

Agricultural Economics 470

Agricultural Law

The Ohio State University
T & R Noon - 1:48 p.m.

Winter Quarter 2009
210 Animal Science

- Instructor: Peggy Kirk Hall
345 Ag. Administration Building, 614.247.7898
aglaw@osu.edu (this is the best way to reach me)
- Office Hours: As requested.
- Course Materials: All reading materials and assignments are available on the course website on Carmen. There is no text or course packet for this class.
- Website: I use Carmen for our course website: <http://carmen.osu.edu>. Course materials, assignments, announcements, and helpful resources are available on the website, so be sure to check it regularly.

I. Course Overview

We'll study state and federal laws that affect agriculture, with an emphasis on Ohio agricultural laws. Specific topics we will address include:

- *The legal system* – Sources of law, structure of the legislative and judicial branches, court cases, the civil law process, legislation and statutes.
- *Animal and food laws* – Animal welfare, animal and food liability, food safety laws.
- *Civil liability laws* – Negligence, product and premises liability, other legal duties imposed by civil laws.
- *Property laws* – Property rights, property ownership, easements, nuisance law, line fence law, eminent domain.
- *Resource, environmental and land use laws* – Zoning, farmland protection, water law, environmental laws.
- *Contract law* – Common law contracts, Uniform Commercial Code, special contracts
- *Other current issues, as determined.*

II. Course Objectives

I hope you will leave this course feeling that it was time well spent for your future career. My general objectives for this course are to help students gain an appreciation and understanding of the areas of law that affect agriculture, and to teach students to consider issues from a legal perspective—to “think like a lawyer.”

Specific objectives for the class are to:

- Introduce students to federal, state and local legal systems.
- Present students with fundamental legal concepts in substantive areas of law that affect agriculture.
- Teach students to recognize legal issues that arise in agricultural and rural settings.
- Encourage students to apply legal principles to agricultural issues and consider potential outcomes and solutions.
- Help students understand remedies available for resolving legal issues.
- Enhance students' abilities to think critically about legal issues.
- Provide students with opportunities to verbally analyze and debate legal issues.
- Engage students in real-life applications of agricultural law.
- Expose students to the role law will play in potential career options.

III. Course Structure

The emphasis in this course is on class room learning that builds upon individual out-of-class reading and research. Class time will involve lectures, analysis of court cases and statutory laws and regulations, legal issue spotting exercises, group exercises and debate and discussion of legal issues. I will provide a class schedule and will attempt to adhere to the schedule, but will remain flexible in the event that new topics arise or a particular topic requires more time than allotted on the schedule. If time permits, guest attorneys will visit class.

I expect students to engage in class discussions and use classroom time to raise questions, contribute information and thoroughly consider laws. Students will receive reading and research assignments, and must arrive at class prepared to discuss and apply knowledge gained from assignments.

IV. Course Grade: The Grade Contract

Students in this class have the opportunity to “contract” for a particular grade. Each student must decide the grade he or she wants to receive for the class—“C”, “B” or “A”. The student must then prepare a contract containing provisions for attaining the desired grade. All work under the grade contract must be performed to a “satisfactory” level; students may need to revise or redo work in order to receive a satisfactory rating. If a student satisfactorily completes all obligations under the grade contract, he or she will receive the grade designated in the contract. If not, the student will receive a lower grade than agreed to in the contract. A student who performs his or her contract exceptionally well may receive a “bonus” of a higher grade than agreed to in the contract.

Components of the contract may include the following:

A. Attendance

While students must read and complete work outside of class, the emphasis in this class is on the classroom learning that results from discussion, debate and analysis of law. Therefore, class attendance is the most important component of the class. Attendance will be taken daily. Except in unusual situations such as an extended illness or personal situations,

excused absences will not be granted and students do not need to provide explanations or verification of class absences. A “satisfactory” rating in attendance requires more than physical presence in the class--students must be engaged in the class. Examples of satisfactory engagement include paying attention, asking questions, participating in discussions and group exercises, commenting on readings, communicating questions or issues to me by e-mail, and participating in Carmen discussions on the course website.

B. Agricultural Law Handbook

Each student must compile a written handbook of agricultural law for the student’s use. The handbook should include all laws, court cases and readings assigned in class and should be organized into topic areas, such as “food laws”, “environmental laws”, etc. Each topic area should include a short section (1-2 paragraphs) written by the student—this section may be an overview or description of the topic, an analysis of the topic or a subtopic, a reaction to class discussion on the topic, or a description of a current legal issue related to the topics. The handbook should also have a section containing a compilation of useful legal websites.

Because students are expected to read and utilize their handbooks, notations, highlighting or other marks are acceptable and will not affect whether a student receives a satisfactory rating on the handbook. I will continuously and randomly check handbooks in class throughout the quarter, and each student must also submit his or her handbook on an assigned date. A student must receive one satisfactory in-class check in addition to a satisfactory mark after submission of the handbook in order to complete the grade contract obligation for the handbook.

C. Verbal Examination

A student may complete a 15 minute verbal examination. During the verbal exam, I will ask questions about a class topic selected by the student. Each student who wishes to complete an examination must notify me to schedule an exam, preferably immediately before or after class. If I am not satisfied with a student’s performance on a verbal exam, the student must complete a second examination on the same topic.

D. Project

A student may complete one of the following projects. I expect all written projects to be approximately five pages in length, using double spacing, one inch margins and 12 point Times Roman font. PowerPoint presentations should be approximately 25 slides in length, with each slide containing about one dozen words or more. Project options include:

- *Supreme Court argument* – View a live or recorded argument before the Ohio Supreme Court and write a paper in reaction to the argument. The paper may discuss the case itself, the legal arguments made by one or both sides, the nature of the proceeding, the questions or behavior of the justices, or any other issue of interest to the student.
- *Paper or presentation* – Write a paper or prepare a PowerPoint presentation on a legal topic of interest (note that students do not need to present the PowerPoint). If the selected topic is one discussed in class, be sure to provide new information, insight or analysis that enhances the class discussion.

- *Legislative testimony* - Review a proposed state or federal law or regulation and write testimony in support of or in opposition to the proposal.
- *Contract or easement analysis* – Locate a form, model, or sample contract or easement on an agricultural or resource issue. Submit the contract or easement along with a written analysis of the transaction. The analysis may include concerns, explanations, points of negotiation, proposed amendments, etc.
- *Blog journal* - Visit a law blog throughout the quarter. Create responses and contributions to the blog and submit them as a blog journal.
- *Create your own project* – With my approval.

E. Creating the Grade Contract

A student must choose from the following combinations to create a grade contract. Remember that all work must receive a mark of “satisfactory” to fulfill the contract obligations. I will provide further instruction in class on writing a grade contract.

To contract for a “C” grade:

- Attend 16 classes
- Complete an Agricultural Law Handbook

To contract for a “B” grade:

- Attend 16 classes
- Complete an Agricultural Law Handbook
- Complete a verbal examination with instructor

To contract for an “A” grade:

- Attend 16 classes
- Complete an Agricultural Law Handbook
- Complete a verbal examination with instructor
- Complete one project

V. Academic Misconduct

Plagiarism and other forms of cheating will not be tolerated. University rules provide severe penalties for academic misconduct, ranging from course failure to dismissal from the University. University rules are found in the handbook used in all survey courses --"University Survey-A Guidebook and Readings for New Students."

VI. Disability Services

Any student who feels he/she may need an accommodation based on the impact of a disability should contact me privately to discuss specific needs.

VII. Class Notices

Be sure to check Carmen and OSU e-mail prior to each class. I will use these tools to notify students of cancellations, schedule changes and any other important information about class.