

TO: The Idaho State Bar Board of Commissioners
FROM: Kelly Stevenson, ISB #10958
RE: Petition to Form an Agricultural Law Practice Section
Purpose Statement and Supporting Information

The language on our Petition states that, “[w]e desire a separate Section that focuses entirely upon Agricultural law in Idaho. This Section will focus on the unique laws and scenarios that attorneys need to be aware of in order to be zealous ‘ag’-vocates for agriculture clients. Agriculture is an enormous part of Idaho and we believe there should be a practice section that recognizes that.”

Our purpose statement is as follows:

The Agricultural Law Practice Section will focus on and highlight specific legal topics that affect agricultural law and keep its members apprised of current events and current law changes that affect this area of practice.

The Idaho State Bar sets forth the rules and procedures for establishing practice sections in order to enhance the skills of its members and to serve the interests of the public. The signers of the attached Petition agree that there should be an Agricultural Practice Section to provide support for our attorney colleagues practicing agricultural law and to enhance our ability to serve the people and industries that make up such a large part of Idaho’s GDP.

Agriculture and food processing generate 20% of Idaho’s total economic output in sales and 16% of our GDP. Idaho has nearly 25,000 farms and ranches that produce more than 185 different commodities, and Idaho ranks top ten in the nation in 30 of those commodities. Idaho is the third largest agriculture state in the West, and second in net farm income. These figures reflect the significance of agriculture in Idaho. Many attorneys represent individuals and entities across all agriculture sectors.

At a minimum, the Agricultural Practice Section will focus on:

- Estate and succession planning for agriculture businesses;
- Business structures important to agriculture businesses;
- Farm leases and custom farming contracts;
- Equipment leases and seed contracts;
- Food safety;
- Food labeling laws;
- Fence laws, herd districts, and open range;
- The UCC and its application to agriculture businesses;
- The Clean Water Act;
- The Clean Air Act;
- Other environmental legislation and regulations relevant to agriculture;
- Land use and entitlements specific to agriculture businesses;
- Agriculture labor laws;

- Other agricultural specific laws and regulations; and
- Practical considerations related to representing agricultural clients.

The Agricultural Law Practice Section will keep its members apprised of current events and current law changes that affect agriculture clients in Idaho. This Section will not be duplicative because while other sections at times address agricultural related topics, this Section will focus on issues that are never addressed in other practice sections. It is also important to note that agricultural law includes many more legal topics than only water law issues, for which a practice section does exist.

Other states, including Oregon, Colorado, Iowa, Nebraska, Kansas, Michigan, Minnesota, Wisconsin, Illinois, Indiana, Georgia, and Maryland already have agricultural law bar sections and we believe Idaho is well suited to have one too. Initial demand for an agricultural law bar section is substantial as shown by the attorneys who signed the Petitions with different skill sets, from different firms, and with varying years of practice from nearly every corner of the State.

The core membership of this Section will contain a group of proud “ag”-vocates who are responsible for the creation of the University of Idaho College of Law’s (“College of Law”) first Agricultural Law Society. Many of us are recent graduates from the College of Law and we have always strived to support agriculture and advocate for safe and sustainable food production. We are passionate about this Section and we all look forward to many years as active members throughout our careers.

I welcome any questions.

Sincerely,
Kelly Stevenson