

Legal Issues for Beginning Women Farmers & Ranchers

November 2016

21ST CENTURY MANAGEMENT: *Enhancing Educational Programs for Women Farmers & Ranchers*

Background

Recognizing that legal issues are intricately linked to all of the content teams above, we have elected to organize our legal issues team as a 'consultant' service to the other teams. Members of this team all hold LL.M. degrees in Agricultural and Food Law from the University of Arkansas School of Law.

This team is providing critical review of both existing programs and the development of new materials to ensure trainers have the knowledge and resources they need to provide education and training to help BFRW legally protect themselves and their assets.

Summary of Legal Team Work

For this first phase of the project, the Legal Team has researched and assembled a list of what legal structures currently exist to support beginning women farmers and ranchers. The Legal Team has identified and is continuing to research the following specific areas of law:

- land and business transfer and retention (including inheritance and rights upon divorce);
- land ownership and tenancy rights;
- lending and credit; and,
- affirmative action programs related to government contracts and farm and ranching business supports.

The Legal Team has also prepared informa-

tion about federal laws designed to protect women against gender discrimination in employment, housing and lending.

What We've Learned So Far

Contemporary intestacy law in the United States is largely gender neutral, removing one major historical legal barriers to land ownership. Historically, laws governing the inheritance of real property (land) discriminated against women, often prohibiting their ownership outright or allowing it only by and through a male relative. Though divorce laws

may or may not support division of real property in a way that is most beneficial to women, there are legal tools available now to circumvent this, including prenuptial and antenuptial agreements. However, despite these legal developments, the National Census of Agriculture does typically report more male principal farm operators than female.

Much, if not all, of land rights and rights upon divorce are determined by state law. As the states have grown more progressive in their statutory laws, so too have laws and regulations at the federal level. Gender discrimination is covered by the Civil Rights Act of 1967 (Title VII), which prevents employers from discriminating on the basis of sex in employment (which includes salary, benefits, and the like, in addition to hiring/firing). Laws like

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this support larger numbers of women joining the ag-related workforce in critical roles, such as loan officers and bankers. Additionally, programs at the federal level now exist to support women with careers as farmers and ranchers. USDA loan assistance programs, such as the targeted funding through Farm Service Agency's "Socially Disadvantaged Producer" program, include women in their definitions. These programs can assist women with new or continuing farm/ranch operations.

Resources

In addition to the gender-neutral language of all 50 state inheritance laws, which we won't list here, there are some good tools out there focusing on risk management (including legal risk) for women farmers and ranchers. Here is a small sample.

- Risk Management Tools for Women Farmers; <http://agrisk.umn.edu/cache/ARL03716.pdf>
- Women in Farming: Resource Guide; <http://kansasruralcenter.org/women-in-farming/>
- Loan Programs & Resources of Special Interest to Women Farmers (Farm Services Agency): <https://www.youtube.com/watch?v=GPNRWQUOBgY>
- FSA Fact Sheet: Loans for Socially Disadvantaged Producers, <http://www.fsa.usda.gov/news-room/fact-sheets/index>.
- Risk Management Education for Women (program materials): <http://rmaresults.agrisk.umn.edu/Projects/ProjectReport.aspx?ID=11e89ca4-07a7-4a44-8cfa-fe2172cb21a7>

Opportunities to Collaborate

The Legal Team is sending Erin Parker as our representative for the upcoming Women in Sustainable Ag-

riculture Conference in Portland, Oregon. She would be happy to meet other project team members who might be attending and discuss the project goals and future possible collaborations.

Team Composition

The Legal Team is spearheaded by **Janie Simms Hipp** (Chickasaw). Janie is the Director of the Indigenous Food and Agriculture Initiative at the University of Arkansas School of Law. Prior to joining the law school, Janie served as Senior Adviser to USDA Secretary Vilsack on tribal relations. She is the founder of the USDA's Office of Tribal Relations in the Office of the Secretary, and served two terms on the USDA's Secretary's Advisory Committee for Beginning Farmers and Ranchers. Janie is reachable by email at jhipp@uark.edu or by phone at (479) 575-4699.

Erin Parker (Shirl) is the Assistant Director of the Indigenous Food and Agriculture Initiative at the University of Arkansas School of Law. Erin is also a Staff Attorney and Visiting Research Professor of Law at the University of Arkansas. She develops and teaches courses in Food and Agricultural Law as well as creating new programs for the Indigenous Food and Agriculture Initiative. Erin is reachable by email at eshirl@uark.edu or by phone at (479) 575-6572.

Nicole Cook served as a Research Assistant for the Legal Team before her graduation from the LL.M. program in Food and Agriculture Law and Policy in Summer 2016. Prior to enrolling in the Masters of Law program, Nicole practiced law for many years as a trial attorney and corporate counsel. Nicole is a 2001 graduate of Northeastern University School of Law. She was born and raised in Iowa, and received her B.S. degree from the University of Iowa.



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