

CONFERENCE SCHEDULE

Thursday, October 23, 2008

5:00 – 7:00 p.m. - Hotel lobby bar

Welcome Reception and Conference Pre-registration

Co-sponsored by the law firm of Lawler & Swanson, PLC of Parkersburg, Iowa, Ice Miller LLP of Indianapolis, IN and the AALA Membership Committee. Lawler & Swanson, PLC is a general practice firm with offices in Parkersburg and Greene, Iowa. Its focus is primarily in probate, tax, estate planning and real estate, and it represents producers on USDA farm program matters at all levels. Thomas A. Lawler and Amy K. Swanson are the two attorneys at the firm. Tom is a former president of AALA and Amy is a former board member. In 2008 the firm survived a tornado in Parkersburg and flooding in Greene. Ice Miller is committed to assisting agribusiness companies navigate the changes in the agribusiness market as they relate to legal issues associated with production shifts, technology adoption and intellectual property protection, complex financial transactions, trade laws and requirements, and new or emerging policy shifts both in the U.S. and abroad. The agribusiness practice group includes eighteen attorneys and industry specialists who provide services specifically tailored to the food and agribusiness industry including: labor and employment, immigration, employee benefits, intellectual property, environmental and real estate management, transactional and investment related services, litigation/risk management, regulatory, public affairs and lobbying and estate planning. For more information, see www.icemiller.com.

Friday, October 24, 2008

7:00 – 8:00 a.m.

Conference Registration and Continental Breakfast

Sponsored by the Minnesota Bar Association, Agriculture and Rural Law Section.

The Agricultural and Rural Law Section explores and implements methods of providing access to quality legal assistance for farm families and rural residents. The section also addresses issues including agricultural estate planning, agricultural environmental law and animal waste management developments, agricultural business law, USDA programs, and farm credit developments.

7:30 - 8:30 a.m. - Ballroom 1

ABA Business Section, Ag Finance Subcommittee Lease financing opportunities and issues for the agribusiness community, including a discussion of leasing options for alternative energy financing - Session A

Moderator: *R. Lawrence Harris, Melchert, Hubert and Sjodin PLLP, Waconia, MN*

Panelists: *Thomas Robinson, Director of Marketing, Farm Credit Leasing, Minneapolis, MN
Donald C. "Buzz" Shepard III, Faegre & Benson LLP, Minneapolis, MN*

8:30 – 9:00 a.m. - Ballrooms 3&4

AALA Annual Business Meeting *Roger A. McEowen, AALA President*

Annual Update of Developments in Agricultural Law

Moderator: *Anne Hazlett, Senate Committee on Agriculture, Washington, DC*

9:00 – 9:30 a.m. - Ballrooms 3&4

UCC Developments and Agricultural Interests - Session B

Keith G. Meyer, University of Kansas School of Law, Lawrence

9:30 – 10:45 a.m. - Ballrooms 3&4

Tax Law Developments Affecting Agriculture - Session C

Roger A. McEowen, Iowa State University, Ames

Phillip E. Harris, University of Wisconsin School of Law, Madison

10:45 – 11:00 a.m. Break

Sponsored by Agribank. AgriBank, headquartered in St. Paul, Minnesota, and the 17 associations within the AgriBank Farm Credit District provide credit and other services to approximately 238,000 agricultural producers and rural homeowners. The District has total assets in excess of \$53 billion. Credit is available to help farmers and ranchers finance land, machinery, housing, seed, feed, chemicals, and other needs. Multi-peril, crop-hail, and life-disability insurance are also available, as well as record-keeping services, tax preparation, and estate planning. The AgriBank District includes Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming.

11:00 – 11:30 a.m. - Ballrooms 3&4

Update on Agricultural Bankruptcy - Session D

Jeffrey A. Peterson, Gray Plant Mooty LLC, St. Cloud, MN

11:30 – 12:00 p.m. - Ballrooms 3&4

Environmental Law and Agriculture - Session E

Anthony B. Schutz, University of Nebraska College of Law, Lincoln

12:00 – 1:00 p.m. Luncheon – Sixth Floor St. Croix

Co-sponsored by The Minnesota State Bar Association and the AALA

Presentation of Awards - Jesse J. Richardson, Chair, Awards Committee

Presidential Address - Roger A. McEowen, AALA President

Annual Update of Developments in Agricultural Law (cont.)

Moderator: Beth Crocker, South Carolina Department of Agriculture, Columbia

1:00 – 1:30 p.m. - Ballrooms 3&4

New Developments in Food Law - Session F

Susan A. Schneider, University of Arkansas School of Law, Fayetteville

1:30 – 2:15 p.m. - Ballrooms 3&4

The New Farm Bill: What's In, What's Out in 2008 - Session G

David P. Grahn, U.S. Department of Agriculture, Washington, DC

2:15 – 3:00 p.m. - Ballrooms 3&4

Farm Foundation 75th Anniversary Lecture: "Influences on Global Commodity Prices" - Session H

Introduction: Mary Thompson, Director of Communications and Program Manager, Farm Foundation, Oakbrook, IL

Speaker: Christopher Hurt, Agricultural Economics, Purdue University, West Lafayette, IN

3:00 – 3:15 p.m. Break

3:15 – 5:15 p.m. - Ballrooms 3&4

Concurrent Session I

On the Ground – Practical Developments in Arbitration, Litigation, and Legislation

3:15 – 4:30 p.m - Ballrooms 3&4

Storm Clouds Gathering: Are High Prices a Sign of Problems to Come? - Session I

Moderator: William E. (Bill) Penn, Agricultural and Rural Advocates, PLC, Williamston, MI

A discussion of agricultural contract formation and enforcement issues and arbitration clauses in contracts.

Panelists:

Sarah Vogel, Sarah Vogel Law Firm, PC, Bismarck, ND

Learn about representation of farmers involved in grain elevator insolvencies.

Douglas Spanier, Minnesota Department of Agriculture, St. Paul, MN

Learn about the regulation of grain elevators under Minnesota law.

David Barrett, Barrett, Easterday, Cunningham & Esegroth LLP, Dublin, OH

A discussion of arbitration clauses in contracts.

Scott Fancher, Scott Fancher Law Firm, Harrison, AR

Learn about arbitration clauses related to crop insurance.

4:30 – 5:15 p.m. - Ballrooms 3&4

Concurrent Session I (cont.)

Corporate Farm Bans – New Developments - Session J

Moderator: Patricia A. Jensen, Public Policy Consulting, St. Paul, MN

A practitioner's guide to state legislative and judicial developments in 2008.

Panelists: Anthony B. Schutz, University of Nebraska College of Law

Charles M. Carvell, Office of the Attorney General, North Dakota, Bismarck

3:15 – 5:15 p.m. Concurrent Session II

Producer owned Agricultural Processing Facilities

3:15 – 4:30 p.m. – Ballroom 2

1. Producer Owned Processing – Has the Fully Integrated Production System Come of Age? Session K

Moderator: Gary Koch, Gislason & Hunter LLP, New Ulm, MN

The organization of Triumph Foods, LLC and the construction of the first modern pork processing plant in over 10 years has had a dramatic impact on the pork industry. The panel will focus on issues related to the emerging success of Triumph Foods and what the Triumph example shows for the future of integrated food production systems in the United States.

Panelists: Rick Hoffman, CEO, Triumph Foods, LLC, St. Joseph, MO
John Schwartz, CEO, Schwartz Farms, Inc., Sleepy Eye, MN
Gary Koch, Gislason & Hunter, LLP
Robert Christensen, Christensen Farms, Sleepy Eye, MN
Rick Tolman, CEO, National Corn Growers Association

4:30 – 5:15 p.m. – Ballroom 2

Concurrent Session II (cont.)

2. New Developments in Cooperatives Law - Session L

Moderator: Charles J. Sullivan, Bond, Schoeneck & King, PLLC, Syracuse, NY

Changes in the laws affecting cooperatives make it easier to obtain capital, but will cooperatives become more like investor-owned entities?? Panelists will explain the changes in the law and provide regional perspectives on the pros and cons.

Panelists: Ronald D. McFall, Stoel Rives LLP, Minneapolis MN
James B. Dean, Dean, Dunn & Phillips LLC, Denver, CO
Charles J. Sullivan, Bond, Schoeneck & King, PLLC

3:15 – 5:15 p.m. - Ballroom 1

Concurrent Session III

Bock Chair Mini Symposium

**Sponsored by the Bock Chair in Agricultural Law, Department of Agricultural and Consumer Economics,
University of Illinois**

Precaution in Agricultural and Food Law – Session M

Moderator: Margaret Rosso Grossman, University of Illinois, Urbana

The controversial precautionary principle plays a role in international law, and different attitudes toward precaution have affected trade in agricultural and other products. European Community measures that govern food and agriculture apply the precautionary principle explicitly, and laws and regulations in the US (which has not formally adopted the precautionary principle) often adopt a precautionary approach.

1. Requiring Precaution: State Liability Exceptions for Agri-Tourism Activities

Terence Centner, University of Georgia, Athens

2. Precaution and International Trade in Agricultural Products

Ilona Cheyne, Newcastle Law School, United Kingdom

3. The EU Approach to Precaution in the Food Sector

Bernd van der Meulen, Wageningen University, The Netherlands

4. Plants with Novel Traits in Canada: Precautionary Principle, Precautionary Approach, or Nothing?

Stan Benda, Department of Justice, Canada

5. Precaution in US and EC Authorization of GMOs: A Comparison

Helle Tegner Anker, Copenhagen University, Denmark
Margaret Rosso Grossman, University of Illinois

5:30 - 7:00 p.m. – Sixth Floor - St. Croix

Reception for all Participants and Guests

Sponsored by the Law Firm of Gray Plant Mooty LLC.

The members of Gray Plant Mooty's Agribusiness Team serve as business advisors to agricultural entities. Their lawyers have substantial expertise in state and federal laws governing activities related to agriculture and a breadth and depth of experience within the agricultural industry. When the situation necessitates, they work closely with our colleagues in other firm practice areas to meet the clients' needs. Their lawyers bring substantial expertise in related areas, such as Entrepreneurial Services, Environmental Law, International Law, Intellectual Property, Litigation, Reorganization and Bankruptcy, Business Law and Business Tax. For more information about Gray Plant Mooty, visit: www.gpmlaw.com.

Saturday, October 25, 2008

7:00 – 8:30 a.m. Continental Breakfast

Sponsored by Faegre & Benson. Faegre & Benson represents many of the world's leading food, agriculture and biofuels companies. More than 100 attorneys in offices around the world make it their business to understand the rapidly evolving areas of see biotechnology and crop protection. They stay abreast of issues in food safety, environmental regulation and the expanding biofuels market. Faegre & Benson lawyers also understand the ever-changing business side of the industry — applying knowledge of commodity markets, production chain issues, global workforce needs and industry competition to assist clients in a variety of matters. Established in Minneapolis in 1886, Faegre & Benson has evolved into one of the 100 largest law firms in the U.S., with offices in Minnesota, Colorado, Iowa, London, Frankfurt and Shanghai and more than 525 lawyers worldwide.

Breakfast Discussion Groups- Ballrooms 3&4 (Practitioners, General Counsel, Government, Educators)

7:30 – 8:30 a.m. – Deer Lake/Elk Lake Career Options for Students of Agricultural Law- Session N

Moderator: Ross Pifer, Agricultural Law Resource & Reference Center, Penn State Dickinson School of Law.

A panel discussion to inform students of the varied options available for those interested in agricultural law as a career. Bring your breakfast. Employers welcome!

8:30 – 9:30 a.m. - Ballrooms 3&4 Ethical and Competent Management of Law Offices – Session O

Moderator: Drew Kershen, University of Oklahoma College of Law, Norman

Law office management raises ethical issues related to engagement and termination letters, fee arrangements, personnel matters (non-lawyer staff and lawyers), handling client funds and client property, and other issues. Law office management tends to receive little attention in ethics CLEs or in law school courses. Yet, law office management is, of necessity, something that every practicing lawyer does and must do --competently and ethically.

Panelists:

- Patrick K. Costello, Muir, Costello & Carlson, Lakefield, MN
- Gregory C. Sisk, University of St. Thomas School of Law, Minneapolis, MN
- Drew L. Kershen, University of Oklahoma College of Law, Norman, OK

9:30 –9:45 a.m. Break

Sponsored by Baker and Daniels, LLP, Indianapolis, IN. Since 1863, Baker & Daniels has provided business and legal counsel to clients throughout the United States and around the world. Serving Fortune 500 corporations, regional businesses, nonprofit organizations, local governments and individuals, Baker & Daniels has established a reputation for practical, results-oriented service. With more than 370 lawyers and consulting professionals in Baker & Daniels offices in Indianapolis, Chicago, Washington D.C. and Beijing, we offer services in more than 35 practices and industries to help clients achieve their goals. Our experience includes food law, agriculture, natural resources, energy, corporate finance, government affairs, health care, insurance, intellectual property, international, labor and employment, life sciences, litigation, mergers and acquisitions, nonprofits, real estate, venture capital and much more. For more information, see www.bakerdaniels.com.

9:45 - 11:30 a.m. - Ballrooms 3&4 Concurrent Session IV

The Requirements and Reality of Immigration Laws - Session P

Moderator: Matt Benda, Peterson, Savelkoul & Benda, LTD, Albert Lea, MN

Recent raids underscore the reality of immigration enforcement in agriculture. Attorneys advising communities and businesses need to be aware of the requirements that need to be followed in balancing the need for an available workforce and immigration compliance. Also, learn about the challenges that are on the horizon for policy makers and business leaders.

1. Nuts and Bolts of Employer Compliance

DeAnne M. Hilgers, Lindquist & Vennum, PLLP, Minneapolis, MN

Learn about recent developments in immigration enforcement and the changing landscape of penalties for employers. Also, you will hear an overview of what to do and what not to do in documentation and investigation.

2. How to Help Those Left Behind.

John Keller, Immigration Law Center of Minnesota, St. Paul, MN

Hear perspectives on how to deal with the aftermath of a raid. Also, what are the challenges with the current system and what is being done to manage the problem in D.C.? Reform or standstill?

3. Finding Employees in Today's World.

Chris Wendt, Mayo Foundation, Rochester, MN

Learn of the current demographic trends affecting employers with today's global workforce.

9:45 - 11:30 a.m. – Deer Lake/Elk Lake

Concurrent Session V

Siting of Livestock Production Facilities - Session Q

Moderator: Eldon L. McAfee, Beving, Swanson & Forrest, PC, Des Moines, IA

Livestock producers face up to four levels of regulation of their livestock facilities: township, county, state and federal. Obtaining all of the required permits and staying in compliance with all of the rules is not an easy matter. This session includes a discussion of the livestock siting rules in Minnesota, Wisconsin and Iowa and a more general discussion of how siting laws may affect livestock producers in other states.

1. Minnesota Livestock Siting Laws

Robert Sip, Principal Planner, Local Land Use, Feedlot Siting and Agribusiness Development Program, Minnesota Department of Agriculture, St. Paul, MN.

About 25% of Minnesota's 1,800 townships have enacted ordinances that regulate livestock facilities. Learn how Minnesota's feedlot regulations relate to planning and zoning laws.

2. Wisconsin Livestock Siting Laws

Cheryl F. Daniels, Board Attorney to the Wisconsin Livestock Facility Siting Review Board, Wisconsin Department of Agriculture, Trade and Consumer Protection

Wisconsin law limits the exclusion of livestock facilities from agricultural zoning districts and establishes procedures local governments must follow if they decide to issue conditional use or other local permits for siting livestock facilities. State law authorizes the Livestock Facility Siting Review Board to hear appeals concerning local decisions on permits. Find out how policy makers in Wisconsin made their decisions to enact the law and rule and how it is working in practice to balance the interests between local and statewide controls of agricultural enterprises.

3. Iowa Livestock Siting Laws

Eldon L. McAfee, Beving, Swanson & Forrest, P.C., Des Moines, IA

Learn how control of siting at the state level in Iowa affects livestock operations.

4. Livestock Siting Laws Across the United States

Richard Castelnovo, Department of Agriculture, Trade and Consumer Protection

9:45 - 11:30 a.m. – Ballroom 2

Concurrent Session VI

The New Water Wars: Competing Interests in Water - Session R

Moderator: Peggy Kirk Hall, The Ohio State University, Columbus

Panelists will address tributary groundwater and its impacts on stream flows, governance issues and climate change impacts on water, and recent state and regional legislation and its impacts on water rights.

Panelists: Elizabeth Burluson, University of South Dakota School of Law, Vermillion, SD

J. David Aiken, University of Nebraska-Lincoln

Jesse J. Richardson, Virginia Tech, Blacksburg, VA

11:30 – 12:30 p.m. Sixth Floor – St. Croix

Keynote Luncheon

The Honorable Amy Klobuchar, U.S. Senate (by video presentation) and David Frederickson Elected to the U.S. Senate to represent Minnesota in 2006, Senator Klobuchar serves on the Agriculture; Environment and Public Works; Commerce, Science and Transportation; and Joint Economic Committees of the U.S. Senate. Mr. Frederickson is Director, Agriculture and Outreach for Senator Klobuchar.

The Keynote luncheon is sponsored by Stoel Rives LLP. Stoel Rives LLP enjoys a 100-year tradition of excellence as a leading U.S. law firm with a long history of representing agricultural and agribusiness concerns, including large production farms, vineyards, ranches, wineries, processing facilities and significant lenders and investors in the agricultural and agribusiness industries. Lawyers working in this area have experience in financing, real estate, natural resources, regulatory and water issues, international trade and legislative affairs. Stoel Rives has more than 365 lawyers practicing in offices in seven states and providing legal services to clients with local, regional, national and international operations.

12:30 – 2:30 p.m. Concurrent Session VII

Rural Economic Development Opportunities

12:30 - 1:30 p.m. - Ballrooms 3&4

Community Wind: Legal Issues in Organizing and Financing

Locally Owned Wind Projects - What Rural Practitioners Need to Know - Session S

Moderator: Neil Hamilton, Drake University School of Law, Des Moines, IA

Renewable energy projects are contributing to rural economic development in a number of states. Learn about the "nuts and bolts" of community-based wind generation projects.

Panelists: Neil Hamilton, Drake University School of Law, Des Moines, IA

David Moeller, Minnesota Power, Duluth, MN

Jeffrey C. Paulson, Jeffrey C. Paulson Ltd., Minneapolis, MN

1:30 - 2:30 p.m. - Ballrooms 3&4

The Lifecycle Carbon Footprint of Biofuels: How carbon may generate producer profit or liability - Session T

Moderator: Mary Thompson, Farm Foundation, Oakbrook, IL

Federal climate change legislation may create markets for production and sale of carbon. Learn more about this cutting edge environmental issue with big implications for production agriculture and conservation practices.

Panelists: Bruce A. McCarl, Texas A & M, College Station;

David Miller, Iowa Farm Bureau, Des Moines, IA

Janie Hipp, USDA Cooperative State Research Education and Extension Service, Washington, DC

12:30 – 2:30 p.m. – Deer Lake/Elk Lake

Concurrent Session VIII

Legal Issues Involving Organic Agriculture – Session U

Moderator: Susan A. Schneider, University of Arkansas School of Law

Organic farming has become one of the fastest growing segments of U.S. agriculture. Attorneys with clients who run organic operations, who are considering a switch to organic, or who purchase and market organic products need information about the legal challenges and potential support.

1. The 2008 Farm Bill: A Fair Piece of the Farm Bill Pie for Organic Agriculture

Martha Noble, Sustainable Agriculture Coalition, Washington, DC

In the coalition-building that produced the 2008 farm bill, organic agriculture won some hard fought victories. Learn what's in the farm bill on organic agriculture and why it matters.

2. Legal Strategies: How to Protect your Organic Client from Outside Threats

Paula Maccabee, Just Change Consulting, St. Paul, MN

Organic farms need to maintain compliance with organic standards and certification in order to market their crops for premium value. External influences are a continual threat - pesticide drift, genetic contamination, even pipelines and powerlines are a threat. How can lawyers protect their organic farmer clients and how should damages be computed

3. Organic and Beyond: Dispute Resolution Issues - Is it really Organic and How Do Private Certifications Address New Criteria?

Jill Krueger, Farmers Legal Action Group, Inc. (FLAG), St. Paul, MN

Dispute resolution in the world of organics is a new arena for many attorneys. How is certification withdrawn; what administrative processes are involved? And, what are the rules when private certification, e.g., "humanely raised" is at issue?

4. Equivalency, Imports and International Organic Standards

A. Bryan Endres, University of Illinois, Champaign-Urbana

Imported organic products make up a major segment of today's market. This session will provide an overview of how the certification process applies in the international market, explain the concept of equivalency, and highlight recent developments with Canadian organic standards.

12:30 – 2:30 p.m.

Concurrent Session IX

Moderator Gary Hansen, Agribank, St. Paul, MN

12:30 - 1:45- Ballroom 2

Estate Planning and Business Issues in Agriculture - Session V

Neil E. Harl, Iowa State University, Ames

1:45 - 2:30- Ballroom 2

Livestock Economics - The See-Saw Discord Between the Debtor/ Creditor - Session W

Michael S. Dove, Gislason & Hunter LLP, New Ulm, MN

2:30 – 2:45 p.m. Break

2:45 – 4:30 p.m. - Ballrooms 3&4

The Final Round up: The 2008 Farm Bill – Washington Policy Perspective - Session X

Sponsored by the National Agricultural Law Center – University of Arkansas, Fayetteville

The National Agricultural Law Center is the nation's leading source for agricultural and food law research and information. Created by Congress in 1987, the Center complements the university's Graduate Program in Agricultural Law and the new Journal of Food Law & Policy. Reading Rooms form the heart of the Center's website by providing a comprehensive list of current electronic resources for more than three dozen agricultural or food law topics. Each reading room features links to statutes, regulations, case law, Federal Register digest, research articles, government and Congressional publications, and an overview article on the history and development of its subject. The Center web site also includes significant resources focusing on the 2008 Farm Bill, its predecessor legislation, and analysis of those laws. For more information see www.NationalAgLawCenter.org.

Moderator: Anne Hazlett, Minority Counsel, Committee on Agriculture, U.S. Senate

Panelists:

Bill Bridgforth, Ramsay, Bridgforth, Harrelson & Starling LLP, Pine Bluff, AR

Anne Simmons, Majority Staff, Committee on Agriculture, U.S. House of Representatives

Michael Knipe, Assistant General Counsel for Legislation, U.S. Department of Agriculture

Beth Bechdol, Ice Miller LLP, Indianapolis, IN

4:30 p.m. Adjourn

See you next year, October 15 - 17, 2009 at the Crowne Plaza Ft. Magruder in historic Williamsburg, VA

