

Thursday, October 6, 2016**2:30 p.m. – 5:00p.m. Stockyards CLE; Consecutive Breakout Sessions (30 minutes each)****Moderator:** *Chelsea Good; Livestock Marketing Association***Proving Liability for Toxic Feed and Water****Speaker:** *Eldon McAfee; Brick Gentry, P.C. (Iowa)*

The presenter will explore issues in negotiating and trying cases involving feed and water toxicity claims, including negotiation with insurance companies for the feed provider. The focus will be on the affected livestock producer and the necessary evidence and expert witnesses to prove compensatory damages, including future damages for loss of business income.

Avoiding Double Payment: Section 1631 Issues in Livestock Transactions**Speaker:** *Drew Kershen; University of Oklahoma*

The presenter will discuss the most common and the most significant issues arising under Section 1631 in livestock transactions when a secured party attempts to enforce a security interest against a livestock auction or a buyer of livestock. Section 1631 became federal law in 1987 with the goal of reducing “double payment” by buyers and commission merchants of farm products (crops and livestock).

Much of the case law generated by Section 1631 involves auction houses and the sale of livestock by owners who have used the livestock as collateral (secured property) for loans to lenders. When the owner pockets the money, lenders have attempted to recoup the loan (secured interest) against the commission merchant (livestock auction) or a buyer of the livestock.

Survey of Packers and Stockyards Issues**Speaker:** *Ernie Van Hooser; Van Hooser & Eftink, P.C. (Missouri)*

This session will explore trends of current issues in implementation of the Packers and Stockyards Act, including issues that have become the focus of enforcement by the Grain Inspection, Packers and Stockyards Administration.

Conducting Online Auctions**Speaker:** *David Barrett; Barrett, Easterday, Cunningham & Eselgroth (Ohio)*

Livestock are routinely sold via online auctions. This session will focus on how to properly conduct an auction to comply with legal requirements and reduce the opportunity that a sale will be invalid or result in claims against the business conducting the auction.

Veterinary Feed Directive**Speaker:** *Cari Rincker; Rincker Law, PLLC (New York/Illinois)*

This session will explore the recent changes in the rules for the administration of drugs to animals through feed and water. Specifically, the presenter will discuss the veterinarian-client-patient relationships, the legal requirements for the veterinarian feed directive, and record keeping requirements.

Friday, October 7, 2016**8:50 a.m. – 9:50a.m. Session #1: Ag Law Updates****Ag Finance****Speaker:** *Jeff Peterson; Gray Plant Mooty (Minnesota)*

This session will be a discussion of recent agricultural finance cases under Revised Article 9 (secured transactions), Article 2 (sale of goods), state fraudulent transfer, exemption and insolvency statutes and bankruptcy. The presentation will highlight trends in agricultural finance law.

Tax Law**Speaker:** *Philip Harris; University of Wisconsin-Madison*

The tax law update will provide a brief overview of the main changes in law and updates from litigation in the area of tax law applicable to agriculture.

Food Law

Speaker: Susan Schneider; University of Arkansas School of Law

The food law update will provide a brief overview of the main changes in law and updates from litigation in the area of food law. In addition, it will explore new trends in food issues to identify areas that may become important to ag law practitioners.

10:05 a.m. – 11:05 a.m. Session 2: Ag Law Updates (Continued)

Environmental Law

Speaker: Anthony Schutz; University of Nebraska College of Law

The environmental law update will provide a brief overview of the main changes in law and updates from litigation in the area of environmental law that will have an impact on production agriculture.

Land Use

Speaker: Jesse Richardson; West Virginia University College of Law

The land use law update will provide a brief overview of the main changes in law and updates from litigation related to property law, including restrictions on ownership and transfer, easements, and planning and zoning.

Farm Bill

Speaker: David Grahn (Washington, D.C.)

The farm bill session will explore issues in administering the current farm bill and identify pending challenges in the development of the next farm bill.

11:25 a.m. – 12:10 p.m. Session #3: Keynote Speaker

Michael Swanson Ph.D., Ag Economist-Sr. Vice President; Wells Fargo N.A.

The keynote session will focus on the current state of the farm and agricultural economy, and what that means for attorneys who are representing farmers and agribusinesses under those current conditions. In addition, speculation abounds about what the Brexit will mean for US agriculture. This presentation will shed some light on the potential ramifications for the ag economy following the vote and the subsequent British pull out of the European Union. Ag attorneys will have a better understanding of potential challenges in representing agricultural clients in a potentially tough economic climate.

1:25 p.m. – 2:55 p.m. Session #4: Concurrent Breakouts

Farm Labor Matters (Session 4A)

Moderator: Marisa Bocci; K & L Gates (Oregon)

Speakers: J. Larry Stine; Wimberly, Lawson Steckel, Schneider & Stine (Georgia)
Ronald H. Barsamian; Barsamian & Moody (California)

This session will help attorneys understand how to identify issues relating to H2A and H2B labor. It will also explore concerns for farm labor contractors. Presenters will also discuss joint employee liability for farm operators and landlords, labor camp leases and FLSA violations.

Track: Practitioners: In-House / Institutional, Practitioners: Small Rural

Criminal Liability for Food Safety Violations (Session 4B)

Moderator: Caitlin Anderson; McKee, Voorhees & Sease, PLC (Iowa)

Speakers: Molly Brewer; Tatum & Atkinson, Texas A&M-Commerce (North Carolina)
Stu Dorman; Dorman, Lustgarten & Troja, PC LLO (Nebraska)
Matt Jones; Validus (Iowa)

Although Federal criminal charges for food safety violations is not new and predates FSMA, the U.S. Department of Justice has shown new interest to bring these prosecutions. This session will explore recent case law, strict criminal liability, practical aspects of representing clients in these matters, and the role of third party audits in reducing exposure to criminal liability.

Track: Food, Practitioner: In-House / Institutional, Practitioner: Small Rural, Policy

A Changing Farm Economy: Agricultural Bankruptcies (Session 4C)

Moderator: Jeff Peterson; Gray Plant Mooty (Minnesota)

Speakers: Ed Nazar; Hinkle Law Firm, LLC (Kansas)
Dan W. Forker, Jr; Forker, Suter, Robinson and Bell, LLC (Kansas)
G. Blaine Schwabe, III; GableGotwals (Oklahoma)

With agricultural commodity prices continuing to decline (and with no prospect for improvement in 2017), agricultural producers are experiencing financial hardship. This session will examine legal options for agricultural producers – including debt restructuring, bankruptcy reorganization and liquidation. The panel consists of experienced attorneys who have represented agricultural producers, secured creditors, landlords, equipment leasing companies and unsecured creditors and will provide a practical insight into restructuring agricultural farming operations.

Track: Practitioner: Small Rural, Practitioner: In-House / Institutional

How Do Private Conservation and Sustainability Initiatives Impact Farmers? (Session 4D)

Moderator: Derrick Braaten; Baumstark Braaten Law Partners (North Dakota)

Speakers: Neil Hamilton; Drake University Law School (Iowa)
Doug Spanier; Minnesota Department of Agriculture

This session will examine the range of “private conservation initiatives” (PCI) being used by U.S. food companies to encourage farmer adoption of practices designed to improve environmental performance and to market consumer products as being more sustainably grown. The session will consider why they are being developed, how they operate, what they mean for participating farmers, and what attorneys should know. The session will discuss examples of PCI in use; offer a taxonomy to identify key characteristics and differences; and consider how the terms and contracts used in PCI compare to public conservation programs, such as USDA’s Conservation Stewardship Program (CSP).

Track: Policy, Practitioner: Small Rural, Practitioner: In-House / Institutional

3:10 p.m. – 4:10 p.m. Session #5: Concurrent Breakouts

60 Tips in 60 Minutes: Law Office Management (Ethics) (Session 5A)

Moderator: Drew Kershen; University of Oklahoma

Speakers: Darla Jackson; Oklahoma Bar Association

Operating a law practice is a challenging endeavor, especially in maintaining compliance with the rules of professional conduct. This session will provide a highlight of common pitfalls and steps attorneys can take to meet the professional responsibility required of them.

Track: Practitioner: In-House / Institutional, Practitioner: Small Rural, New Attorney

Managing the Liability Risks of GMO Products (Session 5B)

Moderator: Kim Bousquet; Thompson Coburn, LLP (Missouri)

Speaker: Thomas Redick; Global Environmental Ethics Counsel, LLC (Missouri)
Chris Hohn; Thompson Coburn, LLP (Missouri)
Gene Summerlin; Husch Blackwell, LLP (Nebraska)

This panel will discuss the liability risks associated with introduction of new genetically modified seed varieties, lacking approval in one or more major U.S. export markets, into the U.S. grain supply. The panel will also discuss options available to grain handlers, seed developers, and other entities in the supply chain for mitigating against these risks, including identity preservation, stewardship agreements with growers, and implementing stewardship protocols throughout the value chain.

Track: Practitioner: In-House / Institutional, Practitioner: Small Rural, Policy

Agricultural Antitrust: Cases and Issues (Session 5C)

Moderator: Joe Miller; Rose Acre Farms (Indiana)

Speakers: John Monica; Porter Wright Morris & Arthur, LLP (Washington, D.C.)
James Pizzirusso; Hausfield, LLP (Washington, D.C.)

Antitrust cases have been brought against numerous sectors of agriculture, from dairy to potatoes and a lot in between. The issues raised in the various cases and why each sector was picked will be discussed. What other agricultural sectors may do to protect themselves against such actions will be explored. What an attorney should do if their client tells them they are part of an antitrust lawsuit will also be presented.

Track: Policy, Practitioner: In-House / Institutional

4:20 p.m. – 5:50 p.m. Session #6: Concurrent Breakouts

Mergers and Acquisitions: When the Farm or Agribusiness Are Up for Sale (Session 6A)

Moderator: Marisa Bocci; K&L Gates, LLP

Speakers: Marisa Bocci; K&L Gates, LLP (Oregon)
Joel McKie; Hall Booth Smith (Georgia)

This session will focus on the key terms of the deal to consider and the due diligence which must be completed when buying or selling the privately held farm, packing house or agribusiness operation.

Track: Practitioner: In-House / Institutional, Practitioner: Small Rural

Recent Changes in Food Law: Regulation, Litigation and Legislative Updates (Session 6B)

Moderator: Alli Condra; Davis Wright Tremaine, LLP

Speakers: Alli Condra; Davis Wright Tremaine, LLP (Oregon)
Kim Bousquet; Thompson Coburn (Missouri)

In the past few years there have been significant changes and proposed changes in the food law field, including to nutrition labels, menu labels, food label claims (like GMO and natural), and health and nutrient content claims (such as the recent sodium labeling ordinance in New York City). This panel will discuss the myriad changes happening in the realm of food labeling, focusing on how to counsel clients in this changing environment.

Track: Food, Policy

Family Dynamics in Estate Planning (Session 6C)

Moderator: Derrick Davies; Ferrell & Davies (Oklahoma)

Speaker: Sally Babbitt; Babbit Legal Group (Michigan)

Estate planning attorneys and probate litigators work with clients on their succession plans under controlled circumstances (the parent generation is still alive and in control), as well as with the children of the farmers after the parent generation has passed. In both situations, conflicts arise. Understanding the family dynamics of the client is critical in a successful plan. While most parents imagine their children living in peace with each other after they are gone, often parents miss the red flags that conflict will arise. Learn how to spot and avoid potential challenges after the parents' deaths.

Track: Practitioner: Small Rural

Reinterpretation of the Clean Water Act (Session 6D)

Moderator: *Harrison Pittman; National Agricultural Law Center (Arkansas)*

Speakers: *Paul Beard; Alston & Bird (California)*
Chris Gruenhagen; Iowa Farm Bureau

The first presenter will focus on three different strategies being used by federal agencies to expand their powers under the Clean Water Act in ways that are especially impactful to the ag community: (1) by expanding their regulatory power (through the WOTUS Rule); (2) by fighting to close the courthouse doors on judicial review of Jurisdictional Determinations (of wetlands); and (3) by usurping the traditional authority of municipalities over land-use decision-making. Each of these strategies will be discussed in the context of pending (or recently ended) litigation.

The second presentation will focus on the Des Moines Waterworks case and its substantive issues and any recent rulings.

Track: *Policy, Practitioner: Small Rural, Practitioner: In-House / Institutional*

Saturday, October 8, 2016

8:30 a.m. – 10:00 a.m. Session #7: Concurrent Breakouts

Advising Clients on Animal Feed Issues: The FSMA Animal Food Rule (Session 7A)

Moderator: *John Dillard; Olsson Frank Weeda Terman Matz, PC*

Speakers: *John Dillard; Olsson Frank Weeda Terman Matz, PC (Washington, D.C.)*
Diane Romza-Kutz; Thompson Coburn, LLP (Illinois)

The FSMA Animal Food Rule will impact thousands of feed mills across the country – and the deadline for compliance is quickly approaching. The program will start with a general overview of the CGMP and preventive control requirements, as well as compliance deadlines. This will be followed by a review of some of the special considerations for livestock/poultry feed. The program will conclude with a discussion of how FSMA will impact pet food manufacturers and ingredient suppliers.

Track: *Practitioner: In-House / Institutional, Practitioner: Small Rural, Policy, Food*

American Indian Legal Issues in Food and Agriculture (Session 7B)

Moderator: *Janie Simms Hipp; University of Arkansas School of Law*

Speakers: *Erin Shirl Parker; University of Arkansas*
Joel Williams; Native American Rights Fund

The session will focus on the unique legal environment surrounding Tribal governments and their relationships with food, agriculture, natural resources, and the environment. The speakers will first discuss the general principles of Tribal Sovereignty (Williams), followed by perspectives from the nation's largest American Indian Tribe whose jurisdiction covers over 14 counties in Northeastern Oklahoma. The last speaker will discuss food access and food sovereignty. Finally, the session moderator will share the efforts of all speakers as part of a national intertribal model food and agriculture code development project currently underway at the Indigenous Food and Agriculture Initiative.

Track: *Food, Policy*

Oil and Gas Law: View from Practitioners Serving Surface and Mineral Owners (Session 7C)

Moderator: *Ross Pifer; Penn State University; Dickinson School of Law (Pennsylvania)*

Speakers: *Joe Fitzsimons; Uhl, Fitzsimons, Jewett & Burton, PLLC (Texas)*
Jared Boehs; Cutter Energy, LLC (Oklahoma)

This session will discuss issues in oil and gas law pertinent to mineral owners and surface owners, with a focus on farmers, ranchers, and other individuals who own land impacted by oil development. The session will cover common legal issues and new directions in energy law that are of particular significance to individuals with property interests impacted by oil and gas development, and the practitioners who represent them.

Track: *Practitioner: Small Rural, Practitioner: In-House / Institutional*

Making the Firm Happen (Session 7D)

Moderator: James Decker; Shahan Guevara Decker Arrott

Speakers: James Decker; Shahan Guevara Decker Arrott (Texas)
Jerry Foxhoven; Drake University Law School (Iowa)
James Bradbury; James D. Bradbury, PLLC (Texas)

Upon hanging a shingle, many new attorneys are left wondering how to bring in clients and operate their law practice. This session will be presented by an individual who provides guidance to aspiring attorneys on what it takes to establish themselves in the legal profession, as well as two attorneys who have recent experience in setting up a small firm ag law practice. Attendees will have a better understanding of what it takes to build a client base and manage a law practice.

Track: New Attorney

10:15 a.m. – 11:45 a.m. Session #8: Concurrent Breakouts

Ag Security Interests: Lender and Landlord Perspectives (Session 8A)

Moderator: Tyler Buswell; Kirton McConkie (Utah)

Speakers: Stephanie E. Kaiser; Puls Haney Kaiser, PLLC (Texas)
Margaret Westbrook; K&L Gates (North Carolina)
Jessica Fyre; Ag Country Farm Credit Services (North Dakota)

This session is intended to be a lively panel discussion between lender and landlord attorneys on key agricultural security interest issues, including, UCC security interests, Food Security Act, PACA, crop insurance, landlord and other specialized agricultural liens.

Track: Practitioner: In-House / Institutional, Practitioner: Small Rural

The Science and Law of Genetic Engineering (Session 8B)

Moderator: Josh Trenary; Indiana Pork Producers

Speakers: Peter Goldsbrough; Purdue University (Indiana)
Alison Peck; West Virginia University

An attorney and a scientist will give a technical/legal review of how existing biotechnology practices fit into a flawed regulatory landscape. With this background, the speakers will then turn to new and emerging technologies to explain both what they are from a technical standpoint and the challenges that exist in trying to fit them into the current regulatory construct.

Track: Policy, Food

Stepping Up Your Legislative and Regulatory Advocacy (Session 8C)

Moderator: Cort Jensen; Montana Department of Agriculture

Speakers: Ray Starling; Office of NC Senator Thom Tillis (Washington, D.C.)
Dr. Rod Hall; Oklahoma Dept. of Agriculture
Jake Parker; North Carolina Farm Bureau
Skye McNeil; Oklahoma Association of Career and Technology Education

This session will provide practical tips for how to phrase comments to get a state or federal agency to modify a proposed regulation, rule, or policy. This could be done through the lens of a current program like FMSA or the New EPA Pesticide Training requirements.

Track: Policy, Practitioner: In-House / Institutional

When the Client Walks Through the Door (Session 8D)**Moderator:** *Tim Bernasek; Dunn Carney Allen Higgins & Tongue, LLP***Speakers:** *Tim Bernasek; Dunn Carney Allen Higgins & Tongue, LLP (Oregon)*
Anne Foster; Dunn Carney Allen Higgins & Tongue, LLP (Oregon)

This session is targeted to new attorneys, those new to litigation, or those needing a refresher on litigation strategies. It will provide tips on litigating an ag case from both the plaintiff and defense perspective.

Track: *New Attorney, Practitioner: Small Rural***1:15 p.m. – 2:15 p.m. Session #9: Concurrent Breakouts****Key Terms in Ag Leases (Session 9A)****Moderator:** *Paul Goeringer; University of Maryland***Speakers:** *Tyler Buswell; Kirton McConkie (Utah)*
Whitney Ivey; Adams Ivey (North Carolina)

This session will present the key terms in agricultural leases, with an emphasis in permanent plantings, which are typically the most complex of agricultural leases. Certain key lease issues that will be discussed include the following: definition of premises, term, extensions, early termination, rent structure, insurance, rights in crops and trees at termination, security issues, intellectual property of proprietary varieties, water use, and hazardous materials.

Track: *Practitioner: In-House / Institutional, Policy, Practitioner: Small Rural***Advising Food and Farm Start-ups (Session 9B)****Moderator:** *Alli Condra; Davis Wright Tremaine, LLP (Oregon)***Speakers:** *Andy Frame; Adams and Reese, LLP (Mississippi)*
Rachel Armstrong; Farm Commons (Minnesota)

What are the most essential pieces of legal advice lawyers can give to food and farm startups? Should the company focus on supply agreements, trademarks, business formation issues, consulting agreements, co-packing agreements, food safety, labeling, etc. Startup companies often have limited resources (both monetary and otherwise), so determining which legal issues are most critical to address early on is important. This panel will discuss the opportunities and challenges faced when advising start-ups, as well as recommendations for practitioners.

Track: *Food, Practitioner: Small Rural, Practitioner: In-House / Institutional***Data on the Farm (Session 9C)****Moderator:** *Shannon Ferrell; Oklahoma State University***Speakers:** *Shannon Ferrell; Oklahoma State University*
Terry Griffin; Kansas State University

This session will focus on practical questions and issues such as trespass claims, how clients can have bargaining power to negotiate contracts, what the drones and data might really be useful for, and how this info may impact lease agreements.

Track: *Practitioner: Small Rural, Policy***2:30 p.m. – 3:30 p.m. Session #10: Conflicts—Dealing with Multiparty Issues (Ethics)****Moderator:** *David Waggoner; The Waggoner Law Firm***Speakers:** *Amber Miller; Crenshaw, Dupree & Milam, LLP (Texas)*
David Waggoner; The Waggoner Law Firm (Texas)

Beyond the easy-to-understand and fundamental principle that a lawyer may not represent opposing parties in litigation, other situations may arise for rural and agricultural law practitioners that present a conflict. This session will focus on the Model Rules governing conflicts, give some examples of what not to do, and provide some sample forms for use or discussion.