History and Elements of Farm Nuisance Litigation in North Carolina

Andrew Branan, JD
Extension Assistant Professor, Agricultural and Resource Economics
North Carolina State University

I. Scope

This outline summarizes the common law basis for nuisance litigation against combined animal feeding operations ("CAFOs") in North Carolina and elsewhere, as well as North Carolina's Right to Farm law designed to inoculate such operations against nuisance lawsuits.

II. Introduction

The recent series of nuisance cases filed by rural North Carolina residents against the pork product producer Murphy-Brown, LLC - a subsidiary of Smithfield Foods - comes as a fever-break after decades of tension regarding the system which has transformed pork products - notably bacon and BBQ - into an available and affordable staple for many Americans. The catastrophic failure of several lagoon in 1995, and again after Hurricane Floyd in 1999, exposed the vulnerability of animals housed in and waste systems supporting hog farms in eastern North Carolina. These events brought public and political attention to the study of these operations and their potential impact on surface and groundwater systems. As seen below, there has been a history of regulatory efforts regarding waste management regulation and growing litigation pressure concerning swine farms.

There are a number of perspectives on the Smithfield cases. From a conventional farming perspective - broadly those farmers who generally produce and sell their products at scale through a broad distribution system - the cases represent an unscrupulous attack on America's family farm by lawyers seeking profit. Likewise, many view the litigation as an attack on Eastern North Carolina's agriculturally-dependent economy, of which hog production comprises a sizeable part, and an unlawful judicial bypass of public policy legislated to protect farm operations of all kinds. Indeed there is increasing concern that the strategy of bypassing the contract grower and deploying common law nuisance directly against the system integrator will be brought to poultry integration systems as well.

Others view the verdicts through a lens of justice delayed but now served. There are those producer and advocate participants in the economically smaller direct-to-consumer farming sector who support policies and systems geared to consumer access to locally-produced food produced under environmentally sustainable farming practices. This camp generally views the cases and resulting verdicts as a dent in the consolidation of pork production that has driven out smaller farmers, as well as an assault on a system deemed cruel to animals.

Environmentalists see vindication in the use of the common law to halt an inadequately-regulated industrial-scale production system that fails to internalize negative environmental externalities. And then there are those that view the cases from an "environmental justice" perspective, who have long decried the placement of production facilities in communities of color and who themselves have borne the brunt

of these externalities without the economic or political power to stop their perceived affronts to the environmental health of their community.

III. Background on Swine Production Systems

After Iowa, North Carolina is the largest producer of hogs in the United States, accounting for $2,873,988,000 in sales, or nearly a quarter of North Carolina's total agricultural output. The majority of hogs - numbering 8,901,434 according to the recently-released 2018 Agriculture census - are raised under a system comprised of independently owned and operated farms who agree by contract to raise the hogs under the specifications of a processing company, which manages the logistics of an integrated region-wide network of live hogs to packaged product. The contracts are in the nature of service contracts, as the processor - often referred to as an "integrator" - supplies and retains ownership of the hogs throughout their growth cycle, primarily to control genetics that result in a uniform and consumer-tested product. The grower contract specifications include building sizes and design, as well as year-round climate control and watering requirements. The feed mixture is also supplied by the integrator and delivered to the farmer-operator according to schedule. Construction of buildings to house the hogs is financed by the farmer-operator, often using their land holdings as collateral. In North Carolina, the majority of such farms - and all involved in the recent litigation - are on contract with Murphy Brown, LLC, a subsidiary of Smithfield Foods.

Though variable, a typical hog barn in a "farrow to finish" (baby pig to slaughter weight) operation measures about 10,000 square feet and can house 1200 hogs, who remain in the barn for an average of 170 days until suitable weight for slaughter (from approximately 20lbs to 200+ lbs.). Barns are generally clustered in a group of four or eight. During their barn residency the hogs' feces and urine fall through slatted floors - raised a few feet above a ground level concrete slab - which then drain to a holding pond known as a lagoon. Lagoons are typically 1-5 acres and 15-20 feet deep. Each hog produces approximately 15 pounds of waste per day, or about 10 billion gallons per year across NC's hog inventory. Waste from the lagoon is then piped over a distance to spigots which spray - much like a water irrigation sprinkler - the liquid waste on fields of fescue grass or other row crops which are called "sprayfields." The contract with the integrator places waste management responsibility on the contract grower, who pays the cost of the waste management system and secures the relevant permits from state Department of Environmental Quality for its operation.

The system can be viewed as efficient for production, in that indoor housing reduces predation upon and escape of hogs, who are also quarantined from contact with other potentially disease carrying species. Indoor housing keeps the hogs available for quick medical evaluation and care during their life cycle. Also, given the pastoral requirements per pig in an open system, the indoor system requires less land so that other land can be devoted to crop production, and given the damage pigs shortly do to any pastured area, can be viewed as a tradeoff against managing waste as non-point source runoff.

IV. Legal Basis for Lawsuits: Overview of Common Law Nuisance

A. Generally

1. In general, nuisance is "that activity which arises from unreasonable, unwarranted or unlawful use by a person of his own property, working obstruction or injury to the right of another, or to the public, and producing such material annoyance, inconvenience and discomfort that law will presume resulting damage", Black's Law Dictionary (7th ed.)

2. General elements of nuisance action: (Restatement [Second] of Torts §822)

   a) [landowner's] conduct is a legal cause of an invasion of another's interest in the private use and enjoyment of land, and

   b) the invasion is either

      i. Intentional or unreasonable, or

      ii. Unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct or for abnormally dangerous conditions or activities

B. The Historical Development of Common Law Nuisance (the Highlights)

1. England 1611: The "First" Environmental Nuisance Case **(***William Alred's Case,* 77 Eng. Rep. 816 [1611])

   a) Court of the King's Bench recognizes "[a]n action on the case lies for erecting a hogstye so near the house of the plaintiff that the air thereof was corrupted."

   b) Court rules that a landowner has "no right to maintain a structure upon his own land, which, by reason of disgusting smells, loud or unusual noises, thick smoke, noxious vapors, the jarring of machinery, or the unwarrantable collection of flies, renders the occupancy of adjoining property dangerous, intolerable, or even uncomfortable to its tenants..."

   c) Courts adopt rule of *Sic utere tuo ut alienum non laedas* (one must use one's property so as not to injure another), considered a strict rule with little room for mitigating factors against existence of legal nuisance

   d) Supported continuing jurisprudence in England that courts *may not* balance the social utility of the activity with the invasion of private property

2. England 1865: Balancing of the Equities (dicta in *St. Helen's Smelting Co. v. Tipping*, 11 Eng. Rep. 1483 (H.L. 1865)

   a) What changed? The Industrial Revolution, concentration of industrial land use, more pollution, and jobs.

b) Though not the actually appellate holding of *St. Helen's Smelting*, judges begin to balance the degree of actual harm v. sensibilities, suggesting the latter fails assessing the neighborhood in which defendant's use brings offense to plaintiff's sensibilities

c) *St. Helen's Smelting*, as evident by the subsequent courts imposing the balancing of utilities doctrine, is seen as the gateway to allow industrialized land users to externalize costs of pollution

d) Generally sustaining a standard of strict liability in finding existence of a nuisance

3. United States, 1850s: Birth of Legislative Authorization Doctrine (*Radcliff's Executors v. Mayor of Brooklyn*, 4 N.Y. 195 (1850)) (developers authorized by the state can be found immune from nuisance liability). Precursor to "Right to Farm"

   a) The *Radcliff* court says "an act done under lawful authority, **if done in a proper manner**, can never subject the party to an action, whatever consequences may follow." (4 N.Y. 195 at 200). Seen as an introduction of a *negligence standard* to finding of a nuisance

   b) After the Civil War, *Losee v. Buchanan*, 51 N.Y. 476 (1873): Court states that *sic utere tuo* is "much modified by the exigencies of the social state. We must have factories, machinery, dams, canals and railroads." (51 N.Y. 476 at 484)

   c) Increasing view that suffering nuisance is part of the social contract, that modernity is compensation for the nuisance

   d) Courts still driven by riparian "reasonable use" doctrine (American Rule) for pollution suffered by downstream riparian landowners

4. United States 1890: Still No Balancing of the Equities (*Susquehanna Fertilizer Co. v. Malone*, 73 Md. 268, 277, 20 A. 900 (1890)).

   a) Some United States courts continue to follow English rule and do not balance the utility of defendant's alleged nuisance with plaintiff's harm. ("The law, in cases of this kind, will not undertake to balance the conveniences, or estimate the difference between the injury sustained by the plaintiff and the loss that may result to the defendant from having its trade and business, as now carried on, found to be a nuisance.") *Susquehanna Fertilizer Co. v. Malone* at 901.

   b) Continuing tension between award of damages for invasion of property right (riparian rights in the event of water pollution)

5. United States 1970: Balancing of the Equities rule established in *Boomer v. Atlantic Cement Co.*, 287 N.Y.S.2d 112 (Sup. Ct. 1967), affd, 294 N.Y.S.2d 452 (N.Y. App. Div. 1968), rev'd, 257 N.E.2d 870 (1970).

a) Disparity of consequences by granting injunction, leads to loss of jobs, but refusing to do so allows invasion of private property rights

b) Compromise in crafting a remedy: balancing test results in injunction until such time defendant can pay plaintiff permanent damages for ongoing operation

6. **United States 20th Century "Modern Rule"**: Balancing of the Equities adopted Restatement (Second) of Torts, §822-831

a) **§ 822. General Rule**. One is subject to liability for a private nuisance if, but only if, his conduct is a legal cause of an invasion of another's interest in the private use and enjoyment of land, and the invasion is either

i. intentional and unreasonable, or

ii. unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct, or for abnormally dangerous conditions or activities.

b) **§ 826. Unreasonableness of Intentional Invasion**. An intentional invasion of another's interest in the use and enjoyment of land is unreasonable if

i. the gravity of the harm outweighs the utility of the actor's conduct, or

ii. the harm caused by the conduct is serious and the financial burden of compensating for this and similar harm to others would not make the continuation of the conduct not feasible.

c) **§ 827. Gravity of Harm--Factors Involved**. In determining the gravity of the harm from an intentional invasion of another's interest in the use and enjoyment of land, the following factors are important:

i. the extent of the harm involved;
ii. the character of the harm involved;
iii. the social value that the law attaches to the type of use or enjoyment invaded;
iv. the suitability of the particular use or enjoyment invaded to the character of the locality; and
v. the burden on the person harmed of avoiding the harm.

d) **§ 828. Utility of Conduct--Factors Involved**. In determining the utility of conduct that causes an intentional invasion of another's interest in the use and enjoyment of land, the following factors are important:

i. the **social value** that the law attaches to the primary purpose of the conduct;
ii. the suitability of the conduct to the character of the **locality**; and
iii. the **impracticability of preventing** or avoiding the invasion.

e) **§ 829. Gravity vs. Utility--Conduct Malicious Or Indecent**. An intentional invasion of another's interest in the use and enjoyment of land is unreasonable if the harm is significant and the actor's conduct is

i. for the sole purpose of causing harm to the other; or
ii. contrary to common standards of decency.

f) **§ 831. Gravity vs. Utility--Conduct Unsuited to Locality**

i. An intentional invasion of another's interest in the use and enjoyment of land is unreasonable if the harm is significant, and
ii. the particular use or enjoyment interfered with is well suited to the character of the locality; and
iii. the actor's conduct is unsuited to the character of that locality.

7. North Carolina: *Morgan v. High Penn Oil Co.*, 238 N.C. 185, 77 S.E.2d 682 (1953). A return to *Sic utere tuo* doctrine?

a) Quoting Benjamin Cardozo: *"Nuisance as a concept of the law has more meanings than one. The primary meaning does not involve the element of negligence as one of its essential factors. One acts sometimes at one's peril. In such circumstances, the duty to desist is absolute whenever conduct, if persisted in, brings damage to another. Illustrations are abundant. One who emits noxious fumes or gases day by day in the running of his factory may be liable to his neighbor though he has taken all available precautions. He is not to do such things at all, whether he is negligent or careful."*

b) "When the evidence is taken in the light most favorable to the plaintiffs, it also suffices to warrant the additional inferences that the High Penn Oil Company intends to operate the oil refinery in the future in the same manner as in the past; that if it is permitted to carry this intent into effect, the High Penn Oil Company will hereafter cast noxious gases and odors onto the nine acres of the plaintiffs with such recurring frequency and in such annoying density as to inflict irreparable injury upon the plaintiffs in the use and enjoyment of their home and their other adjacent properties; and that the issuance of an appropriate injunction is necessary to protect the plaintiffs against the threatened irreparable injury. This being true, the evidence is ample to establish the existence of an abatable private nuisance, entitling the plaintiffs to such mandatory or prohibitory injunctive relief as may be required to prevent the High Penn Oil Company from continuing the nuisance." Morgan v. High Penn Oil Co., 77 S.E.2d 682, 690

C. **Economic Theory of Nuisance**

1. R.H. Coase. Argument that the common law provides clear rules of property rights and liability for affront to those rights, creating a marketplace for financially resolving pollution issues. (see R.H. Coase, The Problem of Social Cost, 3J.L. & Econ. 1 (1960).

2. Calabresi and Melamed: Property Rule vs. Liability Rule: If court awards damages only, the court has granted a property right in plaintiff's property to defendant. If a property right is protected by a property rule, e.g. right of quiet enjoyment, then injunction against polluter is appropriate remedy. If a right is protected by a *liability rule* (i.e. whether the polluter is operating negligently), the law permits the plaintiff property right to be destroyed in exchange for money damages as remedy.[1]

V. Nuisance Cases Against Farm Operations

A. **Generally**

1. In development of trespass jurisprudence, farmers were often the plaintiff against a riparian or airborne polluter (see e.g. *Martin v. Reynolds Metals Co.*, 221 Or. 86, 342 P.2d 790, cert. Denied 362 U.S. 918 (1960))

2. Primary agricultural targets of nuisance litigation nationwide are Confined Animal Feeding Operations (CAFOs), primarily open-air feed lots for beef cattle (not common in North Carolina) or for dairy

3. Courts typically focus on the ***location*** of the farming operation alleged to be a nuisance

4. For pollution of water, location of operation tends to become irrelevant. (See e.g. *Bower v. Hog Builders, Inc.*, 461 S.W.2d 784 (Mo. 1970))

5. For nuisance complaints due to odor, flies and dust, location becomes critical factor in determining the nuisance, with the general rule that plaintiff rural landowners prevail only if complained interference with private property right (to quiet enjoyment) is greater than what landowner would typically experience in a rural area. (see e.g. *Botsch v. Leigh Land Co*. 195 Neb. 509, 239 N.W.2d 481 (1976)

   a) "A rural home and a rural family, within reason, is [sic] entitled to the same relative protection as others. The fact that the residence is in a rural area requires an expectation that it will be subjected to normal rural conditions but not to such

[1] See Guido Calabresi & Douglas Melamed, Property Rules, Liability Rules, and Inalienability: One View of the Cathedral, 85 Harv. L rev. 1089 (1972)

excessive abuse as to destroy the ability to live in and enjoy the home, or reduce the value of the neighboring property." 195 Neb. 509 at 516.

B. Coming to the Nuisance: General

1. "A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard" (often quoted from *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926), case seen as the basis for modern zoning)

2. Coming to the Nuisance: ***Spur Industries v. Del E. Webb Development Co.***, 108 Ariz. 178, 494 P.2d 700 (1972). Landowner purchases land for residential development next to existing feedlot. Arizona Supreme Court requires that Plaintiff compensate feedlot defendant for requirement that defendant permanently shut down feedlot.

3. Restatement (2d) of Torts §840D: Coming to the Nuisance not a bar to recovery: Coming to the nuisance is "not in itself sufficient to bar [plaintiff's] action, but it is a factor to be considered in determining whether the nuisance is actionable."

4. Coming to the Nuisance a Bar to Recovery:

   a) *Dill v. Excel Packing Co.*, 183 Kan. 513, 331 P.2d 539 (1958). Kansas Supreme Court reasons that building a home in an agricultural area with no zoning or restrictive covenants released an expectation that nearby agricultural uses would not lower property values.

   b) *Arbor Theatre Corp. v. Campbell Soup Co.*, 11 Ill. App. 3d 89, 296 N.E.2d 11 (1973). Plaintiff erected a theatre near a mushroom farm that gave off ammonia odor, Court found operation of farm reasonable to the area. (note that this is one of a relative handful of non-CAFO nuisance cases)

5. Coming to the Nuisance Not a Bar to Recovery: *Pendoley v. Ferreira*, 345 Mass. 309, 187 N.E,2d 142 (1963). Swine farm ("piggery") already established in area and later surrounded by residential development is enjoined from operation. Court reasons that injunction of farm operation is economic whereas continuing odor ongoing impact on neighboring property rights.

C. Coming to the Nuisance Defense Codified: North Carolina's Right to Farm Law

1. Right to Farm Laws passed in most states to prevent nuisance suits by residents moving into traditional farming areas, seen as a threat to farmland (Theory: lawsuits encourage farmers to "sell out" which leads to farmland conversion to residential development).

2. Most Right to Farm Laws as written are a codification of the "coming to the nuisance" defense on behalf of the farm operation

3. North Carolina Right to Farm Act NCGS §106-700 *et seq*.
   a) One of the earliest Right to Farm statutes in the nation, passed in 1979, with basic approach that a farm operation cannot become a private (or public) nuisance due to changed conditions in the locality where it is already established and operating for at least one year, or within one year of the farm operation undergoing a substantial change. (This language was largely altered by the 2018 Farm Act response to the Smithfield litigation, see changes below)

   b) Original language: "No agricultural or forestry operation or any of its appurtenances shall be or become a nuisance, private or public, by any changed conditions in or about the locality outside of the operation after the operation has been in operation for more than one year, ***when such operation was not a nuisance at the time the operation began***." NCGS §106-701

   c) Declaration of Policy: "It is the declared policy of the State to conserve and protect and encourage the development and improvement of its agricultural land and forestland for the production of food, fiber, and other products. When other land uses extend into agricultural and forest areas, agricultural and forestry operations often become the subject of nuisance suits. As a result, agricultural and forestry operations are sometimes forced to cease. Many others are discouraged from making investments in farm and forest improvements. It is the purpose of this Article to reduce the loss to the State of its agricultural and forestry resources by limiting the circumstances under which an agricultural or forestry operation may be deemed to be a nuisance." NCGS §106-700

   d) Early Test: *Durham v. Britt*, 117 N.C. App. 250, 451 S.E.2d 1 (1994).

      i. Plaintiff moves to land adjacent to a turkey farm, after such time the turkey farm converts to a swine operation. Defendant invokes §106-701 as a bar to nuisance, and trial court dismisses Plaintiff's claim on summary judgement.

      ii. NC Appeals Court reverses, reasons that Right to Farm statute was not intended to shield from nuisance an operation that undergoes a fundamental change (in other words, poultry farm to swine farm could be considered a fundamental change). ("For example, fundamental change could consist of a significant change in the type of agricultural operation, or a significant change in the hours of the agricultural operation.)

      iii. Court also rejects Defendant argument that, because operation was in compliance with Federal Watershed Protection and Flood Prevention Act, federal law preempts state law common law right to bring a nuisance

e) NCGS §106-701 amended after *Durham v. Britt*:

i. "(a1) The provisions of subsection (a) of this section shall not apply when the plaintiff demonstrates that the agricultural or forestry operation has undergone a fundamental change. For the purposes of subsection (a) of this section, a fundamental change to the operation does not include any of the following:
(1) A change in ownership or size.
(2) An interruption of farming for a period of no more than three years.
(3) Participation in a government-sponsored agricultural program.
(4) Employment of new technology.
(5) A change in the type of agricultural or forestry product produced.

ii. Also added: "(a2) The provisions of subsection (a) of this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural or forestry operation or its appurtenances. (since struck by 2018 Farm Act, see below)"

D. Nuisance Litigation Related to CAFOs in North Carolina

1. *Mayes v. Tabor*, 77 N.C. App. 197, 334 S.E.2d 489 (1985). Owners of summer camp brought nuisance action against hog farmers. The Court of Appeals held that: (1) court erred in denying injunction without balancing utility of hog farm against gravity of harm to summer camp caused by stench from hogs, and (2) action was not barred by statute providing that agricultural operation that was not a nuisance could not become one due to "changed conditions" where camp had existed for 45 years longer than hog farm.

2. *Parker v. Barefoot*, 130 N.C.App. 18 (1998), reversed on other grounds 351 N.C. 40 (1999). Concerning a swine operation, case demonstrates principle that use of latest technology is not a defense against a nuisance claim.

3. *Powell v. Bulluck*, 155 N.C. App. 613, 573 S.E.2d 699 (2002). Concerning a hog operation in Edgecombe County. A Group of community residents and others joined to initiate a hog farm nuisance action against farm residents. Farm residents counterclaimed, alleging malicious and false statements and intentional interference with contractual relations. The Court of Appeals held that: (1) plaintiffs who were joined after original plaintiffs requested and participated in pre-litigation mediation were not subject to dismissal for failing to join in request for mediation, and (2)

denial of community residents' motions did not affect a substantial right entitling them to immediate appeal.

E. 2018 Legislative Responses to Smithfield Cases in North Carolina

1. Farm Act of 2018 (Session Law 2018-113, Senate Bill 711) Preamble:

   "Whereas, regrettably, the General Assembly is again forced to make plain its intent that existing farms and forestry operations in North Carolina that are operating in good faith be shielded from nuisance lawsuits filed long after the operations become established; Now, therefore …"

2. Changes to NCGS §106-700
   a) The plaintiff is a legal possessor of the real property affected by the conditions alleged to be a nuisance.

   b) The real property affected by the conditions alleged to be a nuisance is located within **one half-mile of the source of the activity** or structure alleged to be a nuisance.

   c) The action is filed within **one year** of the establishment of the agricultural or forestry operation or within one year of the operation undergoing a fundamental change.

3) Response to punitive damages awarded in Smithfield cases:
   "§ 106-702. Limitations on private nuisance actions against agricultural and forestry operations.
   (a) The compensatory damages that may be awarded to a plaintiff for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation shall be as follows:
      (1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance, but not to exceed the fair market value of the property.
      (2) If the nuisance is a temporary nuisance, compensatory damages shall be limited to the diminution of the fair rental value of the plaintiff's property caused by the nuisance.

   (a1) A plaintiff may not recover punitive damages for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation that has not been subject to a criminal conviction or a civil enforcement action taken by a State or federal environmental regulatory agency pursuant to a notice of violation for the conduct alleged to be the

source of the nuisance within the three years prior to the first act on which the nuisance action is based."

4) **Voluntary Agricultural District** (VAD) chain of title proximity notice (NCGS §106-735 *et seq.*) (changes included in Farm Act of 2018)
   a) Background: County Ordinance establishing voluntary program whereby farms may execute a non-binding 10 year "conservation agreement" not to convert land to non-farm uses receive certain benefits, including abatement of water and sewer assessment, road signage, and "notice" to adjacent purchasers (presumably coming to the potential nuisance)

   b) VAD qualifications for a "qualifying farm":
      i. Land used in agriculture as defined by NCGS §106-581.1
      ii. Managed under Soil & Water conservation erosion control practices
      iii. Landowner signs 10-year conservation agreement

   c) Proximity Notice Requirement. Until Farm Act of 2018, proximity notice was voluntary. Now, all counties with digital land records are now required to provide reasonable notice to purchases of land near a VAD:

      "All counties **shall** require that land records include some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of a poultry, swine, or dairy qualifying farm or within 600 feet of any other qualifying farm or within one-half mile of a voluntary agricultural district."

V. Speaker Bio

Robert "Andrew" Branan is an Extension Assistant Professor in North Carolina State University's Department of Agricultural and Resource Economics, where he teaches the subjects of Environmental and Natural Resource Law and Agricultural Law to students drawn from the Colleges of Agriculture and Life Science, Natural Resources, and Engineering. In addition, he coordinates and delivers adult education through Cooperative Extension in counties across North Carolina on topics ranging from land transfer and farm business succession, zoning, farm leases, agritourism and livestock liability, and various other agricultural and forestry commercial and natural resource issues. He recently wound down a decade in private law practice where concentrated on serving the farm and rural land sectors in North Carolina and Virginia. He graduated from Hampden-Sydney College in Virginia and received his law degree from Wake Forest University School of Law, and is licensed to practice in North Carolina and Virginia. His published work includes *Planning the Future of Your Farm: A Workbook on Farm Transfer Planning* and *Zoning Limitations and Opportunities for Farm Enterprise Diversification: Searching for New Meanings in Old Definitions.*