

AGRICULTURAL LAW

ACE 403—Spring 2018

2:00 Mon-Wed-Fri
426 Mumford Hall

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Office Hours: Monday & Wednesday 3:30-4:30 (or by appointment)

COURSE OVERVIEW & OBJECTIVES

ACE403 is an introduction to, and application of, three basic legal concepts in the agricultural setting; the core of the class consisting of the law of contracts, property and torts. Goals and objectives for the class include providing familiarity with legal matters, concepts, reasoning and analysis in order to better understand basic legal principles. The class will apply these legal concepts to a contemporary legal challenge facing agriculture.

If your involvement with agricultural law goes no further than this class, you should walk away a more informed person on these issues, better able to understand certain principles of law and our system for creating, enforcing and adjudicating legal matters. Whether you eventually practice law in an agricultural setting, work for an organization or company with interests in this area or it is merely something you decide to care about in your spare time, this class should provide you with a better understanding of agriculture as seen through a legal lens.

COURSE MATERIALS

Text	See, Schedule (3) below; additional materials to be assigned in class and posted on Compass2g
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Students will only be responsible for the material covered in class and in the materials (including cases) assigned. Reading the materials is required and will be important for understanding the class and participating in classroom discussions. Students will be responsible for anything in the assigned cases and classroom material on exams, assignments and for the participation portion of the class grade.

COURSE ADMINISTRATIVE MATTERS

1. Assessment—Exams and Grading

Grades for ACE 403 will be determined based on two mid-term exams worth 100 points each and a final exam worth 200 points. The final exam will be comprehensive but will focus on material in part III (Torts). Points will also be assessed for assignments, participation and a final class debate project.

<i>Grading</i>			
-Mid-term 1	100 points	-Assignments & Participation	50 points
-Mid-term 2	100 points	-Final Debate Project	<u>150 points</u>
-Final Exam	<u>200 points</u>	<i>Sub-total</i>	<i>200 points</i>
<i>Sub-total exams</i>	<i>400 points</i>		
Class Total			600 points

Grades will be calculated using the number of points awarded compared to the total points possible, and the grades will include both plus and minus grades using the following scale:

Gr.	%	Gr.	%	Gr.	%	Gr.	%	Gr.	%
A+	97-100	B+	86-89.9	C+	76-79.9	D+	66-69.9	F	0-59.9
A	94-96.9	B	83-85.9	C	73-75.9	D	63-65.9	ABS	0.00
A-	90-93.9	B-	80-82.9	C-	70-72.9	D-	60-62.9		

Assignments & Participation:

Assignments will be discussed in class and will typically consist of brief memos on the topics covered in class and the reading materials (1 or 2 pages), some may include participation in class discussions. You are expected to write your own memo at all times unless the assignment has been explicitly designated for group work. See below for matters of academic integrity which will apply to the memo assignments in this class.

Final Debate/Project:

After Spring Break, we will discuss the final debate/presentations which will be worth 150 points. In general, this will be a group effort involving legal research on a selected topic, a briefing memo and an in-class presentation/discussion/debate. More details on this will be provided in class.

Exams:

By enrolling in this course you agree to take the exams at their scheduled times. You should not take this class if you have a conflict with any of these exam times. No makeup exams will be given unless you are ill or have a family emergency. If you are ill at the time of an exam, you need documentation from a physician or nurse. If you have a family emergency, contact the Dean's office and they will notify your professors. If you somehow miss an exam, you will receive a zero grade for that exam. If you have three or more consecutive final exams, university policy states that you are allowed to reschedule as long as you take the appropriate action. Refer to Section 82 "Final Examinations" in the *Code of Policies and Regulations Applying to All Students* for instructions. Students who need extra time or special accommodations should let me know in person at least one week prior to an exam. Please provide me with documentation according to University guidelines.

Regrading Policy:

If you feel there has been an error in grading your exam, you may appeal the exam grade in writing. I will accept petitions no earlier than 24 hours after the exam has been returned and no more than one week after the exam has been returned. Under such an appeal, the entire exam will be regraded, and the final score may increase or decrease. (Note: receiving a lower grade than you had anticipated is not grounds for a regrade.)

2. Behavior—Attendance, Policies, etc.

Attendance:

Attendance is essential for success in this class. Please note that class attendance is covered by the Student Code (§1-501(a), "Regular class attendance is expected of all students at the University").

Participation:

Participation is important to the class and to learning in general. Participation involves reading the assigned materials and being prepared for class. It also includes being involved in class debate and discussions. You are expected to be prepared to respond substantively based on the assigned readings. In addition to being prepared the other ground rule for in-class participation is respect: take nothing personal and make nothing personal. You can disagree with me or your classmates without being disagreeable. And no one should feel intimidated or uncomfortable speaking up or putting forth their point of view.

Academic Integrity:

As a student at the University of Illinois, you are bound in your academic work by the Code of Academic Integrity (the Code) which states in part: “*It is the responsibility of the student to refrain from infractions of academic integrity, from conduct that may lead to suspicion of such infractions, and from conduct that aids others in such infractions.*” Academic integrity need not become an issue. At its core, it means honesty and responsibility in scholarship by obeying basic rules. In short, all academic work should result from an individual's own efforts, with intellectual contributions from others consistently and responsibly acknowledged or considered fraudulent. (adapted from, <http://www.library.illinois.edu/learn/research/academicintegrity.html>). If a student is suspected of academic dishonesty, the procedures described in the Code will be followed. (see, http://admin.illinois.edu/policy/code/article1_part4_1-402.html)

Finally, students are not permitted to record classes or any portion of classes without written approval from me in advance.

Disabilities:

Please address any special needs or special accommodations with me at the beginning of the semester. Those seeking accommodations based on disabilities should obtain a Request for Accommodations letter from Disability Resources and Educational Services (DRES) (<http://disability.illinois.edu>). DRES can be reached via email at disability@illinois.edu, by phone at (217) 333-1970 (V/TTY), or in person at 1207 S. Oak St.

Statement of Educational Rights and Privacy Act:

Any student who has suppressed their directory information pursuant to the Educational Rights and Privacy Act must self-identify to the instructor to protect the privacy of their attendance in this course.

Safety

Please be aware of the recommended responses to emergency situations, including situations of violence. In brief, you are advised that in response to emergencies there are three basic options: run, hide or fight. More information is available online: <http://police.illinois.edu/dpsapp/wp-content/uploads/2016/08/syllabus-attachment.pdf>.

3. Schedule

The following is an overview of the class schedule for 2018, subject to revision with notice in class.

	<i>Topic</i>	<i>Assigned Readings</i>
1.	Introduction to ACE403 and Law	None
<i>Part I: Law of Contracts</i>		
1.	Introduction and General Concepts	Lawrence Solan, <i>Contract as Agreement</i> , 83 Notre Dame L. Rev. 353 (2007-2008)
2.	Contracts for Leasing and Data/Technology	Edward Cox, <i>A Lease-Based Approach to Sustainable Farming, Part I: Farm Tenancy Trends and the Outlook for Sustainability on Rented Land</i> , 15 Drake J. Agric. L. (2010)
3.	Other contracting issues; Federal program contracts	TBD
Midterm-1: Contract Law		
<i>Part II. Law of Property</i>		
1.	Introduction and Basics	Linda L. Butler, <i>The Resilience of Property</i> , 55 Ariz. L. Rev. 847 (2013)
2.	Easements, Liability, Takings and Other Basics	Butler (cont.); other, TBD
3.	Property Law and Farm Data; other property issues	John Soares, <i>The New Frontier: How Sharing of Big Data in Agriculture Interferes with the Protection of Farmers' Ownership Rights over Their Data</i> , 26 San Joaquin Agric. L. Rev. 229 (2016-2017); TBD
Mid-term 2: Property Law		
<i>Part III. Law of Torts</i>		
1.	Introduction and Basics	<i>Palsgraf v. Long Island RR</i> , 162 N.E. 99 (NY 1928)
2.	Negligence, Nuisance and Trespass	David G. Owen, <i>The Five Elements of Negligence</i> , 35 Hofstra L. Rev. 1671 (2007)
3.	Right to Farm and Other Issues	Jesse J. Richardson and Theodore A. Feitshans, <i>Nuisance Revisited After Buchanan and Bormann</i> , 5 Drake J. Agric. L. 121 (2000).
<i>Part IV. Class Debate Project</i>		
1.	Class Debate Project	TBD, tentatively week of April 16 th
FINAL EXAM Thursday, May 10, 2018 8:00 a.m. to 11:00 a.m.		