



## AAALA Agricultural Law Symposium 2014

Hotel Albuquerque

### *Conference Agenda*

Sunday, October 19	
1:00 pm	<b>Student Quiz Bowl</b> <b>Alvarado Ballroom AB</b> Sponsored by Jesse J. Richardson • Ohio State University Extension Naman, Howell, Smith & Lee • Waggoner Law Firm • Rincker Law PLLC
6:00 – 8:00 pm	<b>Welcome Reception and Registration</b> <b>Franciscan Ballroom</b>
Monday morning, October 20	
7:00—8:30 am	<b>Registration and Continental Breakfast</b> <b>East Atrium</b>
<b>8:00 —12:30 p.m.</b>	<b>General Session</b> <b>Alvarado Ballroom D</b>
8:00 am	<i>Opening Remarks</i> Jesse J. Richardson, AALA President-Elect (2013-14) <i>Introduction</i> Beth Crocker, AALA President-Elect (2014-15) <i>Welcome</i> The Honorable Jeff M. Witte, New Mexico Secretary of Agriculture

<b>8:15 – 10:00 am</b>	<b>The 2014 Farm Bill: Highlights and Perspectives for the Farm</b> Moderator: Anne Hazlett, Committee on Agriculture, Nutrition and Forestry, U.S. Senate Speakers: Bart Fischer, Committee on Agriculture, U.S. House of Representatives, Majority staff Anne Simmons, Committee on Agriculture, U.S. House of Representatives, Minority staff Bill Bridgforth, Ramsay, Bridgforth, Robinson and Raley LLP, Pine Bluff, AR David Grahn, U.S. Department of Agriculture, Office of General Counsel	<b>Session 1</b>
<b>10:00– 10:20</b>	<b>Networking Break</b> <b>East Atrium</b> <b>Cosponsored by Downey Brand LLP of Sacramento, California and the AALA</b>	
<b>10:20 – 11:45 am</b>	<b>Agricultural Law under the Roberts Supreme Court</b> Moderator and Speaker: Erin Morrow Hawley, University of Missouri School of Law Speakers: Anthony Francois, Pacific Legal Foundation, Sacramento, CA Drew Kershen, Oklahoma University College of Law	<b>Session 2</b>
<b>11:45 – 12:30 p.m.</b>	<b>Introduction:</b> Max Best, Law Office of R. Max Best, Clovis, NM  <b>Keynote Address</b> Dr. Lowell Catlett Dean, College of Agricultural, Consumer and Environmental Sciences New Mexico State University	<b>Session 3</b>
<b>12:30 – 1:30 pm</b>	<b>Networking Lunch</b> <b>Alvarado Ballroom E</b> <b>Presentation of Awards for Student Quiz Bowl and Student Posters</b>	
<b>1:30 – 3:00 pm</b>	<b>Concurrent Session</b>	<b>Session 4</b>
Alvarado Ballroom BC	<b>Hot Issues in Water Law</b> Moderator: Anthony Schutz, University of Nebraska College of Law Speakers: “ <i>Water Rights and Regulatory Takings</i> ,” Jesse J. Richardson, West Virginia University College of Law Speakers: “ <i>United States’ Claims in Texas v. New Mexico</i> ,” Tessa T. Davidson, Davidson Law Firm, Corrales, NM “ <i>Uncharted Waters - EPA’s proposed new definition of “Waters of the U.S.”</i> ” Elizabeth Haws Connally, Earl & Connally PLLC, San Antonio, TX	<b>4A</b>
Alvarado Ballroom A	<b>Top 10 Things an Agricultural Lawyer Should Know</b> Moderator: Ray Starling, Office of the Speaker, North Carolina House of Representatives Speakers: Drew Kershen, University of Oklahoma College of Law Justin Schneider, Indiana Farm Bureau, Indianapolis, IN Tim Bernasek, Dunn Carney Allen Higgins & Tongue LLP, Portland, OR	<b>4B</b>
Alvarado Ballroom GH	<b>Ethics</b> “ <i>Legal Ethics in the 21st Century – Electronic Media and the Seven Deadly Sins or Is Everything Old New Again?</i> ” David Stout, University of New Mexico School of Law	<b>4C</b>

Alvarado Ballroom F	<b>Legal and Finance Issues in the Production, Marketing and Sale of Marijuana</b> Moderator: Jeffrey A. Peterson, Gray Plant Mooty, St Cloud, MN Speakers: Rocco I. Debitetto, Hahn Loeser & Parks LLP, Cleveland, OH Derek J. Connor, Connor & Connor PLLC, Henderson, NV Amanda N. Connor, Connor & Connor PLLC, Henderson, NV	4D
3:00-3:20 pm	<b>Ice Cream and Coffee Break</b> <b>Sponsored by Beving, Swanson &amp; Forrest P.C., Des Moines, Iowa</b> <b>East Atrium</b>	
<b>3:20 – 5 pm</b>	<b>Concurrent Session</b>	<b>Session 5</b>
Alvarado Ballroom BC	<b>Emerging Issues for Surface Landowners Amidst the Drilling Boom: Advice for Landowners and Practice Tips</b> Moderator: Tiffany Dowell, Texas A&M AgriLife Extension Service, Amarillo, TX Speakers: Brent Hamilton, Brady & Hamilton LLP, Lubbock TX Ross H. Pifer, The Penn State Dickinson School of Law	5A
Alvarado Ballroom A	<b>Transferring the Farm: Estate Planning Issues</b> Moderator: Thomas Lawler, Lawler & Swanson PLC, Parkersburg, IA Speakers: <i>"State Estate Tax Developments,"</i> Amy Swanson, Lawler & Swanson, PLC, Parkersburg, IA <i>"Anatomy of an Agricultural Client's Estate Plan,"</i> Sally D. Babbitt, Lasky Fifarek, PC, Lansing, MI <i>"Family Farm Purchase Agreements,"</i> Ross Bruch, Saul Ewing LLP, Philadelphia, PA	5B
Alvarado Ballroom GH	<b>Anatomy of a Food Recall</b> Moderator: Peter "Fritz" Kriete, McNees Wallace & Nurick LLC, Harrisburg, PA Speakers : <i>"Anatomy of a Food Recall"</i> , Robert J. Silver, New Mexico State Univ. and Food Sentry LLC <i>"Food Recalls from the Attorney's Perspective"</i> Brian C. Buescher, Kutak Rock LLP, Omaha NE <i>"Food Contamination: Will Your Insurance Cover You?"</i> Michael R. Kelley, McNees Wallace & Nurick LLC, Harrisburg, PA	5C
Alvarado Ballroom F	<b>Crop Insurance 101: Litigation Basics &amp; Suggestions for a New Practitioner</b> Moderator and Speaker: Harrison Pittman, National Agricultural Law Center, Fayetteville, Arkansas Speakers: Grant Ballard, Banks Law Firm, PLLC, Little Rock, AR Amanda M. Urbanek, Deputy Assistant Director, USDA-National Appeals Division Southern Region, Cordova, TN David A. Burt, Hawkins, Hawkins & Burt, LLP, Daytona Beach, FL	5D
<b>5:00 – 6:00 pm</b> <b>Social Reception at Hotel</b> <b>South Portal</b> <b>(outside on the Patio)</b>		

**5:30 p.m.**

**Optional Sandia Mountain Social**

(For those who registered and prepayed in advance.)

**Shuttles will depart the hotel lobby at**

**5:30, 6:00 and 6:30 p.m. on Monday.**

**Return shuttles to the hotel will depart Sandiagio’s  
at approximately 8:45, 9:15 and 9:45 p.m.**

Sponsored By:

Protect Americans Now • New Mexico Farm & Livestock Bureau  
Dairy Producers of New Mexico • New Mexico Cattle Growers’ Association  
Western Agriculture, Resources and Business Advocates

**Tuesday morning, October 21**

7:00—8:15 am

**Continental Breakfast - East Atrium  
Discussion Groups (meet in Alvarado Ballroom D)  
Academia, NGOs, Private Practice, and Government**

**8:30 – 10 am**

**Concurrent Session**

**Session 6**

<p>Alvarado Ballroom A</p>	<p><b>Litigation Driven by Conflict Organizations and the Effects on Western Agriculture</b>  Moderator: A. Blair Dunn, Western Agriculture, Resources, and Business Advocates, Albuquerque, NM  Speakers: <i>“Endangered Species Act Overview and Litigation (Effects of Sue and Settle)”</i>, Karen Budd-Falen, The Budd Falen Law Firm, Cheyenne, Wyoming  <i>“NEPA Litigation and Impacts to Landowners and Agriculture”</i>, Anthony Francois, Pacific Legal Foundation, Sacramento, CA  <i>“Foie Gras Litigation/Animal Welfare and Animal Rights Litigation”</i>, Michael Tenenbaum, Santa Monica, CA</p>	<p>6A</p>
<p>Alvarado Ballroom F</p>	<p><b>Labor Law Enforcement on the Farm</b>  Moderator: Paul Goeringer, University of Maryland, College Park, MD  Speakers: <i>“Immigration Enforcement Issues in Agriculture”</i>, Michael Coles, The Coles Firm P.C., Dallas, TX  <i>“OSHA Compliance Initiatives and Farm Safety”</i>, Kristi Kress Wilhelmy, Barrett, Easterday, Cunningham &amp; Eselgroth, LLP, Dublin, OH</p>	<p>6B</p>
<p>Alvarado Ballroom BC</p>	<p><b>Livestock Law – Issues for Today and Tomorrow</b>  Moderator: Shannon Ferrell, Oklahoma State University  Speakers: <i>“Drought Impacts and Planning the Future of the Family Ranch”</i>, Derrell Peel, Oklahoma State University  <i>“‘Humanely Raised’ Labeling: What Does it Mean for Processors?”</i> Elizabeth R. Rumley, National Agricultural Law Center, Fayetteville, AR  <i>“Alt v. EPA: Today’s Clean Water Act and Livestock Production”</i>, Anthony Schutz, University of Nebraska College of Law</p>	<p>6C</p>

Alvarado Ballroom GH	<b>Drafting and Negotiating Agricultural Leases: Issues and Insights</b> Moderator: Peggy Kirk Hall, Ohio State University Speakers: “ <i>Variable Price Leases in the Corn Belt</i> ”, Brent Haden, Haden & Byrne, Columbia, MO “ <i>Flexible Cash Rent Leases and Long Term Development Leases</i> ”, Tim Kelleher, Rice Lawyers, Inc., Yuba City, CA “ <i>Cows and Guns: Interesting Terms in Grazing and Hunting Leases</i> ”, Tiffany Dowell, Texas A&M AgriLife Extension Service, Amarillo, TX	6D
<b>10:00 – 10:20 am    Networking Break East Atrium</b>		
<b>10:20 – 11:40 am    Concurrent Session    Session 7</b>		
Alvarado Ballroom GH	<b>Fracking</b> Moderator: Ross H. Pifer, The Penn State Dickinson School of Law Speakers: John B. Holden, Jackson Walker LLP, Dallas, TX Jim Griswold, Director, Environmental Bureau, State of New Mexico Oil Conservation Division “ <i>Incorporation of Best Management Practices into Hydraulic Fracturing Regulations</i> ” Terry Centner, University of Georgia Agricultural and Applied Economics	7A
Alvarado Ballroom BC	<b>Food Safety – Impact of Food Safety Modernization Act</b> Moderator: David Barrett, Barrett, Easterday, Cunningham & Eselgroth, Dublin, OH Speakers: Larry Dominguez, New Mexico Department of Agriculture, Las Cruces NM David Fairfield, National Grain and Feed Association, Washington DC Hank Giclas, Western Growers Association, Irvine CA	7B
Alvarado Ballroom F	<b>The Affordable Care Act Down on the Farm</b> Moderator: Ray Starling, Office of the Speaker, North Carolina House of Representatives Speakers: Philip E. Harris, University of Wisconsin Jim Wimberly, Wimberly, Lawson, Steckel, Schneider & Stine PC, Atlanta GA	7C
<b>11:45 am – 12:15 pm    AALA Annual Awards Presentation and Business Meeting Alvarado Ballroom D</b>		
<b>12:15 – 1:15 pm    Networking Lunch Alvarado Ballroom E</b>		

1:15 – 2:30 pm		Concurrent Session	Session 8
Alvarado Ballroom GH	<p><b>Pesticide Drift and GMO Tolerances</b></p> <p>Moderator: Thomas Parker Redick, Global Environmental Ethics Counsel (GEEC), LLC, Clayton, MO</p> <p>Speakers: Martha Noble, formerly of National Sustainable Agriculture Coalition, Huntingdon PA</p> <p>William Chaney, Gray Reed &amp; McGraw, P.C. Dallas, TX</p> <p>Theodore A. Feitshans, North Carolina State University</p> <p>Gene Summerlin, Husch Blackwell LLP, Lincoln, NE</p>		8A
Alvarado Ballroom F	<p><b>Representing Local Food Clients</b></p> <p>Moderator: Derrick Braaten, Baumstark Braaten Law Partners, Bismarck, ND</p> <p>Speakers: <i>“Update on the Farm Bill,”</i> Marne Coit, Northeast Organic Farming Association of New York, Rochester NY</p> <p><i>“Update on Food Safety Modernization Act,”</i> Sophia Kruszewski, National Sustainable Agriculture Coalition, Washington, DC</p> <p><i>“Business Agreements for Community Supported Agriculture,”</i> Rachel Armstrong, Farm Commons, Madison WI</p>		8B
Alvarado Ballroom BC	<p><b>Alternative Billing Arrangements – How to Be Paid</b></p> <p>Moderator: Cari Rincker, Rincker Law PLLC, New York City, NY</p> <p>Speakers:</p> <p>Robert Moore, Wright &amp; Moore, Dublin, OH</p> <p>Allen Olson, Olson Law Firm, Albany, GA</p>		8C
2:45 – 3:45 pm		General Session	Session 9
<b>Alvarado Ballroom D</b>			
<p><b>Ethics:</b> <i>“To Disclose or Not to Disclose: When Rule 1.6 Can Make You Sick - Ethics and Duties Down on The Farm”</i></p> <p>L. Leon Geyer, Virginia Tech University, Speaker and Moderator</p> <p>Speakers: Stephen Guardipee, Charlotte School of Law</p> <p>John Dillard, Olsson, Frank, Weeda, Terman, Matz PC, Washington, DC</p> <p>Thomas Lawler, Lawler &amp; Swanson, PLC, Parkersburg, IA</p>			
3:45 pm		<b>Adjourn</b>	
<p><b>See you for the 2015 AALA Annual Educational Symposium</b></p> <p><b>in Charleston, South Carolina – Wednesday, October 21- Friday, October 23, 2015</b></p>			

