare educational materials to help small businesses nationwide understand the most vital issues affecting their business.

# 2024 - By the Numbers

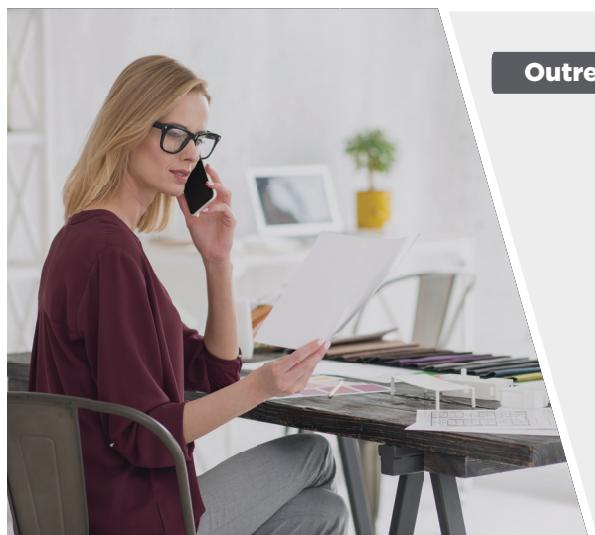


## In the courts



## Education

Webinars	13
Blog Posts	33
Compliance Guides	1



## Outreach

### INQUIRIES



#### MOST FREQUENT TOPICS

Beneficial Ownership Reporting (BOIR)	331
Employee-Related Issues	122
Business Grants/Loans	57
Legislation & Regulations	52

# Headline Litigation in 2024

In 2024, the Legal Center participated as a plaintiff in a record-setting ten lawsuits to protect small business interests. Our work below would not be possible without your support and generous donations.

## **1. Texas Top Cop Shop v. Garland – NFIB Fights Beneficial Ownership Reporting Requirement**

**Requirement** — In May, NFIB sued the government over the Corporate Transparency Act's (CTA) beneficial ownership information (BOI) reporting requirements. Joining NFIB in this lawsuit are three small businesses. Represented by The Center for Individual Rights, we argue that the CTA violates the First, Fourth, and Tenth Amendments of the United States Constitution. In a monumental win for small businesses, a federal district court agreed with NFIB and issued a nationwide preliminary injunction in December blocking the government from enforcing the BOI reporting requirements.

## **2. *Plano Chamber of Commerce v. Su* – NFIB Defends Overtime Exemption** — In

April, the Department of Labor (DOL) finalized a rule raising the salary threshold for an employee to be exempt from overtime pay under the FLSA's executive, administrative, or professional employee exemption. Joining over a dozen other business organizations, NFIB promptly sued to block the salary increases from taking effect. Our lawsuit alleges that DOL exceeded its authority under the FLSA in imposing the massive salary threshold increase. In November, the district court agreed with our arguments and vacated DOL's entire rule.

## **3. Coalition for Workforce Innovation v. Su – NFIB Protects Use of Independent Contractors** —

Shortly after the new year, DOL saddled employers with a new Independent Contractor Rule. The previous 2021 Rule gave employers clear guidance by considering the amount of control and worker's opportunity for profit or loss as the main factors in worker classification. But the 2024 Rule imposes a confusing and unpredictable totality-of-the-circumstances test. NFIB, along with other organizations, sued to block the 2024 Rule arguing that DOL arbitrarily replaced the 2021 Rule and failed to accurately consider the costs of the new rule.

## **4. Chamber of Commerce v. Occupational Safety and Health Administration (OSHA) – NFIB Sues to Protect Employer Workplace Privacy** —

In April, OSHA issued a new rule that allows employees to designate non-employee third party individuals, such as union officials, as their representative for workplace inspections. NFIB joined others in suing OSHA over this violation of a business owner's right to determine who enters their property. Among other things, our lawsuit contends that OSHA exceeded its statutory authority and that the walkaround rule is a taking of private property in violation of the U.S. Constitution.

To keep up with all the Small Business Legal Center's legal work,  
**visit [NFIB.com/LegalCenter](https://NFIB.com/LegalCenter).**



# SUPREME COURT AMICUS PROGRAM

**2023-2024 Term (Cases Decided in 2024)**

**Loper Bright Enterprises, Inc. v. Raimondo** — In a monumental win for small businesses, the Supreme Court overruled a 40-year-old precedent that allowed administrative agencies to abuse and expand their authority. We urged the Court to do so in our amicus brief.

**Corner Post, Inc. v. Board of Governors of Federal Reserve** — This case asked whether the 6-year statute of limitations to challenge agency action prevented newly formed businesses from challenging old administrative regulations. Agreeing with NFIB, the Court said the statute of limitations begins when an entity is first injured by a regulation, meaning new businesses are entitled to their day in court.

**Securities and Exchange Commission (SEC) v. Jarkesy** — The Supreme Court agreed with NFIB's brief in holding that the SEC's in-house enforcement proceedings violated the Seventh Amendment right to a jury trial.

**Sheetz v. County of El Dorado** — In this case, the Court agreed with us that a property owners' constitutional rights deserve the same protection regardless of which branch of government tries to infringe upon them.

**Starbucks v. McKinney** — In a major win for the business community, the Court rebuffed the National Labor Relations Board's (NLRB) claim that it is entitled to a lesser preliminary injunction standard when it seeks to halt business activity.

**Consumer Financial Protection Bureau (CFPB) v. Community Financial Services Association of America** — In a disappointing outcome, the Supreme Court upheld the CFPB's funding mechanism, rubber stamping the CFPB's continued imposition of burdensome inspections and costly penalties on small businesses.

# 2024 Public Engagement



Executive Director Beth Milito, third from the left, spoke at the National Restaurant Association's 8th Annual Legal Summit. Milito shared predictions for labor and workforce issues in 2025.



Senior Attorney Patrick Moran presented at the Coalition of Franchisee Associations (CFA) Forum in April. Moran discussed the beneficial ownership information (BOI) reporting requirements.

Senior Attorney Rob Smith testified at a House Small Business Committee hearing titled "Burdensome Regulations: Examining the Biden Administration's Failure to Consider Small Businesses." Smith's testimony described the negative impact that overregulation has on small businesses, how small businesses disproportionately bear the burden of regulatory costs, and how administrative agencies are ignoring or misrepresenting the costs that their regulations will have on small businesses.



Member Outreach Coordinator Will Klepp, second from the left, participates in a discussion between Michigan small business owners and Capitol Hill staff on the obstacles facing small businesses.





# Educational Highlights

## Small Business Support Line

It was a busy year for the Support Line, as we responded to over 1,000 small business inquiries. Our most asked-about topic was the beneficial ownership information (BOI) reporting requirements. The Legal Center received many complimentary emails and phone calls for our constant assistance and reassurance on the requirements. After the Texas court decision, countless notes of gratitude and thanks came in, with one small business owner commenting: "YOU GUYS ARE THE BEST," and another saying that our timely and thorough responses "made [her] feel important."

While the Small Business Legal Center cannot act as legal counsel or provide legal representation, we can provide help on inquiries relating to human resources issues, tax problems, payment processing, financial resources, government mandates, and much more.

Please give us a call at **1-800-552-NFIB** or send us an email at [info@nfib.org](mailto:info@nfib.org). We are here to help.

## Webinars

We continued to provide our informative monthly webinars in 2024. Topics ranged from tax planning and small business data security to compliance with government-imposed mandates. Our January "Beneficial Ownership-Reporting Is Here" and March "Must Have Employee Policies for Small Businesses" webinars were the two most popular for the year.



Download the NFIB's Legal Guides at [NFIB.com/legal-support/](https://NFIB.com/legal-support/)

# In the News

In 2024, the Small Business Legal Center reached hundreds of millions of people across online and mobile platforms.

## 2024 Media Highlights

### Oregon Business Report

*January 9, 2024*

The Oregon Business Report discussed the Department of Labor's new Independent Contractor rule. The article quoted Executive Director Beth Milito in saying, "Changing yet again the standards that determine whether a worker is an independent contractor will result in the confusion and risk of misclassification that the DOL claims it is trying to alleviate."

### Washington Times

*March 18, 2024*

Washington Times published Beth Milito's op-ed "Small businesses need Biden's regulatory tsunami to stop." In the op-ed, Milito covered the extensive regulatory burdens imposed by the Biden Administration. "Let's be clear. Imposing more regulatory costs and paperwork burdens does not open 'doors of opportunity' for small businesses."

### Bloomberg Law

*April 23, 2024*

Bloomberg Law referenced NFIB's press release concerning the Department of Labor's new overtime rule, changing the threshold to determine if a worker is eligible for overtime. Beth Milito was quoted, "This rule is another costly hoop for small business owners to jump through."

### Small Business Trends

*May 17, 2024*

Small Business Trends highlights NFIB's legal challenge to the Federal Trade Commission's (FTC) rule on non-competes. The article quotes Beth Milito "The FTC's final rule on non-competes is a textbook example of arbitrary rulemaking. The final rule leaves small businesses with vague conditions that make it difficult for owners to correctly comply."

### The Center Square

*October 9, 2024*

The Center Square discussed NFIB's legal challenge to the Beneficial Ownership Information Reporting: "NFIB stated that the reporting rule does not follow the law and places an unfair burden on Main Street businesses, which has devastating consequences, with some facing the loss of their business, criminal penalties, and even jail time if they don't register."



Scan the QR Code or use the link below for all media mentions

**NFIB.com/2024MediaMentions**



If you  
have a  
question,

a story of government abuse  
of a small business, or a  
precedent-setting case,  
please give us a call.

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