

The National Agricultural Law Center



University of Arkansas
School of Law

(479) 575-7645 | NatAgLaw@uark.edu | www.NationalAgLawCenter.org

2008-2009 Annual Report

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From the Director



Dear Colleagues,

2008 and early 2009 was arguably the most exhilarating, productive and expansive period in the Center's nearly two decade history, building on the lessons and successes of 2007 and laying a new foundation for 2009 and beyond. The Center is proud and honored to serve the nation's agricultural community, and the report below shares accomplishments spanning from January 1, 2008 through June 1, 2009.

During the year and a half period, the Center expanded its research, information, and outreach activities in numerous ways. We added several new Reading Rooms on emerging areas such as Local Food Systems, Alternative Dispute Resolution, Specialty Crops, Animal Welfare, and Climate Change, and updated and expanded numerous existing Reading Rooms. In partnership with the American Agricultural Law Association, the Center launched *The United States Agricultural & Food Law and Policy Blog*. The *Blog* has been an enormous success with its readership growing by leaps and bounds.

The Center forged new partnerships and relationships throughout the nation, including with the USDA Office of the Chief Economist, Office of Energy Policy and New Uses, the American Agricultural Law Association, the USDA Cooperative State Research, Education, and Extension Service, USDA Economists' Group, USDA Risk Management Agency, and others.

Another major development was the establishment of the eXtension Community of Practice for Agricultural Law. We have moved forward on this effort rapidly and plan to have the eXtension Community of Practice for Agricultural Law available for public use in the very near future. This is a long-term area of focus for the Center and one in which we are very proud to have a national leadership role.

Finally, I would like to recognize, thank, and congratulate the Center's staff for their dedication, relentless work ethic, and determination to enhance the Center's mission as the nation's leading source of agricultural and food law research and information. We are grateful for the opportunity to serve the nation's diverse agricultural community and look forward to doing so in new and exciting ways in the years to come.

Harrison M. Pittman



The Center's Mission

The National Agricultural Law Center is the leading national and international resource for agricultural and food law research and information.

2008 Strategic Plan

The initiatives for 2008 are a refined version of those set forth in the Master Strategic Plan established in 2004 and set to operate through May 31, 2009, which covered the 5 year grant cycle. The new 5 year grant cycle will commence June 1, 2009 and run through May 31, 2014. Consequently, the 2008 Strategic Plan was an evolution from the 2007 and pre-2007 Strategic Plans but remained based on the Master Strategic Plan established in 2004.

Each initiative represents a broad component of the Center's national research and information mission and is designed to develop and disseminate a comprehensive body of agricultural and food law research and information.

Initiative One: Develop a diverse and relevant body of agricultural and food law research and information pertinent to various aspects of the nation's agricultural community, including attorneys, producers, policymakers, extension personnel, academics, consumers, and others.

Initiative Two: Develop an efficient and streamlined process by which the website contents are audited and modified on an ongoing basis in order to better implement the Center's national research and information mission.

Initiative Three: Promote the Center and its website as the leading national resource and provider of agricultural and food law research and information to the nation and the world.

Initiative Four: Build key alliances with government, private industry, university, and other stakeholders to insure that the Center's research and information is easily accessible, relevant, and responsive to emerging issues.

To accomplish the goals mandated by these initiatives, the Center performed a comprehensive and ongoing audit of its extensive and expanding web site resources. In addition, the Center updated and expanded many resources on its web site. The Center also strengthened its commitment to coordinate with the Cooperative Extension Service at the state, regional, national, and international levels. For example, the Center became the national lead institution for the eXtension Community of Practice for Agricultural Law. The Center also developed and enhanced key relationships with members of Congress and their staffs, the agribusiness and legal communities, and agriculture producers and associations. The Center also enhanced its service to the nation's agricultural law community, in part by partnering in key ways with the American Agricultural Law Association, the only national professional organization focusing on the legal needs of the agricultural community, in the development of [The United States Agricultural & Food Law and Policy Blog](#).

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Website Additions and Updates

As the nation's leading source for agricultural and food law research and information, the Center serves the nation's vast agricultural community, including attorneys, farmers, academics, consumers, extension personnel, and policymakers, and many others. The Center's website is the primary means by which the Center's mission and the nation's agricultural community are served. The website is a clearinghouse for legal information that spans nearly four dozen agricultural and food law topics both in the United States and around the world. As such, this website incorporates unique components that cannot be found elsewhere and provides an invaluable resource to those needing information on legal issues surrounding food and agriculture.



www.NationalAgLawCenter.org

Reading Rooms

One of the most important services provided by the National Agricultural Law Center is the construction and maintenance of its Reading Rooms. A Reading Room is a compilation of electronic resources that provides readers with an excellent place to begin researching a particular area of agricultural law. At the beginning of each Reading Room is a general overview to familiarize the reader with the topic, followed by a listing of all major federal statutes affecting the area, links to any federal regulations on point, and a case law index of citations to recent common-law authority. Secondary sources relevant to the room, including Center research publications, Congressional Research Service reports, governmental and non-governmental reference resources, and publications are included in each Reading Room. For example, the Agritourism Reading Room defines the term "agritourism" and briefly outlines some potential legal issues inherent in the topic, lists the relevant state and federal statutes that affect this area of the law, provides a case law index of precedential cases, and supplies links to various publications from the federal government, state governments, interested organizations, and experts in the field.

A total of 42 reading rooms are now housed on the website, with the following rooms being posted during this reporting period:

- Local Food Systems
- Environmental Law
- Alternative Dispute Resolution
- Animal Welfare
- Water Law
- Specialty Crops
- Business Organizations
- Climate Change

In addition, the International Trade and International Law and Organizations Rooms were substantially reorganized, expanded and updated.

Rooms in various stages of construction that are planned for posting in the coming year include:

- Forestry
- International Food Law
- Aquaculture
- Agricultural Leases
- Nutrition Programs

The AgLaw Reporter

Case Law Indexes and Case Summaries - The case law indexes provide comprehensive, though not necessarily exhaustive, subject-based compilations of reported and unreported federal and state court decisions that were decided on or after January 1, 2002. For those cases that have been summarized by the Center, links are provided to the summaries. The indexes are also included in their respective reading rooms. A total of 950 summaries have now been linked to the indexes, with 452 added during this reporting period.

Agricultural Law Update - The Center is honored to have been chosen by the American Agricultural Law Association (AALA), to publish archive issues of its professional newsletter, Agricultural Law Update. The website now contains issues for January 1998 through August 2008.

USDA Judicial Officer Decisions - The Office of the USDA Judicial Officer provides all its decisions to the Center for exclusive publication on the Center's Web site. A link on the JO home page directs visitors to the Center's web site for access to their decisions. There are a total of 252 decisions currently posted on the web site.

Federal Register Digest - The Federal Register is searched daily by a staff attorney for rules and notices that are relevant to and impact on agriculture. Summaries of those rules and notices are published weekly.

Research Publications

The Center's research articles and presentations are a vital part of its mission to conduct objective, timely, and non-partisan research into agricultural and food law issues and to provide that scholarship to the agricultural and food law communities. The articles and presentations are researched and written by Center staff, leading agricultural and food law scholars and qualified practicing attorneys throughout the country and the world.



Recreational Access to Private Lands: Liability Problems and Solutions
(John D. Copeland) -- Originally published in print form August, 1998; digitized edition posted August 4, 2009

Nation-Specific Risk Tolerance in the WTO: US-Continued Suspension of Obligations in the EC-Hormones Dispute (Alison Peck)

States' Right-To-Farm Statutes (Elizabeth Springsteen)

State and Federal Climate Change Statutes (L. Paul Goeringer)

Risk Management and Legal Liability: Issues to Consider - PowerPoint Presentation (Marne Coit)

Agricultural Contracts and the Leasing of Land - PowerPoint Presentation (Rusty Rumley)

Agricultural Labor: An Employer's Obligations and Responsibilities - PowerPoint Presentation
(Elizabeth R. Springsteen)

Food Safety and Vendor Liability - PowerPoint Presentation (Marne Coit)

Legal Risk Management: Protecting Your Farm and Family - PowerPoint Presentation (Shannon Mirus)

The Nature of Agritourism: Legal Risk Management for Agritourism Operators - PowerPoint Presentation
(Shannon Mirus)

Environmental Law: Federal Laws That Affect Agriculture - PowerPoint Presentation
(Elizabeth R. Springsteen)

Contracts in Local Food Sales, U.S. Virgin Islands - PowerPoint Presentation (Marne Coit)
States' Biofuels Statutory Citations (Shannon Mirus)

Biofuels Statutory Citations: United States Federal Laws (Shannon Mirus)

European Union Food Law Update - IV (Emilie H. Leibovitch)

State Listings: Water Law Offices (L. Paul Goeringer and Angela Boyd)

Business Organizations Forms and Filing Information (Rusty Rumley)

U.C.C. Forms and Filing Information (Elizabeth Springsteen)

Updated Statutory Agricultural Lien Charts (Elizabeth Springsteen and Jennifer Fiser)
Originally published 1993 by Center attorney Martha Noble

States' Alternative Dispute Resolution (ADR) Statutes (Rusty W. Rumley)

Jumping on the Next Bandwagon: An Overview of the Policy and Legal Aspects of the Local Food Movement (Marne Coit)

Secured Lending in the Produce Industry: What Every Bank Should Know (Jason R. Klinowski)

International Legal Issues Concerning Animal Cloning and Nanotechnology -- More of the Same or Are "The Times They Are A-Changin'"? (Michael T. Roberts)

State-Level Catfish Labeling Laws (Elizabeth R. Springsteen)

Plant Biotechnology Law After Geertson Seed Farms: Potential Impacts on Regulation, Liability, and Coexistence Measures (Alison E. Peck)

Guide to Compliance with the Japanese Positive List (Deanna Fortna Jones)

States' Agritourism Statutes (Shannon Mirus)

The Renewable Fuels Standard Provisions Under the Clean Air Act: Overview and Recent Developments (Eric Foy)

Animal Cruelty Statutes - A State-By-State Analysis (Elizabeth R. Springsteen)

States' Animal Cruelty Statutes (Elizabeth R. Springsteen)

Private Standards in the Global Food Sector: Relationship to WTO Agreements - PowerPoint Presentation (Michael T. Roberts)

States' Recreational Use Statutes (Elizabeth R. Springsteen and Rusty R. Rumley)

The Farm Bill Page

Following up on the successful cooperative agreement with NAL in 2004-2005 to digitize historical farm bills, the Center applied for and was awarded a second cooperative agreement for 2007-2008. Under the new agreement, the Center digitized additional historical farm legislation, primarily dealing with commodity policy, and legislative history for statutes digitized in both projects. The purpose of both cooperative agreements was to enhance content for the AgNIC Alliance cooperative reference service and, in so doing, add valuable content to the Center website.

Soil Conservation and Domestic Allotment Act (1935)
Senate Report to Accompany Soil Conservation and Domestic Allotment Act (1935)
House Report to Accompany Soil Conservation and Domestic Allotment Act (1935)
Soil Conservation and Domestic Allotment Act of 1936
Conference Report to Accompany Soil Conservation and Domestic Allotment Act of 1936
Steagall Amendment of 1941 (also called Steagall Commodity Credit Act)
Conference Report to Accompany Steagall Amendment of 1941
Commodity Credit Corporation Charter Act (1948)
Conference Report to Accompany Commodity Credit Corporation Charter Act (1948)
Food and Agricultural Act of 1962
Conference Report to Accompany Food and Agricultural Act of 1962
Agricultural Act of 1964
Senate Report to Accompany Agricultural Act of 1964
House Report to Accompany Agricultural Act of 1964
Omnibus Budget Reconciliation Act of 1982 (selected provisions)
Extra-Long Staple Cotton Act of 1983
Dairy and Tobacco Adjustment Act of 1983
Agricultural Programs Adjustment Act of 1984
Technical Corrections to Food Security Act of 1985 Amendments

Food Security Improvements Act of 1986
Omnibus Budget Reconciliation Act of 1987 (selected provisions)
Omnibus Budget Reconciliation Act of 1989 (selected provisions)
Omnibus Budget Reconciliation Act of 1990 (selected provisions)
Omnibus Budget Reconciliation Act of 1993 (selected provisions)
Amendments to the National Wool Act (1993)

State Law Clearinghouse

State laws, even when the overall issue is the same, vary widely from one state to the next. An ongoing project of the Center is the compilation of all state statutes that exist in specific topics of agricultural law. These compilations range from animal cruelty statutes to laws affecting the recreational use of land to statutory provisions targeted at agritourism operations and provide a brief snapshot of the wide variety of laws enacted across the nation. At the same time, it allows a researcher to obtain targeted, state-specific information on the issue by providing a complete statutory text along with the date of possible expiration. While the individual topics and accompanying maps are located in relevant reading rooms, the Clearinghouse contains all of the statutes that have been compiled to date: Agricultural Liens, Agritourism, Alternative Dispute Resolution (ADR), Animal Cruelty, Biofuels, Climate Change, Recreational Use, and Right-To-Farm.

Agricultural Law Bibliography

Professor Drew L. Kershen's Agricultural Law Bibliography, landmark scholarship to agricultural law practitioners and researchers for decades, is a comprehensive, fully searchable compilation of scholarly articles and books on 48 agricultural and food law topics that has been updated quarterly and now houses nearly 8,000 entries. The Center has embarked upon the ambitious task of digitizing those nearly 8,000 articles. Once digitized, those current and historical publications will be linked from the Bibliography on the Center website.

Glossary of Agricultural Production, Programs, and Policy

Numerous new and updated terms were added to Chuck Culver's detailed compilation of agricultural terms, programs, and policies.

Congressional Research Service Reports

The Congressional Research Service is the public policy research arm of the United States Congress and solely serves Congress as a source of nonpartisan, objective analysis and research on all legislative issues. The Center is pleased and honored to be given the opportunity, through the Congress, to periodically receive and publish to its website new and updated reports related to agriculture and food issues. There are currently 547 CRS reports on the website.

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Center Assumes Leadership in eXtension Ag Law Community of Practice



Staff Attorney Shannon Mirus spearheaded the Center's successful application to serve as the national leader on Agricultural Law Community of Practice within the eXtension system. eXtension is the latest evolution in the way information from land-grant universities is provided to the public and serves as an interactive learning environment delivering the most researched knowledge from experts throughout the national land-grant system. Rather than grouping professionals based on location, such as county or state, eXtension brings together professionals with similar areas of expertise, such as agricultural law, to provide the best-of-the-best in research and information. The eXtension website serves as a portal to the public, providing information in an online

format that can be accessed by anyone in the world at any time. The public is invited to participate in a variety of ways from on-line seminars to submitting a question to the "Ask an Expert" feature.

The immediate focus of the Agricultural Law Community of practice will be the development of content and curriculum in six distinct areas of the law related to agriculture: labor issues; tax and business organizations; environmental and natural resources; agricultural diversification; estate planning and farm succession; and renewable fuels. Members of the Community include over 34 land grant faculty and state, regional and county Extension professionals, and nonprofit organizations representing 22 states.

Agricultural Law Bibliography Digitization Initiative

The Center has embarked upon the ambitious task of digitizing the nearly 8000 entries in Professor Drew Kershen's Agricultural Law Bibliography, landmark scholarship to agricultural law practitioners and researchers for decades. Once digitized, the articles will be linked from the Bibliography on the Center website so that researchers throughout the nation and the world will have access to current and historical publications in agricultural and food law.

Most of the nearly 8000 articles were originally published in scholarly journals and professional newsletters, so the first step in the project has been to contact the editors of those publications to seek their permission to digitize and republish the articles. Following editorial permission, individual authors have been and will be contacted for permission to publish their article(s). To date the Center has secured republication permission from publishers and authors for over 1000 articles.

Given the vast number of articles from the American Agricultural Law Association's *Agricultural Law Update* included in the Bibliography and because the Center already publishes archive issues of the *Update* (1998 through 2008), the Center has digitized issues of the *Update* going back to the inaugural issue published in 1985 and have linked them to the Bibliography.

This project helps further the Center's mission as the nation's leading source of agricultural and food law research and information and operates specifically in conjunction with the USDA National Agricultural Library's mission of "advancing access to global information for agriculture." The Center shares a long-standing formal relationship with the National Agricultural Library.



The **United States Agricultural & Food Law and Policy Blog** is a news, research, and information blog resource provided through a partnership of the National Agricultural Law Center and the American Agricultural Law Association (AALA), two national institutions uniquely serving the nation's agricultural community. The Blog is currently comprised of more than three dozen subject areas that correspond with the Reading Room subject areas on the Center's website, and more categories will be added as needed. The Blog is updated several times a day throughout the week, providing very timely news, research, and information to the nation's agricultural community.

The Blog receives heavy visitor traffic, which has steadily increased since it was initially launched. It is anticipated that this trend will continue for the foreseeable future. In addition, the Blog has increased the

visibility and use of the Center's web site and outreach functions.

The AALA is the only national professional organization focusing on the legal needs of the agricultural community. Crossing traditional barriers, AALA offers an independent forum for investigation of innovative and workable solutions to complex agricultural law problems.



VOLUME I, ISSUE I (September 2007)

e-Newsletter introducing and updating resources from the nation's leading source for agricultural and food law research and information

Critical issues and challenges continue to face the agricultural and food law communities of this nation and the world, and for two decades it has been an integral part of the Center's mission to make researching and understanding those issues and challenges as effortless as possible. The purpose of the Center e-Newsletter is to inform its subscribers of new research and information posted on our website, apprise them of important events occurring within the agricultural and food law communities, keep them informed of agricultural and food law developments in the nation and the world, and to foster a dialogue between our subscribers and the Center on needed areas for research and information.

Each issue begins with a letter of welcome from the Director that outlines research and information areas slated for special attention in the weeks and months to come. Several short articles follow that introduce new material added to the website such as reading rooms, case law indexes, and recent publications, inform the readers of new partnerships and projects in which the Center is a participant, and report on news and issues we feel to be of interest to the community. Eleven newsletters have now been distributed to our subscribers, and the response has been most gratifying, with the number of subscribers nearing the 2,000 mark.

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Center Hosts USDA General Counsel Marc L. Kesselman

On April 1, 2008, the National Agricultural Law Center hosted an afternoon with then USDA General Counsel Marc L. Kesselman. Sworn in as USDA's General Counsel on June 1, 2006, Mr. Kesselman advised the Secretary of Agriculture and directed all legal activity for the Department, including litigation, counseling and regulatory development.

At an informal lunch meeting, Mr. Kesselman met with the Center staff, students and faculty in the Agricultural Law Graduate Program, and the student leaders of the Journal of Food Law & Policy to discuss the various roles that he fills in the USDA from being the manager of the department's legal staff to being an advisor to the Secretary of Agriculture.



Following the lunch meeting, Mr. Kesselman addressed a full courtroom of faculty, undergraduate and graduate students, local attorneys, and community leaders on "Perspectives of USDA's Regulatory Policy Officer:

Regulatory Reform and Agriculture in a Climate of Change." His talk covered broad-based issues facing the USDA while citing specific regulatory challenges and opportunities. Mr. Kesselman stressed the need for a transparent regulatory rulemaking process, the importance of sound analysis and sound science when making policy decisions, the need for judicial deference for administrative agency action, and the importance of breaking agricultural trade barriers.

Another topic of discussion was the recent administrative law change that requires federal agencies to post Significant Guidance Documents on their websites in order to explain the position the agencies take on issues under their jurisdiction, a tremendous resource for attorneys specifically and the public in general. Mr. Kesselman concluded his speech with the USDA's analysis of the current farm bill negotiations and a question and answer session.

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Director Promotes Center

In early 2009, Center Director Harrison Pittman traveled to Washington, DC to participate in several meetings and talk with a number of individuals and institutions key to U.S. agriculture. The focus of the trip was to promote the National Agricultural Law Center as the nation's leading source for agricultural and food law research and information and to promote further integration between the Center, the USDA, and other individuals and institutions.



While in DC, Mr. Pittman met with Senator Tom Daschle, former U.S. Senate Majority Leader, regarding recent activities undertaken by Senator Daschle and Senator Bob Dole in the area of agriculture, particularly with respect to issues associated with the potential impact on agriculture of legislative proposals pertaining to climate change. He also talked with Senator Dale Bumpers, officials from the USDA Cooperative State Research, Education, and Extension Service and the USDA Risk Management Agency, key Congressional staff involved in agricultural policymaking such as the Farm Bill, and officials from the Congressional Research Service responsible for publishing CRS reports pertaining to food and agriculture issues.

A meeting with Peter Young, Director of the USDA National Agricultural Library (NAL), and NAL staff led to discussions of a number of issues, including continued coordinated efforts between the Center and NAL to advance access to global information for agriculture. Director Pittman also presented "Understanding Agricultural Law and Its Importance to USDA" at the inaugural seminar for the agricultural law series co-sponsored by the Center, the USDA Economists' Group, the USDA Cooperative State Research, Education, and Extension Service, and the USDA Risk Management Agency.

Director Pittman had the opportunity to visit with American Farm Bureau Federation (AFBF) General Counsel Julie Anna Potts, also a member of the Center's Advisory Board, as well as Danielle Quist, Assistant General Counsel for AFBF. He also met with officials from the USDA Office of the Chief Economist, Office of Energy Policy and New Uses, to discuss possible collaborative opportunities in the area of renewable fuels research, and Brett Offutt, Director of the Policy and Litigation Division for the USDA Packers and Stockyards Programs within the Grain Inspection, Packers and Stockyards Administration.

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Collaborations and Partnerships

Drake University Agricultural Law Center

In early 2003, pursuant to Congressional directive, the National Agricultural Law Center established a close cooperative relationship with the **Agricultural Law Center** at Drake University School of Law in Des Moines, Iowa. The blend of the Center's national agricultural and food law focus and Drake's concentration on state and local food policy issues formed a creative environment of sharing that generates many mutual projects designed to reach all members of the agricultural and food law communities.

Center Sponsors Farm Bill Panel at AALA Symposium

In late October, Center staff traveled to the annual symposium of the American Agricultural Law Association held in Minneapolis, MN. They attended useful and informative sessions on topics such as agricultural taxes, water laws in different states, renewable fuels incentives and legislation, cooperative development, and corporate farming statute challenges, among others. In addition, the Center sponsored a panel discussion on "The 2008 Farm Bill - Washington Policy Perspective," moderated by Anne Hazlett, Minority Counsel for the Senate Committee on Agriculture, U.S. Senate. Panelists included Bill Bridgeforth of Ramsay, Bridgeforth, Harrelson & Starling LLP; Anne Simmons, Majority Staff for the House Committee on Agriculture; Michael Knipe, USDA Assistant General Counsel for Legislation; and Beth Bechdol of Ice Miller LLP. The panelists discussed issues new to the 2008 Farm Bill that will affect producers and the practitioners who represent them. The discussion was followed by a brief question and answer session.

Arkansas Agritourism Initiative

The Center is part of the Arkansas Agritourism Initiative, a new partnership formed to serve as an advocate for agritourism in Arkansas, promote individual agritourism ventures, and provide viable solutions to obstacles affecting industry growth and development. Legal training sessions and workshops developed by the Center in conjunction with the Initiative operate as a pilot program for legal risk management education around the nation. Participation in the partnership is also laying the foundation for the Center to coordinate with operators and other government entities around the country. The Arkansas Agritourism Initiative is a member of the Southeast Agritourism Association, a regional association of agritourism organizations from Tennessee, Kentucky, North Carolina and other states in the southeast that collaborate on national agritourism issues. Additional partners of the Arkansas Agritourism Initiative are the University of Arkansas Division of Agriculture, the University of Arkansas Winthrop Rockefeller Institute, Arkansas Department of Parks and Tourism, Arkansas Agriculture Department and Arkansas Farm Bureau.

Seminar Series Partners - Center, CSREES, and USDA Economists Group

The National Agricultural Law Center, the USDA Cooperative State Research, Education, and Extension Service (CSREES) and the USDA Economists Group have partnered to host a seminar series that will focus on numerous agricultural and food law topics. The primary purpose of the series is to promote the importance of agricultural law throughout the USDA and to foster a better understanding of agricultural and food law legal issues to USDA agencies and personnel. The first seminar in the series, held in the USDA Forest Service Building in Washington, DC focused on the history and future of the National Agricultural Law Center, the role and importance of agricultural and food law, and the Center's role in providing research and information to the nation's agricultural and food law communities. Subsequent seminars will focus on specific substantive areas, including energy and biofuels, carbon credits and market trading, taxation, sustainability and the law, and animals and the law.

Center Featured in New RMA Online Resource

USDA's Risk Management Agency recently launched a new online resource to help farmers and ranchers manage risks and take advantage of opportunities. The new tool allows producers to evaluate their risks, strengths, weaknesses and opportunities. Additionally, the site provides a great deal of risk management information for a variety of operations. The National Agricultural Law Center assisted in supporting the

development of the legal component of the Risk Management Planning module, and the Center's website is a featured resource.

Brown Bag Lunch Sustainability Speaker Series

The National Agricultural Law Center is collaborating with the University of Arkansas Applied Sustainability Center to present the Brown Bag Lunch Sustainability Speaker Series that kicked off on September 30, 2008. Janie Hipp, J.D., LL.M., presented the first program in the series, "Update on Sustainable Implications of the 2008 Farm Bill." Hipp currently serves as the National Program Leader for Risk Management Education, Farm Financial Management, Trade Adjustment Assistance, and the new Beginning Farmer and Rancher Development Program with USDA CSREES in Washington, D.C. Her presentation featured an overview of each title of the 2008 Farm Bill, with a specific focus on those directly related to sustainability, conservation and research. Other issues discussed were the impact of current economic conditions on the farm economy, changes in funding in the new farm bill and the importance of participating in the rule-making process.

Center Resources Part of National History Day

The Center's digitization of all the United States' Farm Bills continues to assist a diverse group of individuals and organizations from across the United States. While its use to scholars, legal practitioners, and producers is obvious, the digitization is helpful to many others as well. Most recently, the National History Day organization used the posted materials as part of a book on American economic history. National History Day is a non-profit educational program focused on improving the teaching of history through classroom materials, teacher workshops and challenging academic contests for middle and high school students. The upcoming book will provide teachers and students with lesson plans and source documents to further understanding of events that have shaped economic history in the United States.

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Outreach

Presentations

"Updates in Agricultural Law," Annual Iowa Bar Association, Des Moines.

"Legal Issues with Bioeconomy Development at the Transition," Bioeconomy: The Role of Extension in Energy Conference, a collaboration of USDA's Office of Energy Policy and New Uses, Farm Foundation, USDA's Cooperative State Research, Education and Extension Service, and the University of Arkansas, Little Rock, AR.

"Impacts of Globalization on the Food System and the Intersection of Global Legal Systems, U.S. Origin Conference, University of Arkansas.

"Legal Risk Management: Protecting Your Farm and Family," Arkansas' Annie's Project, Stuttgart, AR.

"Nature of Agritourism: Legal Risk Management for Agritourism Operators," Nature of Agritourism, DeWitt, AR.

"Risk Management and Legal Liability: Issues to Consider," Oklahoma and Arkansas Horticultural Industries Show, Fort Smith, AR.

"Contracts in Local Food Sales," Trade, Tenure, and Tourism Conference, SARE-funded grant, U.S. Virgin Islands

"Food Safety and Vendor Liability," Farmers' Markets as a Community Collaboration Conference, Fayetteville, AR.

"Agricultural Contracts and the Leasing of Land." Arkansas Women in Agriculture Annual Conference, Little Rock, AR.



"Agricultural Labor: An Employer's Obligations and Responsibilities," Arkansas Women in Agriculture Conference, Little Rock, AR.

"Environmental Law: Federal Laws That Affect Agriculture," Dale Bumpers College of Agricultural, Food and Life Sciences, University of Arkansas.

"The Role of Agricultural Law and USDA in Rural Development," Montana Law Review's Rural Law Symposium, Missoula, MT.

"Legal Systems and Issues in Sustainable Agriculture," Keystone Group's Legal Issues in Sustainability and Agriculture, Field to Market Program, Washington, DC.

"Agritourism: A Legal Update," National Value-Added Agriculture Conference, Moline, IL.

"The Transformation of Agriculture and Its Impact on Rural America", The Honorable James R. Browning Symposium hosted by the Montana Law Review, Missoula, MT.

"Legal Risk Management for Agritourism Operators," The Nature of Agritourism Retreat sponsored by the Business of Birding Institute, in partnership with Phillips Community College of the University of Arkansas, the University of Arkansas Cooperative Extension Service and Audubon Arkansas, DeWitt, AR.

"Legal Resources for Extension Professionals," 2009 Galaxy Conference, Hot Springs, AR,

"Liability Legislation in Tennessee - Recreational Use and Equine Activity Statutes: Implications for Agritourism Operators," 2009 Tennessee Agritourism Conference "Cultivating Farm Revenue," Chattanooga, TN.

"Legal Issues in Forestry," Arkansas Forestry Association's Annual Meeting, Little Rock, AR.

"Current Regulatory Environment in Local Food Systems," Agile Agriculture Workshop hosted by the Applied Sustainability Center, University of Arkansas.

"Water Quality Protection: Markets or Mandates," H2Overdrawn Water Conference sponsored by the Arkansas Cooperative Extension Service, Ferndale, AR.

"Digitizing Federal Law and Federal Legislative History: The Farm Bill Project," Mid-America Association of Law Libraries (MAALL) Annual Meeting, University of Arkansas.

"Legal Issues Pertaining to the Use of Antibiotics in Agriculture," Georgia Bar Association's Agricultural Law Section Annual Meeting , Macon, GA.

"Legal Issues in Agriculture with a Focus on Animal Welfare, Sustainability, and Recreational Use of Land, Georgia Bar Association's Agricultural Law Section Annual Meeting, Macon, GA.

"Issues in Agriculture: Focus on Impact of Globalization on U.S. Agricultural Policies," Dale Bumpers College of Agricultural Food and Life Sciences, University of Arkansas.

"History and Future of Agricultural Law in the United States," National Women in Agriculture Educators Conference, Oklahoma City, OK.

"The 2007 Farm Bill: What You Need to Know for Your Agricultural and Rural Clients," Iowa Bar Association in Des Moines.

"An Introduction to the Center Website Resources," Mid-America Association of Law Libraries (MAALL) Annual Meeting, University of Arkansas.

"Legal Issues and Concerns on the Farm," Annie's Project Workshop, Hope, AR.

"Business Organizations and Tax Issues," Annie's Project Workshop, Hope, AR.

"Challenges and Opportunities in Agritourism," Arkansas Agritourism Conference, Clarkesville, AR.

"An Introduction to the Center's Work with eXtension," Mid-America Association of Law Libraries (MAALL) Annual Meeting, University of Arkansas.

"The 2007/2008 Farm Bill and What it Means for Your Farm Clients," Agricultural Law Seminar hosted by the Iowa Bar Association, Des Moines, IA.

"Understanding Agricultural Law," 2008 National Women in Agriculture Educators Conference, Oklahoma City, OK.

"Liability on the Farm," 4th Annual Arkansas Women in Agriculture Conference, Little Rock, AR.

"Protection From Loss: Limited Liability Companies," Southern Sustainable Agriculture Working Group (SSAWG) Conference, Louisville, KY.

"National Perspective of Animal Welfare Issues," Meeting of State Government Officials and Other Stakeholders, Jackson, MS.

"Legal Liability Issues in Agritourism," Arkansas State University Agribusiness Conference, Jonesboro, AR.

"Past, Present, and Future Application of States' Recreational Use Statutes for Landowner and Recreational Users of Land," Annual Mid-Year Meeting of the Arkansas Bar Association, Memphis, TN.

Conferences and Meetings

American Agricultural Law Association Symposium, Minneapolis, MN

Food Coalition Conference, Philadelphia, PA

SARE Conference, Kansas City, MO

Agritourism Partners Meeting, Washington, DC

Planning meeting, "Education & Training Program for Sustainable Small Acreage Farming & Agroforestry in Arkansas and the South" at Winthrop Rockefeller Institute, Petit Jean

Integrated Competitive Grantsmanship Workshop presented by USDA CSREES, Las Vegas, NV

2009 National Extension Risk Management Education Conference, Reno, NV

UA Extension GAP Workshop, Little Rock, AR

Arkansas Food Policy Council Meeting, Little Rock, AR

International Green Week (IGW), the world's largest exhibition for the food, agricultural and horticultural industries, Berlin, Germany

Sustainable Ag Energy eXtension Community of Practice planning session, Baltimore, MD

Carbon Markets North America 2009 conference, "Preparing for a Carbon Constrained Economy," Coral Gables, FL

Future Farms Conference, Oklahoma City, OK

Southern Sustainable Group, Louisville, KY

Arkansas Farm Bureau Officers and Leaders Conference, Springdale, AR

Arkansas Agritourism Initiative Community Meeting, Pocahontas, AR

Meetings with D.C. officials including USDA Secretary Ed Schafer; Dr. Gale Buchanan, Under Secretary for Research, Education, and Economics; and Douglas L. Faulkner, Deputy Under Secretary of Rural Development, and met with Allan Stokes, Director of Environmental Programs for the National Pork Board

Meetings with Secretary of Agriculture and staff, Washington, DC

Meetings with officials and staff at American Farm Bureau, Washington, DC

"Agricultural Sustainability and Rural Prosperity: The Role of Biotechnology in a Sustainable Food Supply", stakeholder workshop hosted by the University of Arkansas Division of Agriculture, the Center for Agricultural and Rural Sustainability, and the University of Wisconsin-Madison, College of Agricultural & Life Sciences

Community Food Security Coalition annual conference in Philadelphia, PA/Cherry Hill, NJ

Moderated panel discussion on Farm Policy: Factory Fields, Hunger, and the Environment at the Vermont Law School Sustainable Agriculture Conference, "Food, Fuel, and the Future of Farming"

Meeting with Wal-Mart, Farm Aid, Applied Sustainability Center and Center for Agriculture and Rural Sustainability, Bentonville, AR

Moderated panel for American Bar Association discussion on the Commodity and Conservation titles of the 2008 Farm Bill at ABA headquarters in Washington, D.C., via nationwide teleconference

American Association of Law Libraries annual meeting in Portland, OR

United States Agricultural Information Network (USAIN) informational sessions, Wooster, OH

Co-hosted and participated in "Agritourism 101" at the Winthrop Rockefeller Institute, Petit Jean Mountain, AR

"Regulating Animal Cloning and Nanotechnology in Food Production: Balancing Food Safety, Animal Welfare, and Ethical Concerns" at the American Society for International Law Washington, DC

National Women in Agriculture Educator's Conference, Oklahoma City, OK

First International Conference of Ministers of Agriculture at "Forum International Green Week" in Berlin, Germany

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Library Activities



The USDA National Agricultural Library - The Center receives its federal grant funding through the National Agricultural Library (NAL), which is one of four national federal libraries and an institution within the USDA Agricultural Research Service. The Center participates in two programs supported by NAL: AgNIC and AGRICOLA.

Cooperative Agreements to Digitize Farm Bills - In 2008, the Center completed digitization of historical farm commodity legislation and legislative history under a cooperative agreement awarded by NAL and the Agricultural Research Service. The legislative history included Congressional reports accompanying the historical farms bills digitized under an earlier 2005 cooperative agreement with NAL. All documents digitized under both agreements are available on the Center's website at the [Farm Bills](#) page and receive heavy use. The purpose of both cooperative agreements was to enhance content for the AgNIC Alliance cooperative reference service and, in so doing, add valuable content to the Center website.

Reference Services and AgNIC - Center staff provides reference assistance to Center staff attorneys, agricultural and regular law faculty, and students in the Graduate Program in Agricultural Law and on the editorial board of the Journal of Food Law and Policy. Reference assistance is also available to the public by phone and e-mail. AgNIC (Agriculture Network Information Center at <http://www.agnic.org>) is an Internet-based cooperative reference service coordinated by the NAL. AgNIC participants, most of which are land-grant universities, develop Web sites and provide reference assistance in their area of specialization. The Center's librarian coordinates Center participation in AgNIC, serves on the AgNIC Coordinating Committee, and does metadata cataloging of Center resources to make them accessible through the AgNIC search engine.

AGRICOLA (AGRICultural OnLine Access) - NAL maintains a database of resources related to agriculture known as AGRICOLA, to which the Center adds cataloging through the National Agricultural Cooperative Cataloging Program. The Center's contribution provides this database with well-rounded coverage of agricultural law materials and facilitates the availability of Center materials through interlibrary loan.

Agricultural and Food Law Library Collection - The Agricultural and Food Law Collection of the Young Law Library contains books, journals, loose-leaf services, and government publications on many aspects of agricultural and food law. Since its inception in 1988, the Center has largely funded the Collection.

The Center librarian served as Chair of the Legislative and Government Relations Committee of the United States Agriculture Information Network, gave presentations at the Mid-America Association of Law Libraries Annual Meeting in November and the AgNIC Coordinating Committee Meeting in April, and updated **Federal Legislative History: A Guide to Resources**.

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The Future

The National Agricultural Law Center will continue to serve as the nation's leading source of agricultural and food law research and information. The information set out below is a representation of the Center's upcoming activities.

The Center will continue to regularly update and maintain the substantive content of its comprehensive website, especially the nearly four dozen Reading Rooms. The Center will also work throughout the year to expand the subject areas and other research and information content that will be published on its website.

The Center will continue to strengthen its coordination with the state, regional, and national cooperative extension service community. This will include developing and publishing factsheets and other extension publications and delivering presentations on a number of topics to extension audiences throughout the country. In addition, the coming year will be landmark year for several reasons, not the least of which is that the eXtension Community of Practice will be publicly launched and expanded. The Center will also continue its emphasis on networking with policy makers and the nation's vast agricultural community through speaking engagements, conferences and meetings in an effort to determine the primary issues of concern and developing basic and applied research and information.

National Advisory Board

The Center will formally launch its National Advisory Board in the coming year that will meet twice during the year including one meeting in Fayetteville, Arkansas. The Board will advise the Center on emerging agricultural and food law issues, with each member representing a significant stakeholder area in the nation's agricultural community. The Board will also be geographically diverse in order to help strengthen the Center's national presence and mission.

Expanding and Enhancing Partnerships

In 2009, the Center will continue to expand and develop its partnerships with individuals, organizations, institutions, and others throughout the nation. The following are among these partnerships:

Drake Agricultural Law Center - The Center enjoys a collaborative partnership with Drake University Agricultural Law Center. This partnership will continue, with joint projects being planned and implemented by the two centers.

Cooperative Extension Service - The Center will continue its efforts to coordinate with the Cooperative Extension Service at the local, state, and national levels. This includes delivering presentations and other outreach activities to extension audiences throughout the nation. In addition, the Center will publicly launch and begin to leverage the newly established eXtension Community of Practice for Agricultural Law. The Center's efforts to coordinate with the Cooperative Extension Service are a long-term component of the Center's mission and strategic development.

University of Arkansas Division of Agriculture - The Center will continue to integrate with multiple

components of the Division of Agriculture in order to perform applied, interdisciplinary research and information to the nation's agricultural community. The Division's primary mission is helping producers and processors of food, fiber, and bioenergy access and use appropriate technologies. The Division serves people in all walks of life by helping to ensure the safety and security of our food and fiber system; improving the health and nutrition of citizens; conserving and sustaining natural resources; and expanding horizons for youth, families and communities. The National Agricultural Law Center will work with Division and its many components to advance its mission as the nation's leading source of agricultural and food law research and information.

University of Arkansas Sam M. Walton College of Business, Applied Sustainability Center - Over the past two years, the Center has collaborated with the Applied Sustainability Center at the University of Arkansas, particularly with respect to agriculture and sustainability issues. As this work and subject area evolves, so too will the Centers' ongoing relationship.

Center for Agricultural & Rural Sustainability, University of Arkansas Division of Agriculture - The Center will work with the Center for Agricultural & Rural Sustainability in a number of areas, including collaborative research and developing model policy approaches on areas such as local food procurement and development of measurable outcomes for sustainable agriculture at the specifically focused at the production level.

Women in Agriculture - The Center will work with and support activities of Women in Agriculture at the state, regional, and national levels. This includes continuing efforts with Arkansas's Annie's Project and similar efforts throughout the nation.

Planned Additions to the Website

Digitization - The Center will continue its digitization activities by compiling, digitizing, and publishing other state laws covering various topics in agricultural and food law. Among those projects will be the compilation of all the State Bar Associations with Agricultural and/or Food Law sections. The AgLaw Bibliography Digitization Initiative will continue to digitize and link articles as permission is granted by authors and journals.

Reading Rooms Under Construction or Reconstruction - Five reading rooms with attendant overview articles are in varying stages of development and scheduled to be published on the website in 2009-10: International Food Law, Forestry, Aquaculture, Agricultural Leases and Nutrition Programs. The Crop Insurance Reading Room will be expanded to also cover federal disaster assistance because of their close relationship and the lack of coverage on the subject. Other Reading Rooms will be added throughout the year

Upcoming Publications - The Center will publish many new publications throughout the year. The following is a representative list that reflects the diversity in subject area coverage, as well as the type of publication that will be developed to the serve the nation's vast agricultural community.

Legal and Business Guide for Specialty Crop Producers

Takings Issues in Agritourism

Factsheet on Crop Insurance in collaboration with an eXtension group in Wisconsin

Factsheet on Tennessee's New Agritourism Law in collaboration with an eXtension group in Tennessee

The Clean Water Authority Restoration Act: A Primer of Background Material

Update of *Recreational Access to Private Lands: Liability Problems and Solutions* by former Center director John D. Copeland, originally published in print form August, 1998; digitized edition posted to website August 2009.

Update and digitization of *Understanding the Farmers Comprehensive Personal Liability Policy* by former Center director John D. Copeland, originally published in print form in 1992.

Update and digitization of *Handbook of Laws and Regulations Affecting Arkansas Farm Employers and Employees* by John Copeland and J.W. Looney, originally published in print form in 1990.

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