

AGRICULTURAL LAW: COURSE SYLLABUS
AREC 388
FALL TERM 2007

Class meeting: Tuesday & Thursday, 12:00-1:50
Room: KIDD 274
Text: Principles of Agricultural Law, McEowen and Harl

Instructor: Christy Anderson Brekken, J.D. University of Minnesota, 2005
Former staff attorney, Farmers' Legal Action Group, St. Paul, MN
Office: Ballard Extension Hall Room 228
Office phone: 541-737-9594
Email: brekkenc@onid.orst.edu
Office Hours: Monday 11:00-12:00, Tuesday and Thursday 2:00-3:30

Course Objectives and Organization:

The topic of Agricultural Law is a broad and dynamic field. It covers every corner of legal studies, as applied to the agricultural setting. This course is intended to give you an introduction to the legal aspects of managing a farm or ranch business and an overview of the regulatory world in which the agricultural sector operates. I have designed this course with the practical aspects of running a farm or ranch in mind: it is intended to make you aware of the legal implications of your actions, help you know when you are in need of legal counsel, and help you to communicate with your attorney, should the need arise.

We will mainly be covering general principles of law, as applied to the agricultural sector. However, I will make an attempt to emphasize Oregon law whenever possible. We will be covering large bodies of law quite quickly. I have intentionally left out general material on environmental law, as it is covered in a separate course in the spring term. Tax law, criminal law, and bankruptcy have also been omitted for lack of time.

This course is also intended to give you general knowledge of how the legal system works. As a result, we will be reading excerpts from cases and legislation, where appropriate. It is intended that this course also help you to sharpen your reading, writing, and analytical thinking skills.

Course Materials

The textbook for the course is *Principles of Agricultural Law* by McEowen and Harl. It is currently the only updated textbook on agricultural law. It is quite dense and contains more detail than is necessary for our studies, so I have carefully chosen the assignments to reduce the amount of reading. Please follow the specific reading assignments carefully.

I have also included supplementary readings in the book, and will post additional readings on Blackboard or hand them out in class. These materials will be much easier to read and will deepen your understanding of the subject matter.

Course Assignments and Grading

Five case briefs: 40%

Writing Assignment: 10%

Midterm Exam: 25%

Final Exam: 25%

I will pass out a sign up sheet for you to choose the days on which you will hand in case briefs. A format for case briefs will be handed out in class. It is intended that you will be responsible for discussing the case you have briefed in class that day. Your participation in discussing your cases will be adjusted up one grade for excellent participation, and down one grade for little or poor participation.

Class	Date	Topic	Reading
1	9/25	Introduction	
2	9/27	Introduction to legal system	Chapter 1 (skim § 1.04)
3	10/2	Contracts: Formation to Provisions	§§ 2.01, 2.02, 2.03 (omit Embryo Progeny), 2.04[1], 2.05[1] & [2], 2.06 (omit text after p. 2-18 para. 3 starting with “In November of 1996...), 2.07[3].
4	10/4	Contracts: Warranties, Remedies	§§ 2.08[1], [2], [3], 2.09, 2.10 (omit Hubbard, Erie Casein).
5	10/9	Contracts & Secured Transactions	§§ 2.11, 2.08[4], Farmers’ Guide to MN Lending Law Chapter 4, FSA Farm Loan Programs.
6	10/11	Contracts in Context: Direct Marketing	“Before you Sign on the Dotted Line...”; “Understanding Farmers’ Market Rules.
7	10/16	Real Property: Estates in land, title, etc.	§§ 7.01, Estates in Land, Co-Tenancies, Leasehold Estates, §§ 7.03, 7.04[1], (omit Kendall, Giefer), 7.09, 7.04[2] & [5], 7.06 (omit Roeder).
8	10/18	Real Property: Easements, Leases	7.02[3a] (omit Fontainebleau Hotel); 7.02[2c], 2.05[4] (omit Ames v. Sayler), 2.07[1] & [2], FLAG: “Is Your Farm EQIPed...” On Blackboard: ERS USDA Farmland Protection.pdf; ERS USDA Land Retirement Programs.pdf; ERS USDA Working Land Conservation Programs.pdf,
9	10/23	Real Property: Regulatory Law	14.01[4] (omit Miller Brothers), OR Land Use Planning Overview, A Summary of OR’s Statewide Planning Goals, Ballot Measure 37, Implementing M37 in Benton Co.
10	10/25	Water Law	Water Rights in OR
11	10/30	Civil Liabilities	§§ 11.01, 11.02 (omit FNB of Armarillo), 11.03, 11.05 [1] & [2] (omit Land v. US, Griess & Sons), 11.06.

12	11/1	Civil Liabilities: Real Property	§§ 11.04 (omit Rowland), 11.07 (omit Spur Industries, Kuehl, §11.07[e]), 11.10, 11.11 (omit Fisel, Gravert, Estate of Wallis, May).
13	11/6	Employment Issues	§§ 11.09; 11.08[1] & [2]; On Blackboard: Reading Assignment from OR Dept. of Ag Employment Guidebook.
14	11/8	Regulatory Law: Agencies, Animal & Food Regs, Environment	§§ 15.01, 15.02, 15.03 (omit Lewis, Asgrow Seed), 15.04, 15.05; 14.04[2a] (omit Bruce), 14.04[4a & b]; Highly Erodible Land & Wetland Conservation Compliance.
15	11/13	Business Planning	§§ 9.01, 9.02, 9.03, 9.04[1] & [2] (omit Tech. Adv. Memo.), 9.05, 9.06 (omit Speelman), 9.07, 9.08, 9.10, 9.11, 9.09 intro, [2], [5a], [15], [16], [17], 9.12 (don't dwell on tax details).
16	11/15	Estate Planning	§§ 8.01, 8.02[1] & [2], 8.03, 8.04 (omit Noble), 8.09[1], 8.11, 8.12 (omit Simpson), 8.05[4c].
17	11/20	Estate Planning	§§ 8.05[1], [2], [3a], [4a], [4c], [4d], [5], [6], [7], 8.10.
	11/22	Thanksgiving Holiday	
18	11/27	Review	
19	11/29	Review	

Writing Assignment: Handout on 10/23, due on 11/30

Midterm: Take home on Blackboard, 10/18-10/20

Final Exam: 12/6, 12:00-2:00