



Growing *Justice*

Law, the foundation of organized society, rules of man, and guidelines of business success. Agriculture, the oldest area of human innovation, origin of labor, and establishment of livelihood. Two pillars of human existence, two distinct roles of nature, but both with direct impacts upon human life and one another.

Agriculture has been a part of society and civilization for centuries, and yet it still lives on today. However, it may have changed since last you looked, and with it, law has developed as well.

Today, according to the National Agricultural Statistics Service, there are more than three million farmers in America with more than 305 million acres of land in production agriculture. In 2012, the agricultural producers of the United States alone produced and managed 96 million cattle, 67 million hogs, and nine billion pounds of apples. So if this new and powerful agricultural industry is so large and imposing, then why should it be concerned with the law? Because the law deals with people, and people power agriculture.

Ann-Marie Saleh Carruth, J.D., an attorney in Lubbock, Texas, has a large base of agricultural clients and handles various cases dealing with anything from real estate issues to energy and natural resources. She believes the practice of agricultural law as its own defined segment of legal practice has been growing, and has developed into a specific niche of legal work competing with the

powerhouse divisions of business law, tax law, and the like.

“Although there’s been quote-unquote ‘ag law’ for thirty something years, it’s becoming more of a practiced area; more of a focused area where people might actually just focus on ag law and not just as a part of their practice.”

Saleh believes the increasing interest in agricultural law is in direct relation to the growth of the agricultural industry.

“So if it’s one of the largest industries in this country, why shouldn’t it be one of the largest practice areas,” Saleh said.

Corporations, companies and organizations across the globe have taken notice of this growth in agricultural production as well.

They have observed the ways in which the law defines, controls and alters the scope and means of pursuing agricultural business. Texas Farm Bureau, a farmers’ and ranchers’ representative company, has an entire legal division dedicated to various areas of agriculture, in addition to a “legal defense fund,” which is used financially for cases within the court system addressing major agricultural issues. Many other companies have done the same or similar structuring. However, legal aid is not just for the large corporations and businesses, but for the family farm as well.

Many might ask why those three million farmers would be concerned with the practice of law at all, and maybe you are thinking that too.

“So if agriculture is one of the largest industries, why shouldn’t it be one of the largest practice areas?”

“The law affects everybody, equally, because no matter what you do, or who you are, or where you live, or what your socio-economic class is, you are affected by the law in one way or another,” Saleh said.

Estate planning, property rights, easements, contracts, leases, and natural resources are some of the areas in which Saleh’s practice deals directly with agricultural clients.

Some particular areas of agricultural law within small family farms are the estate planning and business planning aspects of the operation.

Ronald Phillips, university counsel and adjunct professor at Texas Tech University, who teaches agricultural law as an undergraduate and graduate course, echoed Saleh in the emphasis of estate planning for agricultural producers and operations.

“There’s an aging population in farming and ranching. I hope that younger generations come back to the family farm to carry on that tradition, but transferring the operations and the assets of the family farm and ranch from one generation to the other and making it all work smoothly is challenging sometimes. So I think that’s an area that attorneys can really help families involved in agriculture.”

Another specific challenge of the agricultural industry in which an attorney can be helpful is business organization. Farms and ranches can be organized in just about any way possible, but there are four main business categories in which most operations in the United States function: sole-proprietorships, partnerships, limited-liability-companies, and corporations.

Properly organizing your operation can benefit you both financially and legally. You can determine your tax benefits, organize your property, manage your risk and liability, and dictate the future passing of your assets all by properly forming your operation. This is where an agricultural attorney may just have the leg-up on the “joe-shmoe lawyer” down the street.

“I think there are some things you can learn from outside, but if you don’t even know what a cotton crop looks like, it’s probably going to be really difficult to create a company and know exactly the ins-and-outs of what they are trying to do,” Saleh said through wholehearted laughter.

Agricultural law has grown, and it has a direct affect upon both large corporate entities and small family farms, but what can we expect from the future? As the cliché goes, “education is key to the future,” and fortunately for agriculture, legal educators across the country, including



Texas Tech University School of Law, seem to have embraced the agricultural faith.

According to the Texas Tech School of Law catalog, agricultural law can be categorized under four other practice areas including: Civil Law; Energy and Environmental Resources; Legislative, Administrative, and Regulatory Law; and Property Law. Tech Law apparently recognizes, just as Saleh and Phillips suggested, that agricultural law is integrated into many other areas of the legal system.

Larkin Davis, a second-year student at Tech Law, is passionate about both her future in legal practice and her background in agriculture. Davis graduated from Texas Tech in 2011 with a Bachelor of Science in Agricultural Communications and began her legal studies at Tech Law in the fall of 2012.

She said her background in agriculture and her relationship with her father directed her to pursue a legal education. Davis' father is a full-time farmer, rancher, and attorney. So, apparently one of those apples we discussed earlier did not fall far from the tree, and Davis' passion for her education and professional opportunities is unmistakable.

"I think it gives someone like me, a younger law student, and hopefully soon to be 'baby lawyer,' a chance to do a lot of varied things, but work within a specified field, and that's what I would really like to do," Davis said.

Davis, along with Saleh and Phillips, believes that one of the most important aspects of agricultural law is not that it has become a big business venture or popular fad of the legal world, but that the clients, agricultural producers and families, truly make it a rewarding career where the attorney can understand the personal challenges and lifestyle of their clients.

"It's very unique in a way that it's one of the very few things outside of corporate (law) to where you can have a specialization with a certain type of person rather than a certain type of law. I think it's more about the people, than about the actual law part," Davis said.

Saleh reflected that belief as well. Her bookcases and shelves are lined with family photos and thank you cards from clients. The bright blue walls and warm vanilla scent of her office are quite the opposite of the stereotypical lawyer. There just might be something to that agricultural, southern hospitality you always seem to hear about.

"Of course I am a little bit partial because I do think that the ag industry in general, not just ag law, but the entire agricultural industry is sort of a

lifestyle. It just has a way of bringing in genuine, wonderful people. So when you practice ag law you deal with those types of people, and you deal with business-minded people, people who've run their own business for years, people who know the value of hard work," Saleh said.

So why have an interest in agricultural law or a business relationship with an agricultural attorney? Because you can preserve, secure and protect your agricultural operation for generations to come and promote the agricultural way of life.

Agriculture is dictated by law, and law dictated by agriculture. They are now intertwined, and they seem to be growing together like roots in the field for the society of today and tomorrow. 

Garrett Coutts

Pampa, Texas

