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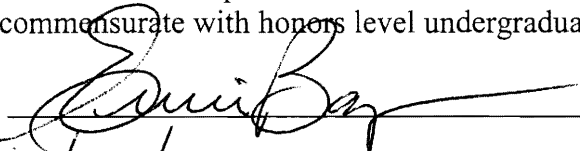
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PROJECT TITLE: Discovering the Legal Needs of the Agricultural
Community and the Possibility of an Agricultural Law
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I have reviewed this completed senior honors thesis with this student and certify that it is a project commensurate with honors level undergraduate research in this field.

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Discovering the Legal Needs of the Agricultural Community and the Possibility of an
Agricultural Law Center in Tennessee

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The goal of this project was to evaluate the legal issues facing Tennessee's agricultural community and discover ways that best assist in navigating through those legal issues. Surveys of farmers and county agricultural extension agents have been completed to identify the legal concerns of producers and their sources for information or assistance. This information was used to estimate how, and if current legal needs are being met. Research of agricultural law centers, university programs, non-profit organizations, and legal practitioners in agricultural law was conducted. The survey results have been compiled in this report.

Introduction

As we enter the twenty-first century, the challenges to successful farm management are numerous. Adding to a long list of concerns, farmers must understand for their farm business the implications of changes in farm policy, environmental policy, tax policy, emerging technologies, and legal issues, to name a few. Legal issues alone can take their toll on someone financially and emotionally. Most agricultural operations have to consider two complete groups of legal risk. Since most farming operations involve personal use of agricultural property, there are all the legal issues concerning the family that have to be addressed. In addition, there are farm business risks that must be considered. The importance of agricultural policies and agricultural laws play an increasingly relevant role in shaping agriculture today.

Agricultural policies and laws regarding food production indirectly affect everyone. The U.S. food marketing system alone involves 12% of the U.S. labor force and 7.7% of GDP (Martinez 2002). Food is a primary need, and efficiency in food production brings about many benefits that all consumers receive such as low food prices and safe food. As a small percentage of the U.S. population (less than 2%), farmers are frequently underrepresented in legal matters that concern them (Looney et al. 1990). Many laws relating to agriculture are exceptions of general laws (Looney 2). These generalities include laws governing cooperatives, exception from the Uniform Commercial Code, bankruptcy, labor laws, and farm credit and lending laws (Looney 3). Farmers participating in USDA conservation and commodity programs have recourse only through the USDA court system, and the appeals process more often than not, favors the government (Flink 2002). For example, in fiscal years 1997 and 1998, the division director reversed 86% of hearing officer decisions that favored farmers but only 5% of decisions that favored a USDA agency (Flink 2). Legal matters have become more important to farmers for

their own economic benefit – producing by contract or organizing the farm into a partnership or corporation can significantly impact a farmer’s bottom line. While farm profit margins are shrinking, legal concerns and issues that farmers must face are increasing. Many farmers simply cannot afford legal representation. USDA classifies 28% of U.S. farmers (about 575,000) as “limited-resource” and “low-sales” small family farmers (Flink 3). In 1998, off-farm income allowed 90% of these farms to break even, but left them vulnerable to any shock that could upset their financial situation (Flink 4).

The economic slump in the U.S. is part of a global slump; and the U.S. farm economy, now an integral part of the global economy, depends upon the strength of the global economy. Tennessee has the fourth largest number of farms in the nation, over 91,000 (TASS 2002). With so many farms, Tennessee also has a greater percentage of farmers and farm families at 6.8% of the state population (US Census Data 2000). While many of these are small farms or only part-time farmers, a significant portion (about 30%) earn over 50% of their income from farming (TASS 2). Five percent of Tennessee farmers earn all of their income from the farm (Off-Farm 1999). Tennessee ranks near the top in nursery production, tobacco, and beef cattle. Because of several labor-intensive crops, Tennessee has the sixth highest number of migrant workers in the country, making labor issues an important concern (Effland 1998). With the largest Farm Bureau in the country, Tennessee has a significant population interested and involved in rural life and agriculture. Currently, however, there are no agricultural law emphases, programs, clinics, or committees at any of the law schools or universities in the state or within the state bar association (TBA, 2003).

While these facts make a case for directing resources toward agricultural legal issues in Tennessee, they do not prove that it is necessary or even wanted by the agricultural community.

The purpose of this study was to discover the legal issues faced by the agricultural community in Tennessee, and to determine how these issues are being met and how to improve legal services and education for the agricultural sector.

Methods

To study legal concerns and needs of the agricultural community, a survey was conducted of those producers directly involved in agriculture in Tennessee, as well as a survey of Agricultural Extension Agents and Farm Business Management Specialists at the University of Tennessee. Obviously farmers know best the problems they face individually, but a study like this requires compiling the concerns of many farmers and noting the shared responses.

The chosen audiences, farmers and the University of Tennessee Agricultural Extension Service provided the information needed for this study. This information included: most common or pressing legal concerns; how farmers deal with them; how much time extension agents spend on them; how important they are to both groups; how well they feel legal needs are currently met; and how to improve the current status. Quantifying those results required a carefully designed survey and specific methods of administration tailored to the two groups.

The producer survey requested basic agricultural demographic information and had nine questions that used answer choices, rankings of given choices, or scales to produce quantifiable results. Since producer comfort with computers is not equally distributed, all producer surveys were completed in a paper format. These questions pinpointed individual problems and concerns, feelings toward legal problems and services, and resources used. Producers also had space to submit free comments. The majority of the farmer surveys were completed at the Tennessee Farm Bureau Federation Convention in December 2002. Approximately 800 Tennessee farmers attended the convention with 117 willing to participate. Thirty-five more

farmers in Coffee and Grundy counties were surveyed by direct mail through the Farm Service Agency and Natural Resource Conservation Service office contacts. The 145 completed surveys constitute .2% of all Tennessee farmers.

Producer Demographics

Fifty-eight of Tennessee's 95 counties are represented in this survey (Figure 1). The greatest percentage of producers surveyed came from Coffee County, where some producers replied to direct mail. The other counties responding are represented more evenly. With such a small survey sample, as in this study, it is very interesting to note how close the sample relates to the average Tennessee farmer. The average Tennessee farmer is characterized as: 55 years of age, AGI of \$31,350 per year, and with farm size of 130 acres (TASS 3). The average number of acres for farms with sales over \$100,000 is

825 acres, and this accounts for 28% of Tennessee farmland (TASS 4). For farms with sales of \$10,000 to \$99,999, the average

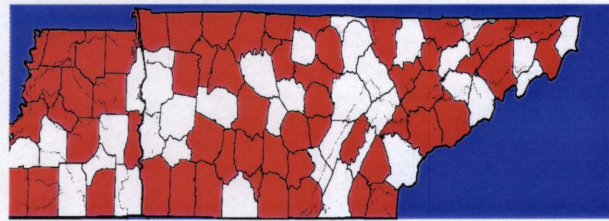


Figure 1. Counties represented in producer survey.

size is 222 acres, accounting for 34% of Tennessee farmland (TASS 5). The \$1,000 - \$9,999 sales category accounts for 38% of Tennessee farmland and has an average size of 65 acres (TASS 6). The crops with highest acreage planted for Tennessee in descending order are hay, soybeans, corn and cotton (TASS 7). In livestock production, the highest sales products are cattle, broilers, and dairy products (TASS 8).

The average age of producers responding was 52.3, very close to the state average of 55. The age range of survey respondents was 19 to 92. The percentage of young farmers at the Farm Bureau Convention slightly skewed this demographic downward in relation to the state average. Eleven percent of the farmers responding were under the age of 30. However, the greatest

concentration of producers remained at ages 55, 57, and 60. The greatest percentage of respondents (34.6%) remained between ages 50-60.

In looking at farm size and number of acres owned, the producers surveyed fit in the Tennessee average demographic. The average Tennessee farm size is 130 acres, and the greatest concentration (37.7%) of respondents fit in the 100-299 acres category (Figure 2).

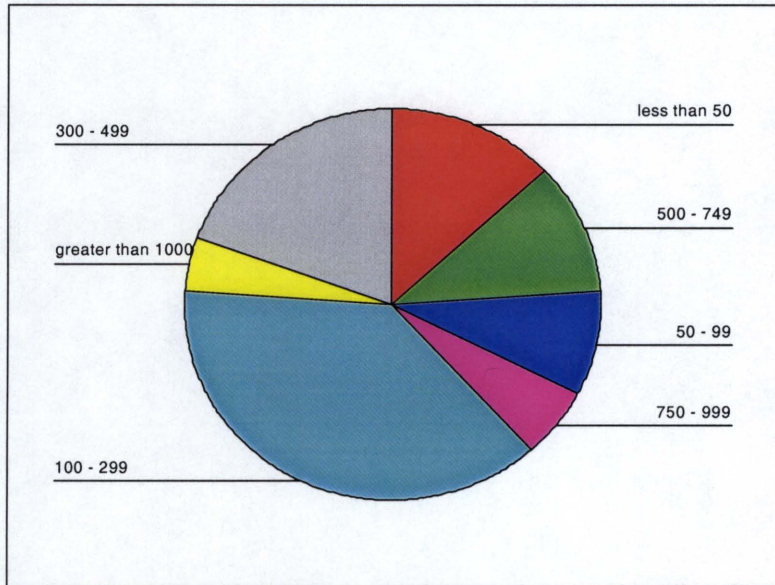


Figure 2. Farm acreage owned by producers surveyed.

However, the largest percentage of producers surveyed (40.6%) owned farms over 300 acres, with 19.6% falling into the 300-499 acres category. These larger acreage farms generally have

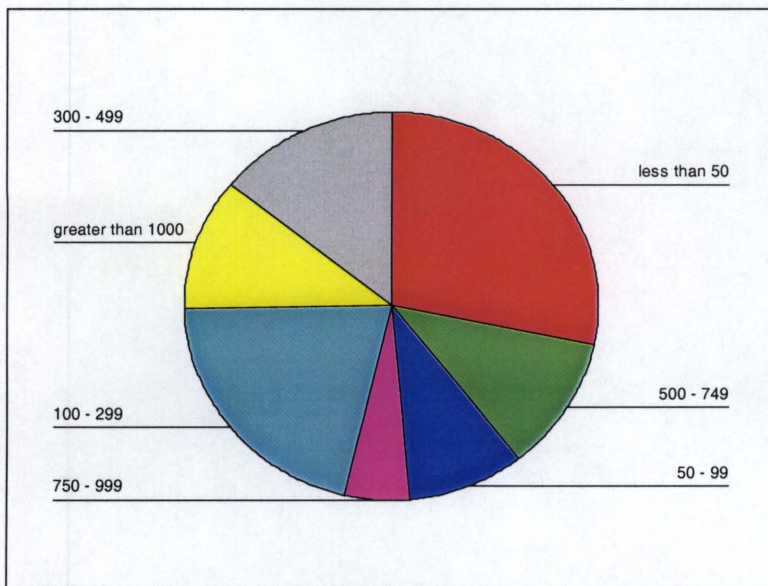


Figure 3. Farm acreage rented by producers surveyed.

higher sales and income than the average Tennessee farm. Twenty-one percent of those surveyed had farms of less than 100 acres.

Forty-six respondents said they rented no land, and then left that section of demographic information blank. The greatest percentage (28%) of those who did

respondents rented less than 50 acres (Figure 3). The greatest concentration of those who rented land was 100-299 acres with 21% of the respondents. The state average farm size of 130 acres fits in this category.

The crops produced by these farmers varied but fell into predictable categories based on the state agricultural statistics. Over 19,000 acres of soybeans were produced by this group. Next came over 17,000 acres of corn. These farmers had over 14,000 acres of hay and pastureland reflecting Tennessee's hay and cattle (tenth in the nation for beef cattle) production (TASS 9). Other crops represented included wheat, cotton, tobacco and vegetables.

Livestock, dairy, and horse production are also important parts of Tennessee agriculture, accounting for 52.1% of Tennessee farm enterprises. Those surveyed combined to produce 876,000 broilers, over 6,500 beef cattle, over 4,400 dairy cattle, and about 2250 swine. These numbers correspond with the top livestock production categories in the state. Much smaller numbers of sheep and goats reflected the production patterns in the state that lean toward other livestock.

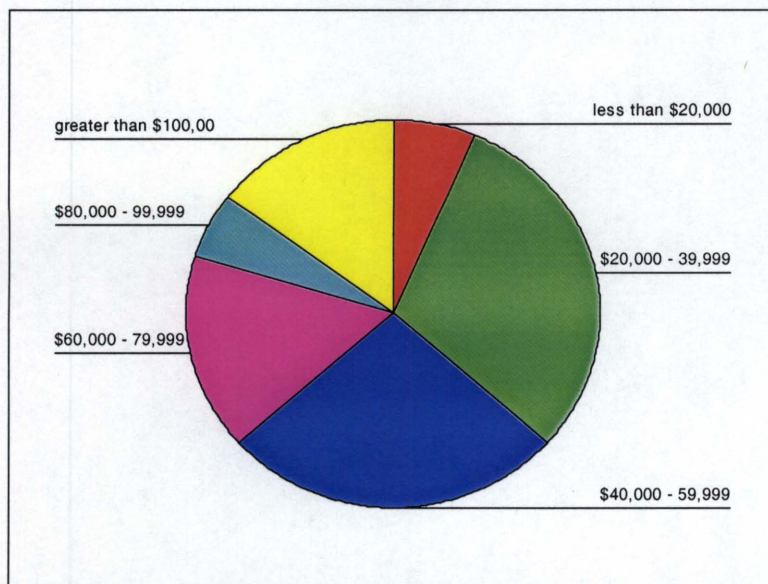


Figure 4: Adjusted gross income levels of producers surveyed.

The average adjusted gross income of the producers surveyed was \$56,000. This is approximately 78.6% higher than the state average due in part to a larger proportion of producers (14.6%) with incomes greater than \$100,000. The largest concentration (30%) fell into the

\$20,000-39,999 range (Figure 4). But a disproportionate amount (63%) had incomes over \$40,000. One factor that adjusted gross income does not consider is debt. The amount of debt incurred by the surveyed operations is unknown, but nation-wide, agriculture is more capital-intensive than other product-producing industries, a factor that can lead to higher debt-to-asset ratios.

Producer Survey Results

1. a) Have you used any legal services (including attorneys) **within the last year?**
b) **Within the last five years?** If you answered Yes to one or both of the above questions, **please mark all categories related to you need for legal services.**

Nuisance complaints	Environmental Regulations	Zoning/Planning
Estates/trusts/wills	Labor	Liability
Animal liability	Negligence	Contracts
Bankruptcy	Loan Mediation	Other: _____

In 2002, 38.6% had used a legal service (Table 1), and that increased to 60% within the last five years (Table 2). By far the category with the greatest frequency of response (66) was estates/trusts/wills. The next two categories were contracts and loan mediation with 26 and 22 responses respectively. Zoning had ten responses, and the other categories: nuisance complaints, environmental regulations, labor, liability, negligence, animal liability, and bankruptcy all had less than 10 responses. These are the categories that had concerned producers enough to use an attorney within the last five years.

Table 1: Legal service usage response within the last year

Yes	38.6%
No	59.3%
Not Responding	2.1%

Table 2: Legal service usage response within the last five years

Yes	60%
No	37.9%
Not Responding	2.1%

2. Have any of the following categories been a major concern for you within the last year?
(Mark all that apply)

Nuisance complaints	Environmental Regulations	Zoning/Planning
Estates/trusts/wills	Labor	Liability
Animal liability	Negligence	Contracts
Bankruptcy	Loan Mediation	Other:_____

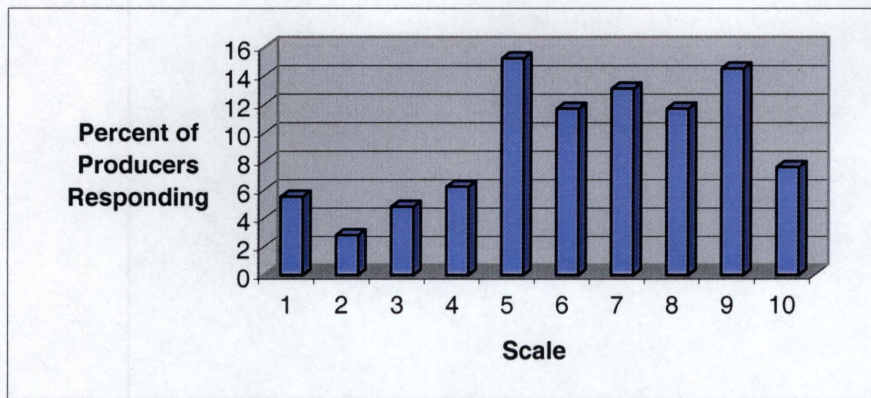
Categories that ranked as major concerns for producers within 2002 were: Estates/trusts/wills, Environmental regulations, nuisance complaints, zoning, contracts, and liability. An attorney had not necessarily addressed these concerns, but farmers considered them to be important. Loan mediation dropped to almost the bottom of the list with less than ten responses.

Estates/trusts/wills again topped the list of concerns with 84 responses. The second highest category was environmental regulations with 74 responses, a major shift from the previous question. Concerns with 30 or more responses included nuisance complaints, zoning, contracts, and liability. Labor had 27 responses, and the remaining categories (animal liability, negligence, and bankruptcy) had less than 20 responses.

Questions 7, 3, and 4 were used in this survey to assess producer level of confidence in current services and the importance of legal concerns. These questions used a scale (1-10) with 1 being not important or not at all well and 10 being very important or very well for noting average and most frequent responses.

7. On a scale of 1-10, how well do you think currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, web-sites, publications, or other sources) meet the legal needs of Tennessee producers?

Only 7.6% of respondents marked 10, and the greatest concentration of respondents (15.2%) answered with a score of 5, giving a mediocre score to available legal services for agriculture



(Figure 5). The weighted average was 5.883. Producer response to this question reveals the need for improvement in this area.

Figure 5: Producer Response for Question 7

3. On a scale of 1-10, how do you rank legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

The weighted average response was 7.016. The most frequent response was 10 with 25% of the responses (Figure 6). The next most frequent responses were 8 and 9 with 16.6% and 13.8% respectively. The responses decreased in frequency going down the scale. Only one producer rated legal concerns as a 1.

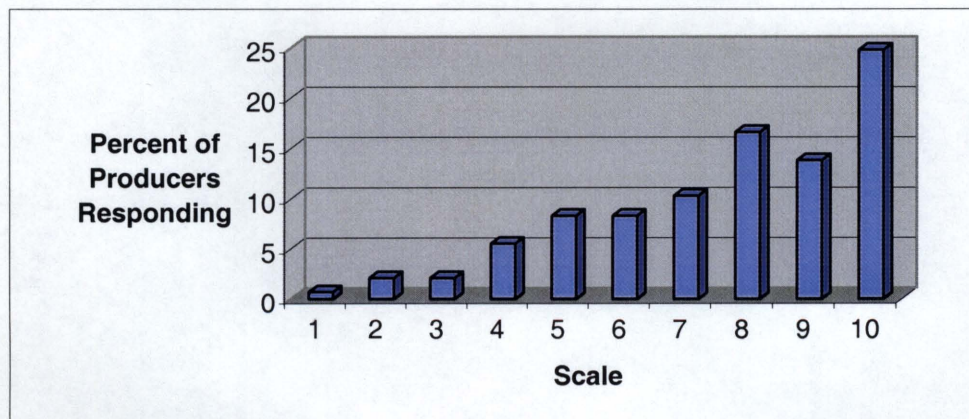


Figure 6: Producer Response for Question 3

4. If you have used a legal service (attorneys, mediation, etc.) on a scale of 1-10, how well did the people assisting you understand agricultural legal concerns?

The responses to this question would suggest misunderstanding in legal services or misinterpretation of the question. Sixty-four percent of producers surveyed responded with a

weighted average score of 4.03, suggesting that farmers are less than confident that legal services in the state of Tennessee understand their needs and concerns. Responses ranged from very well, with

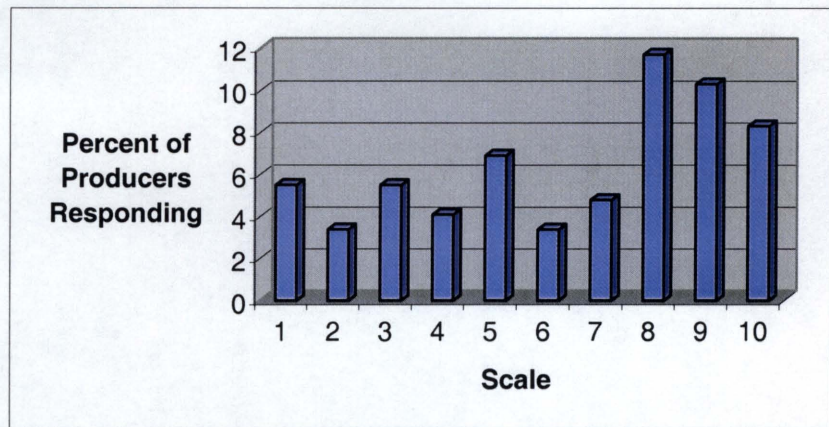


Figure 7: Producer Response to Question 4

8.3% to not at all, with 5% (Figure 7).

That there was no pattern or consensus indicates the disparity between services across the state.

Often, the expense of legal services is considered a problem or barrier to usage in the agricultural industry (Flink 5). Questions 5 and 6 related to this concern, asking about mediation and arbitration procedures and avoiding legal services because of the cost.

5. Have you ever resisted using legal assistance because of the cost, even if it could have benefited your situation?

This question related to the cost of legal representation provided an interesting contrast.

While the producers surveyed had much higher incomes than the average Tennessee farmer, when asked if they had ever avoided using legal assistance because of the cost, even if it would have benefited their situation, 41.4% of the respondents said yes. The costs of any legal services are very high, and in many cases, are more than farmers can afford to pay.

6. Have you been involved in any mediation or arbitration procedures?

Many times these avenues are utilized to avoid the court system and a costly trial. Only a small percentage (12.4%) of respondents had been involved in procedures like this. This could

mean that these farmers have not been involved in problems where mediation or arbitration would help or that they have not made use of these avenues. The result from this question proved inconclusive for either case.

In studying how the extension service helps producers, and where those producers turn when looking for information and help, two questions were used.

8. Do you contact your County Extension Agent with questions about the following concerns? (Please mark all that apply)

Farm management	Disease control/pest management	New technology	Government policy and regulations
Legal concerns	Never contacted agent	Other: _____	

Almost 76% marked disease control/pest management, showing the importance farmers place on extension expertise and educational materials. Over 45% marked farm management, government policy and regulations, and new technology. Only 15% of respondents said they contacted extension agents about legal concerns, much lower than the other topics.

9. Are you likely to contact one of the following about new or changing rules, regulations, or laws for the commodity you produce? (Please mark all that apply)

County Extension Agent	Farm Bureau Staff	Farm Service Agency	Web-site
Publications (journals, magazines, newspapers, etc)	Natural Resources Conservation Service Staff	Other source: _____	

Seventy-five percent said they contacted extension agents, with 66% and 65% marking Farm Bureau Staff and Farm Service Agency respectively. Natural Resource Conservation Service staff was chosen by 52.5% of respondents. The farmers overwhelmingly chose these organizations over print resources such as magazines, journals, and websites. These results

would suggest that Tennessee farmers would prefer consulting a person rather than non-personal information sources. Farmers chose publications and websites at 43.3% and 21.3% respectively.

Producer Free Response

The producers were allowed to add any final comments they had about current legal services available or how best to meet their needs. Fourteen percent added comments, and the comments had a wide range of views. One producer wrote that he had never needed to use legal services, and another said he did not know what was available. Another stated that he thought lawyers caused 98% of the problems in government. Several producers stated that farmers need better legal services and more information on estates, wills, taxes, contract issues, leases, and environmental regulations. Four of the respondents suggested that either Farm Bureau and/or the UT Extension Service should provide a staff attorney for consultation about legal matters relating to agriculture. One of these four respondents suggested having workshops on legal issues conducted by persons with legal background on agricultural matters, coordinated and advertised by the county extension agency would be helpful.

Extension Demographics

The extension surveys asked for minimal demographic information, but used 11 questions, each with free comment space, to obtain the needed information. These questions, like the producer survey, used answer choices, rankings of given choices, and scales to elicit quantifiable results. The extension survey questions focused on the agents' time spent answering legal questions, frequency, categories represented, and courses of action taken and/or recommended.

Since all extension agents have access to email through the UT system, these surveys were administered through a mass email directing the recipients to an online survey link.

Unlike the producer survey, the extension survey, even with the small response accounts for 18.1% of county agricultural extension agents and farm management specialists. The information is not skewed to a particular county in this instance, although more agents from Middle and West Tennessee responded. The extension survey represents a significantly smaller geographic area than the producer survey, but a much larger percentage of extension agents responded than farmers. Of extension agents responding, 79.4% worked in counties represented in the producer survey.

Two other demographic questions provided information on the experience levels of respondents. Agents were asked for the years of employment in the current county and in the extension service. The average number of years of experience was 12.3 years. Fifty-five percent of respondents had greater than ten years of experience in the current county. The average years of experience in the extension service was 16.9 years. Of the extension agents responding, 72.5% had greater than 10 years experience in the extension service. These experience levels relate to the agents' knowledge of issues in their respective counties and the likelihood of farmers to contact them about questions of concern.

Extension Survey Results

Four questions were used to examine the extent to which extension agent's deal with legal concerns of producers and how much time they put into those efforts. Free response sections for these questions gave agents the opportunity to mention how this affected their job performance or how they thought these legal matters related to their jobs.

1. Estimate how many contacts or calls regarding legal concerns or legal questions you have received in the last year.

Responses to this question ranged from none (3.4%) to 50 (6.8%), although the most frequent response was 5 (20.7%). The wide range of responses shows the differences either in the amount of legal questions in a county or in the likelihood of farmers to contact their extension agents with legal questions.

7. On an annual basis, about how much of your time is spent researching legal concerns or answering legal questions for producers?

Table 3 – Amount of time spent on legal concerns annually

None	3.4%	20-25 hours	13.8%
1-4 hours	27.6%	>25 hours: 30	3.4%
5-9 hours	17.2%	>25 hours: 50	3.4%
10-14 hours	20.7%	>25 hours: 100	3.4%
15-19 hours	6.9%		

Most of the agents surveyed (96.6%) did have some contact regarding legal matters (Table 3). A significant percentage (30.9%) spent over 15 hours dealing with legal concerns. In the free response area after this question, several agents mentioned that they considered this part of their job. These results do show that in most cases, extension agents (68.9%) do not spend more than 14 hours each year answering legal questions, meaning that it does not affect their job performance in other areas.

8. On an annual basis, about how much time do you spend explaining or clarifying rules and regulations for farm laws?

Table 4 – Amount of time spent explaining farm laws annually

None	13.8%	15-19 hours	0
1-4 hours	24.1%	20-25 hours	13.8%
5-9 hours	17.2%	>25 hours: 50	3.4%
10-14 hours	24.1%		

These results show that most agents (86.2%) spend some time explaining farm laws, indicating that these laws must be concerns for their producers (Table 4). A significant amount of time is spent dealing with these questions by 17.2% of agents. In the response area, several agents indicated that imparting this information is usually part of their instructional programming or newspaper articles. Others stated that it was just part of the job.

10. About how many calls annually do you receive regarding new or changing rules, regulations, or laws for a specific commodity produced by farmers in your county?

Table 5 – Number of calls for policy questions on commodity

None	17.2%	11-15	6.9%
1-5	44.8%	16-20	10.3%
6-10	10.3%	>20:100	3.4%

The agent receiving 100 calls indicated that they were related to the tobacco settlement and pending buyout program, and would not normally be that high. These numbers do indicate that only a small percentage of Tennessee producers call extension agents about changing rules, regulations and laws for their respective commodities (Table 5).

Question 3 offers information on the extent of legal problems encountered by producers in the extension agents' respective counties.

3a. How many producers/farming operations in your county have been subject to litigation, fines, or other legal battles **within the last year**?

Of the extension agents responding, 69% said that at least one producer or farming operation in their county had experienced some type of legal conflict in the past year. This indicates that

legal conflicts related to agriculture exist in Tennessee and have impacted this sector within the last year.

3b. How many producers/farming operations in your county have been subject to litigation, fines, or other legal battles **within the last five years**?

Table 6 – Number of farming operations encountering legal conflicts

None	24.1%	7-10	13.8%
1-2	10.3%	11-15	20.7%
3-6	27.6%	>15: 20	3.4%

It is interesting to note the significant percentage (37.9%) of agents who had more than seven legal conflicts in the last five years (Table 6). This indicates that legal conflicts are a more prevalent concern in several parts of Tennessee. However, it is also interesting to note that 24.1% of agents counted no legal conflicts in their counties over the past five years. While it is possible that these numbers could be greater because of unknown events, it is also likely that in some places, producers avoid legal conflicts through other means of resolution. In the free response section for this question, several agents responded that they did not know the numbers because they had been in their counties for less than five years. Several (10.2%) also stated that they had to testify as expert witnesses in some of the cases noted.

Two scale questions were used in this survey to rate current services and the importance of legal concerns according to extension agents. Again, the 1-10 scale was used for noting average and most frequent responses to the questions.

5. On a scale of 1-10, with **1 being not important** and **10 being very important**, how do you rank legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

The weighted average response on the 1-10 scale was 6.96. The most frequent response was 8 with 27.6% of responses (Figure 8). The next most frequent was 10 with 24.1%. All other

responses from 3-9 received a 6.9%. No one marked 1 or 2. This indicates that most extension agents consider legal issues important, although not as important as some producers indicate.

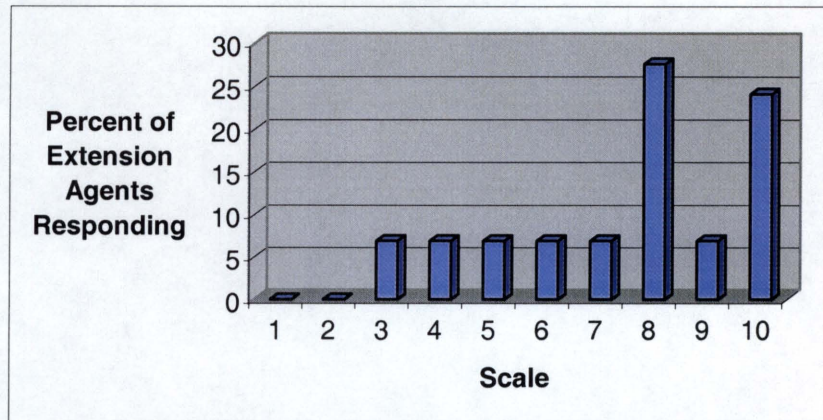


Figure 8: Extension Agent Response to Question 5

11. On a scale of 1-10, with *1 being not at all* and *10 being very well*, how well do currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, publications, web-sites, or other sources) meet the legal needs of Tennessee producers?

The weighted average response on the 1-10 scale was 5.29. The most frequent responses were 5 and 7 with 20.7% each. The next most common responses were 3 and 6, each with 17.2%. No one marked 1

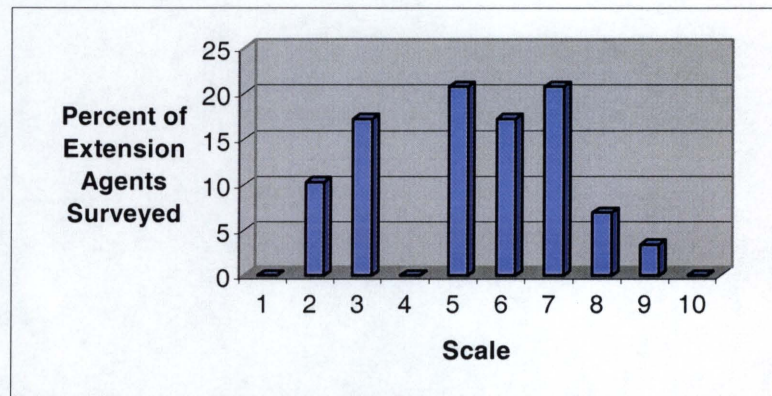


Figure 9: Extension Agent Response to Question 11

or 10, and only one marked 9, indicating that current legal services are not terrible, but definitely not at the level desired. The low average and the most frequent responses indicate considerable room for improvement in legal services for farmers, according to extension agents.

Questions 8 and 9 were used to determine the frequency with which extension agents refer farmers to an attorney and under what circumstances they would refer someone to an attorney.

8. How many farmers have you referred to an attorney for advice on legal matters within the last year? Within the last five years?

Responses for referrals within the last year ranged from 0-10. Fifty-five percent of the agents surveyed had referred someone to an attorney during the last year. Over the five-year period, responses ranged from 0-50, although the most frequent responses were 2 (17.2%) and 10 (13.8%). Almost 76% of the agents had referred farmers to attorneys during that time.

9. Were these referrals based on: (Mark all that apply)

Complexity of issue	Impending prosecution
Lack of technical legal knowledge	Concern for personal and professional liability
Never referred farmers/producers to attorney	Other: _____

A small percentage (13.8%) of referrals was necessary because of impending prosecution. For the most part, the agents surveyed referred farmers to attorneys from a lack of technical knowledge (65.5%) or the complexity of the issue (58.6%). A significant group of agents (31%) were concerned with their own liability in the issues. Another 13.8% had never referred anyone to an attorney. These results indicate that farmers face legal issues more complex than agents can handle, and that extension agents need to know when to refer producers to attorneys. One agent commented that more training to determine when a farmer needs to seek legal counsel would be helpful.

The responses from questions 6 and 7 show the most frequent and most important topics of legal concerns extension agents confront.

6. From which of the following categories have you received questions? (Mark all that apply)

Nuisance complaints	Environmental Regulations	Zoning/Planning
Estates/trusts/wills	Labor	Liability
Animal liability	Negligence	Contracts
Bankruptcy	Loan Mediation	Other: _____
Animal cruelty		

The two greatest response categories were nuisance complaints (86.2%) and environmental regulations (79.3%). Other major categories included liability with 65.5%, contracts with 58.6% and animal cruelty with 51.7%. All other categories had less than 15 responses, with loan mediation and animal liability at the bottom.

7. Rank the 3 most important categories from the list above based on the number of questions you have received.

Environmental regulations ranked first and nuisance complaints ranked second among the most important categories. Contracts, animal cruelty, and liability followed with approximately the same response. This indicates that county extension agents receive more calls related to environmental regulations and nuisance complaints than other legal concerns.

Extension Free Response

The final question in the extension survey allowed agents to list any final comments or suggestions they had on how to best meet the legal needs of farmers in Tennessee. Although only 27.6% of the agents responded to this question, these comments had a wide variety of responses and suggestions that indicate the need to improve current legal services. One stated that some basic publications for extension agents would be helpful. In his 29 years, he did not know of any publications available save information on wills and estates. Another asked for more training on when a farmer needs to seek legal counsel. A West Tennessee agent suggested providing sample contracts of lease agreements and a referral list of professionals in areas of taxes, environmental regulations, forestry, and all types of legal services. Another West Tennessee agent suggested having someone on staff to stay current with labor regulations, tax requirements for schedule F's, and depreciation. The agent also suggested that having someone

with knowledge of estate planning, charitable remainder trusts, and contract law would be helpful. A Middle Tennessee agent suggested that an agricultural law center is needed in Tennessee. The consensus of these responses indicates a need and an interest among extension agents in the legal concerns facing Tennessee agriculture today.

Conclusions

This study investigated the legal issues and concerns of the Tennessee agricultural community. Results of this study were obtained through a survey of Tennessee producers at the Tennessee Farm Bureau Convention in December 2002 and a second survey conducted of the University of Tennessee extension agents and farm management specialists during February – March, 2003. This two prong approach gave valuable insight into the legal issues that producers stated they are concerned about as well as the legal issues that extension personnel encounter in their counties.

The producer survey generated 145 completed surveys out of approximately 800 Tennessee farm producers attending the Tennessee Farm Bureau Convention. The extension survey generated a similar response at 18.1% of county extension agents and farm management specialists. With such a small survey sample from both producers and extension personnel, it is very interesting to note how closely the producer demographics fall into the average Tennessee farm producer categories. The average Tennessee farmer as defined by the Tennessee Agricultural Statistics Service is 55 years of age, farms 130 acres, and generates \$31,350 in adjusted gross income. The average farm producer from the survey results was 52.3 years of age, falls into the 100 – 299 acres farmed, and generates \$56,000 in adjusted gross income.

Producers were most concerned with issues pertaining to wills/estates and environmental regulations. However, nuisance complaints, zoning, liability and contracts were also ranked high in the survey. When asked how well currently available services meet the legal needs of Tennessee producers, the surveyed producers responded on a scale of 1 – 10 (1 being not well and 10 being very well) with a weighted average of 5.88. Although this question does not pinpoint a particular area that available service needs to improve, the general response was that there is room for improvement. Producers were also asked to rate how they view legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise. Here the response was greater at 7.016 on a scale of 1 – 10 (1 being not important and 10 being very important). This response was later confirmed by the response to the question regarding resisting the use of legal assistance because of the cost even if it could have benefited their situation. Although the adjusted gross income for the surveyed producers were higher than the state average, 41.2% of the respondents said that they have avoided legal assistance due to the cost of these services.

The extension survey was conducted to rank their legal concerns in relation to the producer surveys and to learn how they currently address these legal issues. The results of the extension surveys were consistent with the producer surveys in categories of legal concerns, the need for improving available services, and rating legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise. Although the estates/wills/trusts category did not rank high on the list of legal concerns for extension personnel, this category was asked on both surveys to broaden the scope of legal concerns. However, environmental regulations did rank high among extension respondents confirming the importance producers placed in the same category.

Recommendations for Future Study

The results of this study make a case for further research into the legal issues facing Tennessee's agricultural community. A more comprehensive survey of farmers – either through county extension offices, FSA or NRCS lists, Farm Bureau members, or TFC members – across the state could provide valuable information on the issues they face, how they deal with them, and how to better serve the agricultural community. While the farmers surveyed do relate closely to the state average, more specific information about the legal problems they encounter could improve the quality of service provided.

Surveys to other farm service groups such as Farm Service Agency representatives, Natural Resources Conservation staff, and Tennessee Farmers Cooperative staff could give greater insight to the problems facing those, besides extension agents, who serve the farming communities in the state. Improving farm service programs will require involvement from all these organizations, particularly information including the types of questions received and how these organizations deal with the legal issues farmers encounter. Comprehensive studies of legal service centers in other states can provide possible designs along with information for how to begin improving agricultural legal services in Tennessee.

There are many types of legal service centers throughout the United States and even around the world. The inspiration for this study came from an environmental law clinic in London. The Environmental Law Foundation is a referral and educational service organization. Staff members present educational workshops to community groups throughout the British Isles. The organization also sponsors continuing education workshops for attorneys working in environmental law – giving them tools to improve the way they serve their clients. The organization has volunteers who work for the referral service – taking calls from clients and

referring them to the proper organization, administrator or government figure; a local attorney with membership in the foundation; or an expert in the area where they need assistance. A similar service might benefit Tennessee producers, attorneys, and farm services, but is by no means the only option; a combination of several legal services could create the best system for Tennessee.

Three universities currently have agricultural law research centers: Drake University in Iowa, University of Arkansas, and Pennsylvania State University. Two of these research centers are funded by the USDA, and none of them provide any legal representation. They are staffed by attorneys and law students, and work in conjunction with the law schools at these universities. They provide valuable research for attorneys and people working in the agricultural sector across the country. At Arkansas' National Center for Agricultural Law Research and Information, a web-based library of resources is available as well as an updated list of USDA decisions (NCALRI 2003). Pennsylvania's Agricultural Law Research and Education Center is funded by the Pennsylvania Department of Agriculture and began as a joint venture between the PSU College of Agriculture and the Dickinson Law School (ALREC 2003). It provides continuing education programs for lawyers, information and outreach services to farmers, and training for extension agents on legal issues affecting their farmers. Any of Tennessee's three major law schools could house a facility like this, but funding would be an issue to consider.

The University of Florida has started an agricultural law program with a different twist. The university is building an agricultural law center in conjunction with the law school. It is the only university that offers a joint degree program for a master's in agricultural economics and a law degree. UF is also offering undergraduate courses in agricultural law, creating a minor program for the agricultural economics department.

Several non-profit agricultural law centers exist that specifically provide legal representation for farmers. These are usually funded through donations or grants, but not with state dollars. The Minnesota-based Farmers Legal Action Group uses four methods to help its clients: education, backup support, impact litigation, and administrative and technical legal assistance (FLAG 2003). FLAG conducts seminars around the country for farmers and lawyers and produces user-friendly publications. The organization's support services include explaining laws, providing research, reviewing and analyzing cases, and maintaining a toll-free line that Minnesota farmers, lawyers, and advocates can call for brief advice and referrals. FLAG undertakes strategic litigation, usually class action lawsuits to change important areas of law that will affect a large number of family farmers. FLAG's technical assistance consists of drafting legislation, testifying before state and federal legislative bodies, and submitting formal comments on proposed agency regulations. This type of service could work in Tennessee if funded and supported by an organization rather than a university.

At least two states, Iowa and Ohio, have some legal service and legal education available through the university extension service. Iowa Concern services both urban and rural communities in the state, even though it was started in 1985 to serve the agricultural community during the S&L crisis (Iowa 2003). People can call toll-free for access to an attorney for legal education, to stress counselors, or to the Information and Referral services. Iowa Concern can also be accessed through the web by email. The site has kept extensive records on the calls received and the geographic distribution over the years. The Ohio program is designed for educational purposes and has information on a variety of agricultural legal topics that producers can access. These programs are staffed through the extension service and generally include a

staff attorney to administer them. The University of Tennessee Extension Service could use a system modeled after these to improve farmer access to legal information.

North Carolina State University has an Ask the Specialist site through its Family and Consumer Sciences program (Ask 2003). The service answers questions about legal issues, particularly estate planning for farm families. It also includes information on a variety of other daily living topics.

The University of Illinois at Urbana-Champaign has an educational website available to farmers. “Decision Outreach Central” has several subject headings and current information on pricing and government programs. One of the subject headings is Law and Taxation. The page provides information on laws relating to agriculture and taxation laws relating to farm income and farm labor. It includes a disclaimer telling visitors that the site is for educational purposes only and to contact a lawyer if they need one because the information might not be current with ever-changing laws.

Of these possibilities, the easiest way to begin offering legal service or education to farmers and the agricultural community in Tennessee would be through a web-based program. While this study shows that Tennessee farmers do prefer to ask people for advice, a growing number of them are using the internet to gather information. A web-based service could include an online database of past or pending agricultural cases in Tennessee where farmers can see how others dealt with situations similar to their own. An online site could also give updated information on USDA cases like the NALCRI site and provide educational resources for farmers, extension staff and lawyers. It might include an email link to send a question from producers or extension agents needing further information.

This study has shown that the current available services to the Tennessee agricultural community do not adequately address their needs with regard to legal issues. For Tennessee's agriculture industry to continue to prosper, it is vital for service organizations to educate, inform and serve the farming community in every aspect of agriculture, including matters of the law. To accomplish this goal, it is important for producers to understand legal issues to aid in their decision making process. Further study and implementation of an agricultural law program will help serve the legal needs of the Tennessee agricultural community.

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Appendix

**OPINIONS
ON
LEGAL ISSUES AND CONCERNS**



**A SURVEY OF THE TENNESSEE
AGRICULTURAL COMMUNITY**

**DEPARTMENT OF AGRICULTURAL ECONOMICS
UNIVERSITY OF TENNESSEE**

This study is part of a University Honors Program Senior Undergraduate Research Project by a student at the University of Tennessee in the Department of Agricultural Economics. We would like you to participate in the following survey that is being compiled to study the legal needs of the Tennessee Agricultural Community and evaluate how well they are currently being met. For “legal issues” or “legal concerns” please do not include divorce proceedings within your replies. The more pertinent information for this survey includes items that fall into one of the categories listed under item 1.

Your responses are very important and can help in the assessment of the legal needs of the Tennessee Agricultural Community. Participation is voluntary and your responses will be kept confidential.

☐ – select ONLY ONE Choice ☐ - select ALL that apply

1. Have you used any legal services (including attorneys) **within the last year**?
☐ Yes ☐ No

Within the last five years?
☐ Yes ☐ No

If you answered Yes on one or both of the above questions, **please mark all categories** related to your need for legal services?

- | | |
|--|---|
| ☐ Nuisance complaints | ☐ Animal liability |
| ☐ Environmental Regulations | ☐ Negligence |
| ☐ Zoning/planning | ☐ Contracts |
| ☐ Estates/trusts/wills | ☐ Bankruptcy |
| ☐ Labor | ☐ Loan mediation |
| ☐ Liability | ☐ Other: _____ |

2. Have any of the following categories been a major concern for you within the last year?
 (Mark all that apply)

- | | |
|--|---|
| ☐ Nuisance complaints | ☐ Animal liability |
| ☐ Environmental Regulations | ☐ Negligence |
| ☐ Zoning/planning | ☐ Contracts |
| ☐ Estates/trusts/wills | ☐ Bankruptcy |
| ☐ Labor | ☐ Loan mediation |
| ☐ Liability | ☐ Other: _____ |

Rank your 3 top concerns from the list above.

1. _____
 2. _____
 3. _____

3. On a scale of 1-10, how do you rank legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

not important ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 very important

4. If you have used a legal service (attorneys, mediation, etc.) on a scale of 1-10, how well did the people assisting you understand agricultural legal concerns?

not at all ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 very well

5. Have you ever resisted using legal assistance because of the cost, even if it could have benefited your situation?

☐ Yes

☐ No

6. Have you been involved in any mediation or arbitration procedures?

☐ Yes

☐ No

If yes, please give the years of the process: _____

7. On a scale of 1-10, how well do you think currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, web-sites, publications or other sources) meet the legal needs of Tennessee producers?

not at all ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 very well

8. Do you contact your County Extension Agent with questions about the following concerns? (Please mark all that apply)

☐ Farm management

☐ Government policy and regulations

☐ Disease control/pest management

☐ Legal concerns

☐ New technology

☐ Never Contacted County Extension Agent

☐ Other: _____

9. Are you likely to contact one of the following about new or changing rules, regulations, or laws for the commodity you produce? (Please mark all that apply)

☐ County Extension Agent

☐ Farm Bureau Staff

☐ Farm Service Agency

☐ Web-site

☐ Publications (journals, magazines, newspapers, etc.)

☐ Natural Resources Conservation Service (NRCS) Staff

☐ Other source: _____

Rank the order of importance for the above sources:

1. _____

2. _____

3. _____

Demographic information:

County: _____

Age: _____

2001 Personal Adjusted Gross Income:

- ☐ less than \$20,000 ☐ \$20,000-39,999 ☐ \$40,000-59,999
☐ \$60,000-79,999 ☐ \$80,000-99,999 ☐ greater than \$100,000

Check ALL Crops produced and list the number acres cropped for each category:

- ☐ corn _____ ☐ soybeans _____ ☐ wheat _____ ☐ tobacco _____
☐ cotton _____ ☐ vegetables _____ ☐ hay/pasture _____
☐ other _____

Check ALL Livestock owned or produced and list the number head for each category:

- ☐ beef cattle _____ ☐ dairy cattle _____ ☐ sheep _____
☐ swine _____ ☐ poultry _____ ☐ goats _____
☐ horses _____ ☐ other _____

Check the number of acres owned:

- ☐ less than 50 ☐ 50-99 ☐ 100-299 ☐ 300-499 ☐ 500-749
☐ 750-999 ☐ greater than 1000

Check the number of acres rented:

- ☐ less than 50 ☐ 50-99 ☐ 100-299 ☐ 300-499 ☐ 500-749
☐ 750-999 ☐ greater than 1000

Please list any final comments you may have on the current legal services available to Tennessee farmers or how best to meet their legal needs.

Thank you for your help.

Producer Survey Results

Have you used any legal services (including attorneys) within the last year?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	56	38.6	39.4	39.4
	No	86	59.3	60.6	100.0
	Total	142	97.9	100.0	
Missing	System	3	2.1		
Total		145	100.0		

within the last five years?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	87	60.0	61.3	61.3
	No	55	37.9	38.7	100.0
	Total	142	97.9	100.0	
Missing	System	3	2.1		
Total		145	100.0		

Nuisance Other: Complaints	Animal Liability	Env Regs		Negl		Zoning		Contr		Estates		Bank		Labor		Med		Liab		Loan
Grand Total Sum																				
2	3	4	0	10	26	66	3	1	9	8	22									

Nuisance Other: Complaints	Animal Liability	Env Regs										
		Negl	Zoning	Contr	Estates	Bank	Labor	Med	Liab	Loan		
Grand Total Sum	30	16	74	7	40	35	84	4	27	7	47	6

On a scale of 1 - 10, how do you rate legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	1	.7	.7	.7
	2	3	2.1	2.2	3.0
	3	3	2.1	2.2	5.2
	4	8	5.5	6.0	11.2
	5	12	8.3	9.0	20.1
	6	12	8.3	9.0	29.1
	7	15	10.3	11.2	40.3
	8	24	16.6	17.9	58.2
	9	20	13.8	14.9	73.1
	10	36	24.8	26.9	100.0
	Total	134	92.4	100.0	
Missing	System	11	7.6		
Total		145	100.0		

If you have used a legal service (attorneys, mediation, etc.) on a scale of 1 - 10, how well did the people assisting you understand agricultural legal concerns?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	8	5.5	8.6	8.6
	2	5	3.4	5.4	14.0
	3	8	5.5	8.6	22.6
	4	6	4.1	6.5	29.0
	5	10	6.9	10.8	39.8
	6	5	3.4	5.4	45.2
	7	7	4.8	7.5	52.7
	8	17	11.7	18.3	71.0
	9	15	10.3	16.1	87.1
	10	12	8.3	12.9	100.0
	Total	93	64.1	100.0	
Missing	System	52	35.9		
Total		145	100.0		

Have you ever resisted using legal assistance because of the cost, even if it could have benefited your situation?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	60	41.4	42.6	42.6
	No	81	55.9	57.4	100.0
	Total	141	97.2	100.0	
Missing	System	4	2.8		
Total		145	100.0		

Have you been involved in any mediation or arbitration procedures?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	18	12.4	12.8	12.8
	No	123	84.8	87.2	100.0
	Total	141	97.2	100.0	
Missing	System	4	2.8		
Total		145	100.0		

If Yes, please give the years of the process:

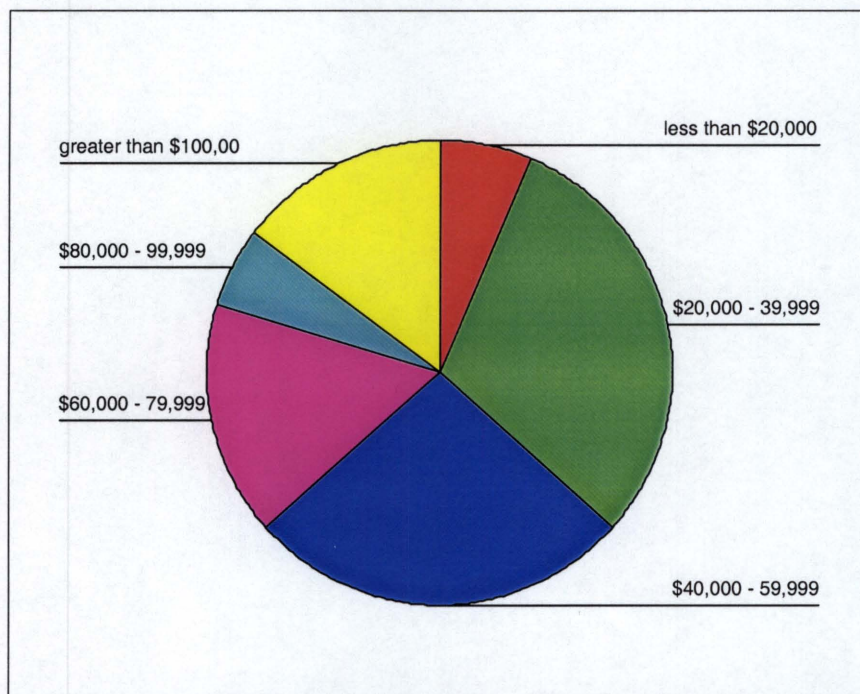
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid		133	91.7	91.7	91.7
	1	1	.7	.7	92.4
	1 yr 1996	1	.7	.7	93.1
	12/11/02	1	.7	.7	93.8
	1978	1	.7	.7	94.5
	1995	1	.7	.7	95.2
	2	1	.7	.7	95.9
	2 yrs. 1980s	1	.7	.7	96.6
	2000-02	1	.7	.7	97.2
	2000	1	.7	.7	97.9
	2001	2	1.4	1.4	99.3
	house building problems	1	.7	.7	100.0
Total		145	100.0	100.0	

On a scale of 1 - 10, how well do you think currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, web-sites, publications or other sources) meet the legal needs of Tennessee producers?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	8	5.5	5.9	5.9
	2	4	2.8	3.0	8.9
	3	7	4.8	5.2	14.1
	4	9	6.2	6.7	20.7
	5	22	15.2	16.3	37.0
	6	17	11.7	12.6	49.6
	7	19	13.1	14.1	63.7
	8	17	11.7	12.6	76.3
	9	21	14.5	15.6	91.9
	10 Very Well	11	7.6	8.1	100.0
	Total	135	93.1	100.0	
Missing	System	10	6.9		
Total		145	100.0		

Other:

	Farm Management	Government policy and regulations	Disease control/pest management	Legal Concerns	New Technology	County Extension Agent
Total	65	107	21	68	9	8



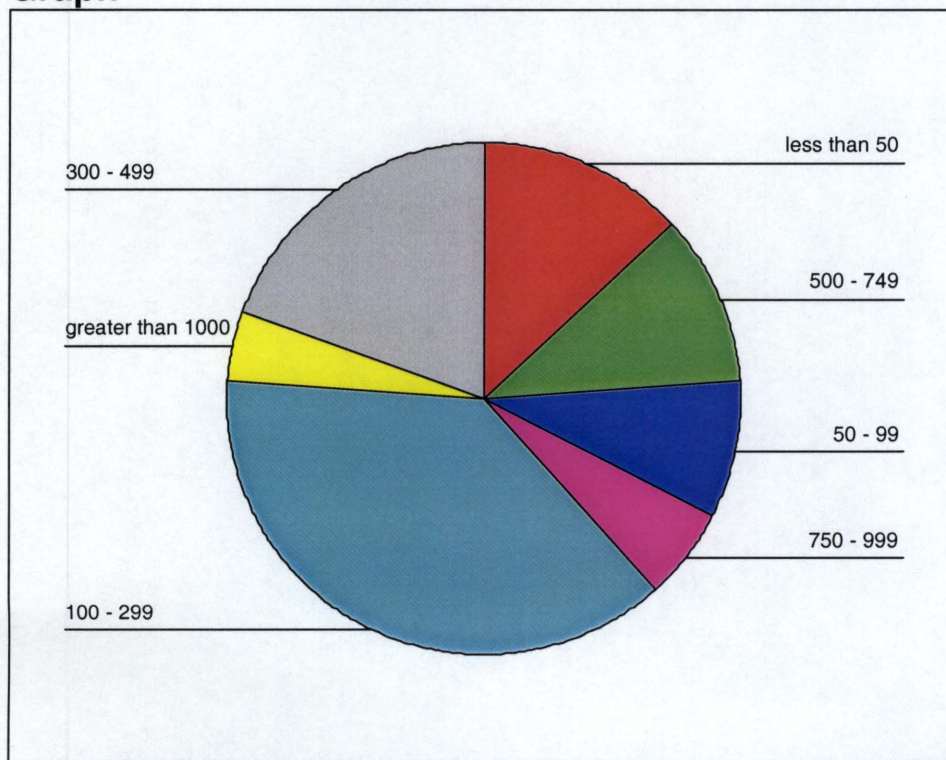
less than \$20,000 Sum	\$20,000 - 39,999 Sum	\$40,000 - 59,999 Sum	\$60,000 - 79,999 Sum	\$80,000 - 99,999 Sum	greater than \$100,000 Sum	
Total	8	37	33	20	7	18

Corn:	Soybeans:	Wheat:	Tobacco:	Cotton:	Vegetables:	Hay:	Other:
<u>17874</u>	<u>19233</u>	<u>8536</u>	<u>373</u>	<u>3002</u>	<u>41</u>	<u>14447</u>	<u>626</u>

Beef Cattle:	Dairy Cattle:	Sheep:	Swine:	Poultry:	Goats:	Horses:	Other:
<u>6566</u>	<u>4475</u>	<u>32</u>	<u>2254</u>	<u>876000</u>	<u>186</u>	<u>78</u>	<u>23</u>

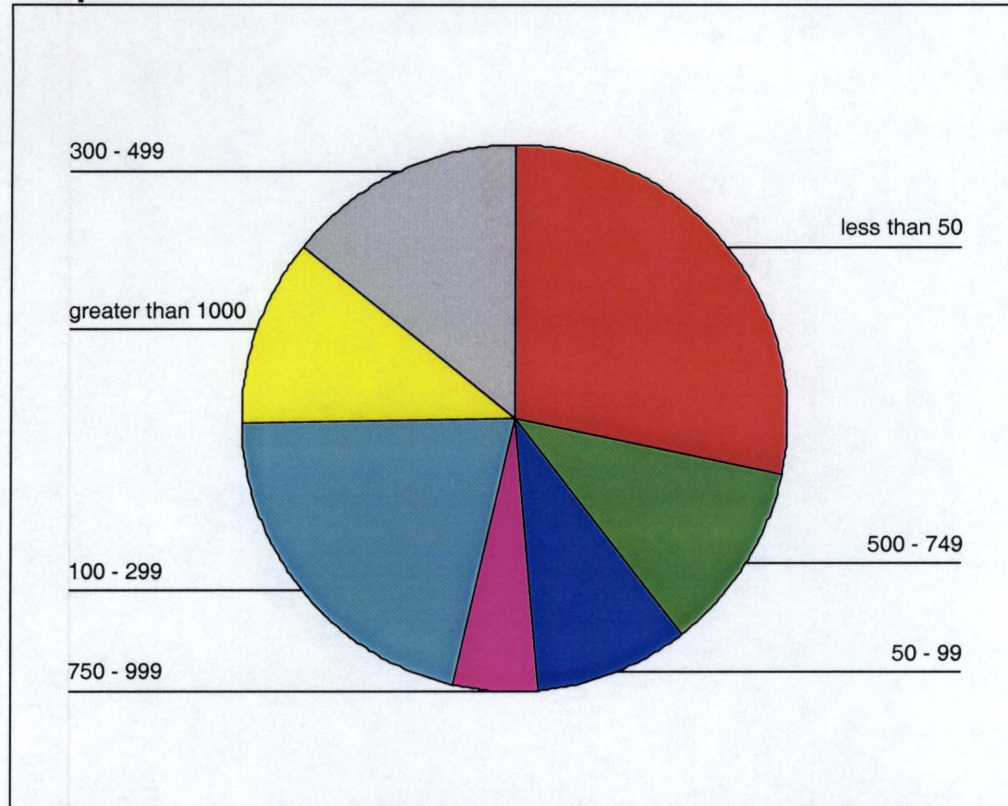
less than 50	500 - 749	50 - 99	750 - 999	100 - 299	greater than 1000	300 - 499
<u>18</u>	<u>15</u>	<u>12</u>	<u>8</u>	<u>52</u>	<u>6</u>	<u>27</u>

Graph



less than 50	500 - 749	50 - 99	750 - 999	100 - 299	greater than 1000	300 - 499
<u>28</u>	<u>11</u>	<u>9</u>	<u>5</u>	<u>21</u>	<u>11</u>	<u>14</u>

Graph



County:

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	8	5.5	5.5	5.5
Anderson	1	.7	.7	6.2
Bedford	1	.7	.7	6.9
Blount	1	.7	.7	7.6
Bradley	3	2.1	2.1	9.7
Carroll	1	.7	.7	10.3
Carter	1	.7	.7	11.0
Cheatham	1	.7	.7	11.7
Claiborn	1	.7	.7	12.4
Clay	1	.7	.7	13.1
Coffee	33	22.8	22.8	35.9
Crockett	2	1.4	1.4	37.2
Davidson	1	.7	.7	37.9
Decatur	1	.7	.7	38.6
Dickson	1	.7	.7	39.3
Dyer	3	2.1	2.1	41.4
Fayette	2	1.4	1.4	42.8
Franklin	2	1.4	1.4	44.1

Gibson	2	1.4	1.4	45.5
Giles	2	1.4	1.4	46.9
Greene	3	2.1	2.1	49.0
Grundy	9	6.2	6.2	55.2
Hamblen	5	3.4	3.4	58.6
Hawkins	2	1.4	1.4	60.0
Henry	7	4.8	4.8	64.8
Knox	2	1.4	1.4	66.2
Lake	2	1.4	1.4	67.6
Lauderda	1	.7	.7	68.3
Lawrence	2	1.4	1.4	69.7
Loudon	3	2.1	2.1	71.7
Macon	2	1.4	1.4	73.1
Madison	1	.7	.7	73.8
Marion	2	1.4	1.4	75.2
Marshall	3	2.1	2.1	77.2
Maury	2	1.4	1.4	78.6
McMinn	2	1.4	1.4	80.0
McNairy	2	1.4	1.4	81.4
Montgome	1	.7	.7	82.1
Moore	1	.7	.7	82.8
Obion	1	.7	.7	83.4
Overton	1	.7	.7	84.1
Polk	1	.7	.7	84.8
Putnam	3	2.1	2.1	86.9
Rhea	3	2.1	2.1	89.0
Robertso	1	.7	.7	89.7
Rutherfordo	1	.7	.7	90.3
Scott	1	.7	.7	91.0
Sevier	1	.7	.7	91.7
Shelby	1	.7	.7	92.4
Smith	1	.7	.7	93.1
Stewart	1	.7	.7	93.8
Sullivan	1	.7	.7	94.5
Sumner	1	.7	.7	95.2
Union	1	.7	.7	95.9
Van Bure	2	1.4	1.4	97.2
Warren	1	.7	.7	97.9
Wayne	1	.7	.7	98.6
Weakley	1	.7	.7	99.3
White	1	.7	.7	100.0
Total	145	100.0	100.0	

Age:

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	7	4.8	4.8	4.8
28	1	.7	.7	5.5
19	1	.7	.7	6.2
22	1	.7	.7	6.9
24	1	.7	.7	7.6
26	2	1.4	1.4	9.0
27	2	1.4	1.4	10.3
28	1	.7	.7	11.0
30	2	1.4	1.4	12.4
33	1	.7	.7	13.1
34	1	.7	.7	13.8
35	5	3.4	3.4	17.2
36	2	1.4	1.4	18.6
37	1	.7	.7	19.3
39	2	1.4	1.4	20.7
40	2	1.4	1.4	22.1
41	2	1.4	1.4	23.4
42	1	.7	.7	24.1
43	2	1.4	1.4	25.5
44	3	2.1	2.1	27.6
45	3	2.1	2.1	29.7
46	1	.7	.7	30.3
47	4	2.8	2.8	33.1
48	1	.7	.7	33.8
49	6	4.1	4.1	37.9
50	4	2.8	2.8	40.7
51	3	2.1	2.1	42.8
52	4	2.8	2.8	45.5
53	5	3.4	3.4	49.0
54	1	.7	.7	49.7
55	9	6.2	6.2	55.9
56	3	2.1	2.1	57.9
57	7	4.8	4.8	62.8
58	3	2.1	2.1	64.8
59	1	.7	.7	65.5
60	10	6.9	6.9	72.4
61	1	.7	.7	73.1
62	4	2.8	2.8	75.9
63	2	1.4	1.4	77.2
64	5	3.4	3.4	80.7
65	2	1.4	1.4	82.1
66	1	.7	.7	82.8
68	1	.7	.7	83.4
70	2	1.4	1.4	84.8
71	4	2.8	2.8	87.6

72	1	.7	.7	88.3
73	1	.7	.7	89.0
74	2	1.4	1.4	90.3
75	2	1.4	1.4	91.7
76	6	4.1	4.1	95.9
77	1	.7	.7	96.6
79	1	.7	.7	97.2
83	1	.7	.7	97.9
84	1	.7	.7	98.6
89 & 70	1	.7	.7	99.3
92	1	.7	.7	100.0
Total	145	100.0	100.0	



Extension Agents and Farm Management Specialists Survey

We would like you to participate in the following survey that is being compiled to study the legal needs of the Tennessee agricultural community and evaluate how well they are currently being met. This study is part of a senior paper by a student at the University of Tennessee in the Department of Agricultural Economics. For "legal issues" or "legal concerns" please do not include livestock cruelty calls and/or contacts within your replies. The more pertinent information for this survey includes items that fall into a category listed under item 6.

Your responses are very important and can help in the assessment of the legal needs of the Tennessee Agricultural Community. Participation is voluntary and your responses will be kept confidential.

Your help and cooperation is greatly appreciated!

Demographic information

County:

Years of employment in above county:

Years of employment in UT Extension Service:

Survey Questions

1) Estimate how many contacts or calls regarding legal concerns or legal questions you have received in the last year.

If any, please comment on how this impacts your job related activities

2) On an annual basis, about how much of your time is spent researching legal concerns or answering legal questions for producers?

- ☒ None
- ☐ 1-4 hours
- ☐ 5-9 hours
- ☐ 10-14 hours

- ☐ 15-19 hours
- ☐ 20-25 hours
- ☐ Estimate if more than 25 hours

If any, please comment on how this impacts your job related activities:

3a) How many producers/farming operations in your county have been subject to litigation, fines, or other legal battles **within the last year**?

- ☐ None
- ☐ 1-2
- ☐ 3-6
- ☐ 7-10
- ☐ 11-15
- ☐ Estimate if more than 15

3b) How many producers/farming operations in your county have been subject to litigation, fines, or other legal battles **within the last five years**?

- ☐ None
- ☐ 1-2
- ☐ 3-6
- ☐ 7-10
- ☐ 11-15
- ☐ Estimate if greater than 15

If any, please comment on how this impacts your job related activities:

4) On an annual basis, about how much time do you spend explaining or clarifying rules and regulations for farm laws?

- ☒ None
- ☐ 1-4 hours
- ☐ 5-9 hours
- ☐ 10-14 hours
- ☐ 15-19 hours
- ☐ 20-25 hours
- ☐ Estimate if greater than 25 hours:

If any, please comment on how this impacts your job related activities:

5) On a scale of 1-10, with **1 being not important** and **10 being very important**, how do you rank legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

6) From which of the following categories have you received questions? (Mark all that apply)

- ☐ Nuisance complaints
- ☐ Environmental regulations
- ☐ Zoning/planning
- ☐ Estates/trusts/wills
- ☐ Labor
- ☐ Liability
- ☐ Animal liability
- ☐ Negligence
- ☐ Contracts

- ☐ Bankruptcy
- ☐ Loan mediation
- ☐ Animal cruelty
- ☐ Other

Please Comment on areas/topics of greatest concern:

7) Rank the 3 most important categories from the list above based on the number of questions you have received.

1.
2.
3.

8) How many farmers have you referred to an attorney for advice on a legal matter within the last year?

Within the last five years?

9) Were these referrals based on: (Mark all that apply)

- ☐ Complexity of issue
- ☐ Impending prosecution
- ☐ Lack of technical legal knowledge
- ☐ Concern for personal and professional liability
- ☐ Never referred farmers/producers to an attorney
- Other

10) About how many calls annually do you receive regarding new or changing rules, regulations, or laws for a specific commodity produced by farmers in your county.

- ☒ None
- ☐ 1-5
- ☐ 6-10
- ☐ 11-15
- ☐ 16-20

☐ Estimate if greater 20:

11) On a scale of 1-10, with **1 being not at all** and **10 being very well**, how well do currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, publications, web-sites, or other sources) meet the legal needs of Tennessee producers?

12) Please list any final comments or suggestions on how to best meet the legal needs of farmers in Tennessee.

▲

▼

Extension and Farm Management Specialists Survey

County:

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Bedford	1	3.4	3.4	3.4
	Coffee	2	6.9	6.9	10.3
	Crockett	1	3.4	3.4	13.8
	Davidson	1	3.4	3.4	17.2
	Fayette	2	6.9	6.9	24.1
	Giles	2	6.9	6.9	31.0
	Hamblen	1	3.4	3.4	34.5
	Haywood	1	3.4	3.4	37.9
	Henry	1	3.4	3.4	41.4
	Lawrence	1	3.4	3.4	44.8
	Lewis	1	3.4	3.4	48.3
	Marshall	1	3.4	3.4	51.7
	Maury	1	3.4	3.4	55.2
	McMinn	1	3.4	3.4	58.6
	Moore	1	3.4	3.4	62.1
	Multi	1	3.4	3.4	65.5
	Perry	1	3.4	3.4	69.0
	Sequatch	1	3.4	3.4	72.4
	Shelby	1	3.4	3.4	75.9
	Smith	1	3.4	3.4	79.3
	State	1	3.4	3.4	82.8
	Stewart	1	3.4	3.4	86.2
	Tipton	2	6.9	6.9	93.1
	Trousdal	1	3.4	3.4	96.6
	Weakley	1	3.4	3.4	100.0
	Total	29	100.0	100.0	

Years of employment in above county

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	3.4	3.4	3.4
1	4	13.8	13.8	17.2
11	1	3.4	3.4	20.7
14	1	3.4	3.4	24.1
15	3	10.3	10.3	34.5
16	1	3.4	3.4	37.9
17	2	6.9	6.9	44.8
19	1	3.4	3.4	48.3
20	1	3.4	3.4	51.7
21	1	3.4	3.4	55.2
24	1	3.4	3.4	58.6
25	3	10.3	10.3	69.0
28	1	3.4	3.4	72.4
4	2	6.9	6.9	79.3
5	3	10.3	10.3	89.7
7	1	3.4	3.4	93.1
9	2	6.9	6.9	100.0
Total	29	100.0	100.0	

Years of employment in UT extension service

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	6.9	6.9	6.9
11	1	3.4	3.4	10.3
14	2	6.9	6.9	17.2
15	2	6.9	6.9	24.1
17	1	3.4	3.4	27.6
18	2	6.9	6.9	34.5
19	1	3.4	3.4	37.9
20	1	3.4	3.4	41.4
22	1	3.4	3.4	44.8
24	3	10.3	10.3	55.2
25	3	10.3	10.3	65.5
28	1	3.4	3.4	69.0
29	1	3.4	3.4	72.4
32	1	3.4	3.4	75.9
34	1	3.4	3.4	79.3
4	2	6.9	6.9	86.2
7	2	6.9	6.9	93.1
8	1	3.4	3.4	96.6
9	1	3.4	3.4	100.0
Total	29	100.0	100.0	

Estimate how many contacts or calls regarding legal concerns or questions you have received in the last year

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	3.4	3.4	3.4
0	1	3.4	3.4	6.9
10	3	10.3	10.3	17.2
12	2	6.9	6.9	24.1
15	1	3.4	3.4	27.6
20	2	6.9	6.9	34.5
24	1	3.4	3.4	37.9
25	1	3.4	3.4	41.4
3	4	13.8	13.8	55.2
4	4	13.8	13.8	69.0
5	6	20.7	20.7	89.7
50	2	6.9	6.9	96.6
6	1	3.4	3.4	100.0
Total	29	100.0	100.0	

Statistics

	none	1-4 hours	5-9 hours	10-14 hours	15-19 hours	20-25 hours	Estimate if more that 25 hours
N Valid	1	8	5	6	2	4	3
Missing	28	21	24	23	27	25	26

none

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	1	3.4	100.0	100.0
Missing System	28	96.6		
Total	29	100.0		

1-4 hours

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	8	27.6	100.0	100.0
Missing System	21	72.4		
Total	29	100.0		

5-9 hours

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	5	17.2	100.0	100.0
Missing System	24	82.8		
Total	29	100.0		

10-14 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	6	20.7	100.0	100.0
Missing	System	23	79.3		
Total		29	100.0		

15-19 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	2	6.9	100.0	100.0
Missing	System	27	93.1		
Total		29	100.0		

20-25 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	4	13.8	100.0	100.0
Missing	System	25	86.2		
Total		29	100.0		

Estimate if more that 25 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	30	1	3.4	33.3	33.3
	50	1	3.4	33.3	66.7
	100	1	3.4	33.3	100.0
	Total	3	10.3	100.0	
Missing	System	26	89.7		
Total		29	100.0		

Statistics

		none	1-2	3-6	7-10	11-15	Estimate if more than 15
N	Valid	9	10	9	1	0	0
	Missing	20	19	20	28	29	29

none

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	9	31.0	100.0	100.0
Missing	System	20	69.0		
Total		29	100.0		

1-2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	10	34.5	100.0	100.0
Missing	System	19	65.5		
Total		29	100.0		

3-6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	9	31.0	100.0	100.0
Missing	System	20	69.0		
Total		29	100.0		

7-10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	1	3.4	100.0	100.0
Missing	System	28	96.6		
Total		29	100.0		

11-15

		Frequency	Percent
Missing	System	29	100.0

Estimate if more than 15

		Frequency	Percent
Missing	System	29	100.0

Statistics

		Question text (VAR00113)	None	1-2	3-6	7-10	11-15	Estimate if greater than 15
N	Valid	0	7	3	8	4	6	1
	Missing	29	22	26	21	25	23	28

None

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	7	24.1	100.0	100.0
Missing	System	22	75.9		
Total		29	100.0		

1-2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	3	10.3	100.0	100.0
Missing	System	26	89.7		
Total		29	100.0		

3-6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	8	27.6	100.0	100.0
Missing	System	21	72.4		
Total		29	100.0		

7-10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	4	13.8	100.0	100.0
Missing	System	25	86.2		
Total		29	100.0		

11-15

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	6	20.7	100.0	100.0
Missing	System	23	79.3		
Total		29	100.0		

Estimate if greater than 15

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	20	1	3.4	100.0	100.0
Missing	System	28	96.6		
Total		29	100.0		

Statistics

		None	1-4 hours	5-9 hours	10-14 hours	15-19 hours	20-25 hours	Estimate if greater than 25 hours
N	Valid	4	7	5	7	0	4	1
	Missing	25	22	24	22	29	25	28

None

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	4	13.8	100.0	100.0
Missing	System	25	86.2		
Total		29	100.0		

1-4 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	7	24.1	100.0	100.0
Missing	System	22	75.9		
Total		29	100.0		

5-9 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	5	17.2	100.0	100.0
Missing	System	24	82.8		
Total		29	100.0		

10-14 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	7	24.1	100.0	100.0
Missing	System	22	75.9		
Total		29	100.0		

15-19 hours

		Frequency	Percent
Missing	System	29	100.0

20-25 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	4	13.8	100.0	100.0
Missing	System	25	86.2		
Total		29	100.0		

Estimate if greater than 25 hours

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	50	1	3.4	100.0	100.0
Missing	System	28	96.6		
Total		29	100.0		

Statistics

On a scale of 1-10, with 1 being not important and 10 being very important, how do you rank legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

N	Valid	27
	Missing	2

On a scale of 1-10, with 1 being not important and 10 being very important, how do you rank legal issues as valid agricultural concerns for profitability and/or sustainability of an enterprise?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	2	6.9	7.4	7.4
	4	2	6.9	7.4	14.8
	5	2	6.9	7.4	22.2
	6	2	6.9	7.4	29.6
	7	2	6.9	7.4	37.0
	8	8	27.6	29.6	66.7
	9	2	6.9	7.4	74.1
	10	7	24.1	25.9	100.0
	Total	27	93.1	100.0	
Missing	System	2	6.9		
Total		29	100.0		

Nuisance Complaints

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	4	13.8	13.8	13.8
	1	25	86.2	86.2	100.0
	Total	29	100.0	100.0	

Environmental Regulations

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	6	20.7	20.7	20.7
	1	23	79.3	79.3	100.0
	Total	29	100.0	100.0	

Zoning/planning

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	15	51.7	51.7	51.7
	1	14	48.3	48.3	100.0
	Total	29	100.0	100.0	

Estates/trusts/wills

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	15	51.7	51.7	51.7
	1	14	48.3	48.3	100.0
	Total	29	100.0	100.0	

Labor

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	16	55.2	55.2	55.2
	1	13	44.8	44.8	100.0
	Total	29	100.0	100.0	

Liability

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	10	34.5	34.5	34.5
	1	19	65.5	65.5	100.0
	Total	29	100.0	100.0	

Animal liability

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	25	86.2	86.2	86.2
	1	4	13.8	13.8	100.0
	Total	29	100.0	100.0	

Negligence

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	21	72.4	72.4	72.4
	1	8	27.6	27.6	100.0
	Total	29	100.0	100.0	

Contracts

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	12	41.4	41.4	41.4
	1	17	58.6	58.6	100.0
	Total	29	100.0	100.0	

Bankruptcy

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0	20	69.0	69.0	69.0
1	9	31.0	31.0	100.0
Total	29	100.0	100.0	

Loan mediation

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0	24	82.8	82.8	82.8
1	5	17.2	17.2	100.0
Total	29	100.0	100.0	

Animal Cruelty

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0	14	48.3	48.3	48.3
1	15	51.7	51.7	100.0
Total	29	100.0	100.0	

Other: _____

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0	25	86.2	86.2	86.2
1	4	13.8	13.8	100.0
Total	29	100.0	100.0	

1.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Anim cru	3	10.3	10.3	10.3
Anim Cru	1	3.4	3.4	13.8
Anim Lia	2	6.9	6.9	20.7
Contract	2	6.9	6.9	27.6
Env regs	9	31.0	31.0	58.6
Estates	1	3.4	3.4	62.1
Labor	4	13.8	13.8	75.9
Liabilit	1	3.4	3.4	79.3
Nuisance	4	13.8	13.8	93.1
Paylimit	1	3.4	3.4	96.6
Zoning	1	3.4	3.4	100.0
Total	29	100.0	100.0	

2.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Anim cru	3	10.3	10.3	10.3
	Anim Cru	1	3.4	3.4	13.8
	Contract	4	13.8	13.8	27.6
	Env regs	5	17.2	17.2	44.8
	Estates	3	10.3	10.3	55.2
	Fencing	1	3.4	3.4	58.6
	Labor	1	3.4	3.4	62.1
	Liabilit	3	10.3	10.3	72.4
	Loan med	1	3.4	3.4	75.9
	Nuisance	6	20.7	20.7	96.6
	Other	1	3.4	3.4	100.0
	Total	29	100.0	100.0	

3.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid		1	3.4	3.4	3.4
	Anim cru	1	3.4	3.4	6.9
	Anim lia	2	6.9	6.9	13.8
	Animal	1	3.4	3.4	17.2
	Bankrupt	3	10.3	10.3	27.6
	Contract	1	3.4	3.4	31.0
	Env regs	3	10.3	10.3	41.4
	Estates	2	6.9	6.9	48.3
	Liabilit	3	10.3	10.3	58.6
	Negligen	1	3.4	3.4	62.1
	Nuisance	6	20.7	20.7	82.8
	Other	1	3.4	3.4	86.2
	Zoning	4	13.8	13.8	100.0
	Total	29	100.0	100.0	

How many farmers have you referred to an attorney for advice on a legal matter within the last year?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	13	44.8	44.8	44.8
	1	3	10.3	10.3	55.2
	2	4	13.8	13.8	69.0
	3	4	13.8	13.8	82.8
	4	2	6.9	6.9	89.7
	5	1	3.4	3.4	93.1
	8	1	3.4	3.4	96.6
	10	1	3.4	3.4	100.0
	Total	29	100.0	100.0	

Within the last 5 years?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0	7	24.1	24.1	24.1
1	1	3.4	3.4	27.6
2	5	17.2	17.2	44.8
3	2	6.9	6.9	51.7
5	2	6.9	6.9	58.6
8	2	6.9	6.9	65.5
9	1	3.4	3.4	69.0
10	4	13.8	13.8	82.8
11	1	3.4	3.4	86.2
20	1	3.4	3.4	89.7
24	1	3.4	3.4	93.1
25	1	3.4	3.4	96.6
50	1	3.4	3.4	100.0
Total	29	100.0	100.0	

Statistics

	Complexity of issue	Impending prosecution	Lack of technical legal knowledge	Concern for personal and professional liability	Never referred farmers/producers to an attorney	Other:
N Valid	17	4	19	9	4	0
Missing	12	25	10	20	25	29

Complexity of issue

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	17	58.6	100.0	100.0
Missing System	12	41.4		
Total	29	100.0		

Impending prosecution

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	4	13.8	100.0	100.0
Missing System	25	86.2		
Total	29	100.0		

Lack of technical legal knowledge

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	19	65.5	100.0	100.0
Missing System	10	34.5		
Total	29	100.0		

Concern for personal and professional liability

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	9	31.0	100.0	100.0
Missing	System	20	69.0		
Total		29	100.0		

Never referred farmers/producers to an attorney

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	4	13.8	100.0	100.0
Missing	System	25	86.2		
Total		29	100.0		

Other: _____

		Frequency	Percent
Missing	System	29	100.0

Statistics

		None	1-5	6-10	11-15	16-20	Estimate if greater than 20
N	Valid	5	13	3	2	3	1
	Missing	24	16	26	27	26	28

None

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	5	17.2	100.0	100.0
Missing	System	24	82.8		
Total		29	100.0		

1-5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	13	44.8	100.0	100.0
Missing	System	16	55.2		
Total		29	100.0		

6-10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	3	10.3	100.0	100.0
Missing	System	26	89.7		
Total		29	100.0		

11-15

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	2	6.9	100.0	100.0
Missing System	27	93.1		
Total	29	100.0		

16-20

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1	3	10.3	100.0	100.0
Missing System	26	89.7		
Total	29	100.0		

Estimate if greater than 20

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 100	1	3.4	100.0	100.0
Missing System	28	96.6		
Total	29	100.0		

Statistics

On a scale of 1 - 10, how well do you think currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, web-sites, publications or other sources) meet the legal needs of Tennessee producers?

N	Valid	28
	Missing	1

On a scale of 1 - 10, how well do you think currently available services (including out-of-state Ag-Law research centers, UT Extension staff, Farm Bureau, web-sites, publications or other sources) meet the legal needs of Tennessee producers?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 2	3	10.3	10.7	10.7
3	5	17.2	17.9	28.6
5	6	20.7	21.4	50.0
6	5	17.2	17.9	67.9
7	6	20.7	21.4	89.3
8	2	6.9	7.1	96.4
9	1	3.4	3.6	100.0
Total	28	96.6	100.0	
Missing System	1	3.4		
Total	29	100.0		