



Fight For Freelancers Leads Nationwide Coalition in Filing U.S. Supreme Court Amicus Brief

More than 275,000 self-employed Americans in hundreds of professions urge the court to protect the choice of independent contractor careers

WASHINGTON, D.C., APRIL 13, 2022 — Fight For Freelancers USA, a nonpartisan, grassroots, self-funded, ad hoc group of independent contractors and small-business owners, is leading a nationwide coalition of everyday citizens in urging the Supreme Court of the United States to protect legal business relationships between independent contractors and their clients.

The group filed [an amicus brief](#) in support of a lawsuit by the American Society of Journalists and Authors, Inc., and the National Press Photographers Association that challenges California’s Assembly Bill 5 (AB5) on First Amendment grounds. AB5 is based on the use of the ABC Test to determine who is an independent contractor and who is an employee. ASJA and NPPA assert that the law creates unconstitutional, content-based restrictions that ban certain forms of reporting by freelancers.

“We are proud to support the ASJA and NPPA petition asking the court to hear their case,” says Kim Kavin, a co-founder of Fight For Freelancers from New Jersey.

“California’s ABC Test law continues to decimate independent contractor careers. It must not spread into other states or into federal regulations and laws.”

The amicus brief urges the court to hear the case because AB5 set off a cascade of events, with overreaching lawmakers and policymakers now attempting to misclassify millions of legitimate independent contractors nationwide.

“Our brief makes clear that this ABC Test does not do what its proponents claim,” says Debbie Abrams Kaplan, a co-founder of Fight For Freelancers from New Jersey. “It has created no new unions and led to no widespread creation of traditional jobs. This ABC Test’s only documented result is the pervasive misclassification of legitimate independent contractors, costing them income and hard-earned careers.”

Less than a year after AB5 was enacted, citizen outcry led the California Legislature to pass an [emergency measure](#) to exempt more than 100 professions from the ABC Test. California voters [made further exemptions](#) in a ballot measure, and another exemption bill [is in the works now](#) for additional industries and professions.

“Our goal is to keep the ABC Test out of all legislation and regulatory work-arounds, stop the pervasive misclassification of legitimate independent contractors, and avoid strangling freedom of the press,” says Karon Warren, a co-leader of Fight For Freelancers from Georgia. “Independent contractors [contribute \\$1.3 trillion to the U.S. economy](#), and [70 to 85 percent wish to remain self-employed](#). The ABC Test is a direct threat to us all.”

The amicus brief also explains how the push to restrict independent contractor work creates an unfair regulatory landscape, favoring paid lobbyists and those with special access to lawmakers.

In the same vein, the very act of writing and filing this amicus brief is highly unusual. Amicus briefs are regularly filed by [well-funded entities](#) and [dark-money groups](#). The voices of real people are often missing from the process altogether.

“What Fight For Freelancers, and the broad coalition they assembled, did is truly remarkable,” said attorney Jim Paretti, a shareholder and member of Littler Mendelson,

P.C.'s Workplace Policy Institute, who joined Littler attorneys Maury Baskin and Michael Lotito, and paralegal Amber Christensen, in offering their expertise, pro bono, to help Fight For Freelancers file the brief in keeping with the court's rules. "This is an impressive display of individuals rising up with a single voice to insist that their government respect their right to remain independent contractors."

The leaders of Fight For Freelancers, all professional freelance writers, volunteered their time to write the brief using examples of successful briefs and legal citations. The group's members then reached out to fellow independent contractors from long-established and ad hoc groups nationwide to co-sign the brief, which represents more than 275,000 self-employed Americans.

Co-signers include the Society of Professional Journalists, PEN America, National Society of Newspaper Columnists, Association of Health Care Journalists, Society of Environmental Journalists, Freelancing Females, nonprofit opera houses, Professional Independent Consultants of America, and numerous groups representing judicial and other types of interpreters and translators.

"We hope the court will hear the case and send a strong message: that lawmakers and regulators should protect our right to hang out a shingle and work for ourselves," says Jen Singer, a co-founder of Fight For Freelancers from New Jersey. "This right to choose self-employment has existed since the very founding of our nation. We urge the court to keep it that way."

To read the Fight For Freelancers amicus brief filed

before the U.S. Supreme Court, [click here](#)

#ReadTheBrief

#FightForFreelancers #NoABCforUSA

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