



Farm Talk

Jerry Webb

A question of legality

There are few professions that require more skills than farming.

Successful farmers must not only be good at growing crops and livestock, but they must also be mechanics, carpenters, bookkeepers, tax experts, commodity specialists, personnel managers, real estate appraisers, and financial consultants.

To that long list might also be added legal experts because increasingly farmers are getting involved in problems that require at least some legal knowledge on their part. And it's a specialized area—one that the average corporation or trial lawyer may not be familiar with.

Nationally, there is a growing number of lawyers who deal with farm-related problems and certainly there is a growing market for their services. It seems everytime you read a farm magazine or an agricultural newspaper, there's a story about a farmer somewhere involved in a peculiar legal battle. Usually it centers around the problem of liability, or responsibility if you prefer a simpler term.

In this time of environmental concern, farmers are being taken to task for many of the practices that have been followed in agricultural areas for generations. And courts are finding the farmers liable for misuse of agricultural chemicals, for odor problems, for creating hazardous conditions, and for other sins against society.

In the good old days, a farmer could till the ground and raise livestock and be pretty much left alone by city cousins. But the

spread of the nonfarm population into the countryside has created conflict that has resulted in legal action.

Now farmers must worry about their dust, their odors, their fertilizers, and the manners of their livestock. They must be concerned about the liability created by a mean bull, a biting dog, a manure lagoon, and the quality of the air and water surrounding that agricultural enterprise.

With today's sophisticated detection equipment, unsympathetic neighbors are accusing and winning battles over ground water pollution, fertilizer runoff, chemical drift, and air quality.

There's no question that farmers do create liablous situations with the practices of modern agriculture. The key word in all this seems to be negligence. In legal talk, that's a term that indicates failure to observe ordinary and reasonable care to protect others from injury.

If the courts find that farmers have been negligent, then they're probably going to have to pay. On the other hand, if they used reasonable care, another good legal term, then even though some harm may have resulted from an action, or lack of action, farmers may not have to pay.

The question in most of these cases revolves around two terms—negligence and reasonable care. Would a reasonable, prudent person foresee a likelihood of danger to others in this particular circumstance?

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Over the river and through the woods may lead to Grandmother's house, but it also leads to a world of purity and sanctity. The unmarred

snow and the undeveloped land are a perfect compliment in beauty.

PEACE ON EARTH



Offering a prayer of thanks and hoping that the beauty of the Holy Day will surround you at Christmastide

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