



INDIANA COMMISSION *for*
HIGHER EDUCATION

Feasibility of an Agricultural Law Program offered by
Indiana University Robert H. McKinney School of Law
& Purdue University College of Agriculture

101 West Ohio Street, Suite 300
Indianapolis, IN 46204-4206
Tele: 317-464-4400 | Fax: 317-464-4410

www.che.in.gov

Response to Senate Resolution 33 (2016)

Senate Resolution 33 (2016) urges the Indiana Commission for Higher Education to report to the Legislative Council the feasibility of establishing an agricultural law program at Indiana University Robert H. McKinney School of Law. In response, the Commission has studied agricultural law programs and resources in other states as well as relevant economic considerations in Indiana. To assist with the development of the report, representatives from the McKinney School of Law have collaborated with the Purdue College of Agriculture to determine what might best address the state's needs and have provided an overview of existing resources at their institutions.

An Indiana-based agricultural law program of study may benefit Indiana businesses, the state's educational institutions, and Hoosier students. Such a program would come with some financial costs – particularly during launch and incubation. The Commission for Higher Education's analysis finds that (with additional resources) the Indiana University McKinney School of Law and the Purdue College of Agriculture would be capable of jointly establishing an agricultural law program of study, and that over time, this program should become self-sustaining.

This report is broken into three segments: an overview of the potential benefits of an agricultural law program of study; fiscal considerations of establishing such a program; and a summary of what such a program might look like if jointly established by the McKinney School of Law and the Purdue College of Agriculture.

Benefits of Agricultural Law Programs

Each year, agriculture contributes approximately \$31 billion to Indiana's gross domestic product. Over 100,000 Hoosiers are employed directly or indirectly by agriculture related activities and over 14.7 million acres of farmland are within the state's borders.¹

Agriculture is a mainstay of Indiana's economy and way of life, and legal services are often required to help sustain and support it. Agricultural law is a far-ranging, complex and growing area. Expertise is needed for businesses to operate successfully. Agricultural law topics are as varied as drainage issues, probate issues, environmental considerations, food safety and food law, interstate commerce, technology, patents, and more. Beyond traditional legal services, university-led law research can help identify issues to address and assist in disseminating information on relevant topics.

While the need for agricultural law professionals and law research has grown, law schools around the nation have faced stiff competition for students over the last several years.² Programs and specialties that help set law schools apart – such as agricultural law – may help law schools differentiate themselves and help them compete for students.

Despite the potential benefits to businesses, states, and students, formal agricultural law programs are relatively rare. As of the 2016-17 academic year, there is no such program offering in the State of

¹ <http://iedc.in.gov/industries/agribusiness>

² http://www.abajournal.com/magazine/article/as_law_school_enrollment_drops_experts_disagree_on_whether_the_bottom

Indiana, and few large programs exist nearby. The following non-exhaustive list represents several of the most prominent agricultural law programs and centers in the United States. All such programs and resources are at least one state away, with the exception of Ohio State University's program, which is a tax law resource and not a degree-granting program. Just as the IU McKinney School of Law offers courses on agricultural law, several other law schools, such as the University of Missouri's, offer courses but not dedicated programs of study.

- University of Arkansas
 - The University of Arkansas School of Law offers an LL.M. degree in Food and Agricultural Law. This degree can be earned by taking face-to-face courses, but is also available entirely through distance learning (e.g., video-conferencing) courses.³
 - Moreover, Arkansas offers a "3/3" agricultural law program for high-achieving undergraduate students. Through this program, students may earn a bachelor's and law degree in six total years. To be admitted to the program, undergraduate students must first complete the pre-law concentration within Arkansas' agricultural school.
 - Finally, the University of Arkansas hosts the National Agricultural Law Center, established by the United States Congress and funded by the U.S. Department of Agriculture. This Center has a national scope and provides various research and resource functions.⁴
- Drake University Law School - Agricultural Law Center
 - Drake University, in Des Moines, Iowa, offers a 21-credit certificate program in agricultural law. Course offerings include "Introduction to Agricultural Law," "Environmental Regulation of Agriculture," and "Food and the Law." Shorter seminars and one-week programs are also offered.⁵
- Penn State University - Center for Agricultural and Shale Law
 - Funded by both the Pennsylvania Department of Agriculture and the U.S. Department of Agriculture, Penn State University's Center for Agricultural and Shale Law focuses on research and outreach. While offering research opportunities for students, the Center does not offer a formal program of study.⁶
 - However, in partnership with its College of Agricultural Sciences, the Penn State Law School offers joint J.D./Masters and J.D./Ph.D.s in Forest Resources. Penn State Law also boasts an Agricultural Law Society.
- University of Colorado Law School
 - The University of Colorado in Boulder provides courses in environmental and natural resources. The Law School also offers a series of joint J.D. and graduate degree and certificate programs, in conjunction with the CU-Boulder Environmental Studies Program.⁷

³ <https://law.uark.edu/academics/llm-food-ag/>

⁴ <http://nationalaglawcenter.org/about-the-center/>

⁵ <http://www.drake.edu/law/clinics-centers/aglaw/academics/>

⁶ <https://pennstatelaw.psu.edu/academics/research-centers/agricultural-law/about-center>

⁷ <http://www.colorado.edu/law/research/gwc/about>

- Furthermore, Colorado Law's Getches-Wilkinson Center for Natural Resources, Energy, and the Environment provides opportunities for research and studies in a variety of fields.
- Ohio State University Extension - Agricultural & Resource Law Program
 - Ohio State University offers research, webinars, and other resources for understanding and practicing agricultural law and provides workshops on related tax issues.⁸
- Iowa State University - Center for Agricultural Law and Taxation
 - Iowa State University's Center for Agricultural Law and Taxation provides "timely, critically objective information to producers, professionals and agribusinesses concerning the application of important developments in agricultural law and taxation." The Center offers seminars but not a formal program of study.⁹

Published university resources include:

- Quarterly Updated Agricultural Law Bibliography (Oklahoma)
- Agricultural Production, Programs, and Policy (Arkansas)
- Journal of Food Law and Policy (Arkansas)
- Drake Journal of Agricultural Law (Iowa)
- Kentucky Journal of Equine, Agriculture, and Natural Resources Law
- San Joaquin Agricultural Law Review (California)

Fiscal Implications

The fiscal implications of developing an agricultural law program are difficult to forecast. Such a program would likely require initial seed funding to develop, launch, and operate until it could become self-sustaining. Some components of a future agricultural law program are likely already in place at state educational institutions, but new components, including planning costs and new courses or new personnel, could require funding.

An agricultural law program would have four potential funding sources: institutional funding (including in-kind contributions and reassigning existing resources); student tuition and fees; private investment; and state investment. As discussed earlier, all four sources (institutions, students, private businesses, and state) could be expected to benefit in some way from such a program in Indiana. Businesses in particular may be interested in contributing to a program that could help lead to better-trained employees and that could contribute to research on the regulatory and legal frameworks that affect Indiana agriculture. Once the program becomes self-sustaining, it would not rely on additional state investments.

⁸ <http://extension.osu.edu/>

⁹ <https://www.calt.iastate.edu/mission-statement>

Potential Program

A potential program in agricultural law would likely combine existing resources with new ones to develop a robust, sustainable program.

Existing Resources at Indiana University McKinney School of Law

The IU McKinney School of Law currently offers a variety of courses that could be related directly or very closely to agricultural law. For example, courses on agricultural law, food and drug law, as well as seminars in food law and policy have been offered. There is also a program in Environmental & Natural Resources Law, which offers the opportunity to study environmental and natural resources law, providing a national and an international perspective, while retaining a strong regional core.¹⁰

Additionally, there are many more courses that could be relevant to agricultural law, such as courses on antitrust law, corporate law, etc. The IU McKinney School of Law also has two related centers: The Hall Center for Law & Health¹¹ and the Center for Intellectual Property Law and Innovation,¹² both of which might offer a variety a health law or IP law related course offerings, opportunities for involvement and research, and certificate programs. The Centers may complement current issues in agricultural law.

The IU McKinney School of Law is also able to draw on a base of alumni with expertise, experience, and needs in agricultural law. The Program on Law and State Government also places students in work-based, experiential learning opportunities and has had success in building longer term relationships with stakeholders in agricultural law through placements of interested students.¹³

Existing Resources at Purdue College of Agriculture

The Center for Agricultural Business (CAB) creates and delivers management education programs that combine research with real-world application that are specifically targeted to food and agribusiness industries. Since 1986, the Center has developed and delivered non-degree management education programs to more than 11,000 food and agribusiness managers from around the world.

Two online MS degree programs are offered through the CAB and the Department of Agricultural Economics and are focused on food and agribusiness management for working agricultural professionals. A connection between CAB and the IU McKinney School of Law could translate to additional educational programming capacity, could involve connections between agribusiness professionals and legal practitioners in areas of mutual interest and need, and could recruit students to the profession.¹⁴

All graduate programs at Purdue University are enabled to administer graduate certificate programs that complement the existing M.S. and Ph.D. graduate degree tracks offered. In general, the Graduate School views certificate programs as being practitioner oriented, postbaccalaureate programs of study


¹⁰ <http://mckinneylaw.iu.edu/enr/>

¹¹ <http://mckinneylaw.iu.edu/health-law/faculty-admin.html>

¹² <http://mckinneylaw.iu.edu/ip/>

¹³ <http://mckinneylaw.iu.edu/law-state-gov/>

¹⁴ <http://agribusiness.purdue.edu/>



that are less than a master's degree, and require a baccalaureate degree for admission and screening of applicants by a graduate admission committee. The potential exists to develop an agricultural law practitioner oriented certificate program through a Purdue Agriculture - IU McKinney partnership.

Additional Resources

While both IU McKinney School of Law and the Purdue College of Agriculture have current resources that could contribute to an agricultural law program, the actual structure of such a program, as well as the administration and scope, will require careful consideration and planning. The two entities are encouraged to develop a detailed strategic plan that includes a timeline and interim goals or benchmarks. To achieve that end, the McKinney School of Law and the Purdue College of Agriculture would likely need to jointly house a full-time staff member to focus on: developing the strategic plan; working with the two entities and other key stakeholders; assessing state needs in greater detail; and other related duties. In time, an agricultural law program may become self-sustaining. However, such a program will have initial costs, including the cost of hiring the staff member. The IU McKinney School of Law and Purdue College of Agriculture have estimated that these costs would require a state investment of approximately \$400,000 over the course of the next biennium. This amount would include two years of salary and benefits, as well as administrative expenses. It is possible that external stakeholders may agree to partner on this endeavor, lessening the dependency on state dollars. After this initial investment, both universities anticipate that an agricultural law program, once launched, would be able to become self-sustaining.

Conclusion

The Commission for Higher Education finds that, with a modest initial investment from the State or private businesses, an agricultural law program could be established jointly by the Indiana University Robert H. McKinney School of Law and the Purdue College of Agriculture. Such a program may be beneficial to the state's economy and be of economic value to both institutions. The Commission encourages representatives of both institutions to further explore this matter and to commit to jointly developing a strategic plan for such a program.