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THE ARKANSAS LL.M. PROGRAM: FORTY YEARS OF  
LEADERSHIP  
*Susan A. Schneider*

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# The Arkansas LL.M. Program: Forty Years of Leadership

Susan A. Schneider\*

The University of Arkansas School of Law has been a leader in agricultural law education for over forty years through its innovative LL.M. Program in Agricultural and Food Law. I am proud to serve as the current Director of this Program and as one of its alumni. This essay memorializes the history of this signature Program and charts its progress through the decades as agricultural law issues evolved and the discipline expanded.

## I. Beginnings: First in the Nation

Over four decades ago, the University of Arkansas School of Law created a new specialized LL.M. Program focusing on agricultural law. Arkansas was the first law school to endorse agricultural law as a specialty worthy of graduate study, and its leadership was instrumental in establishing agricultural law as a discipline. This section of my essay recounts the creation of the LL.M. Program at Arkansas and describes its formative years.

In February 1977, the University of Arkansas Law School faculty approved in principle the creation of a post-J.D. graduate program, i.e., an LL.M. degree program.<sup>1</sup> The following June, the faculty approved the broad outlines of a generalist graduate program as was proposed by the faculty Committee on Graduate Programs.<sup>2</sup> While the faculty supported the creation of this general program, they also called for a study of the feasibility of a specialized program focusing on agricultural law.<sup>3</sup>

Agricultural law is the study of the law as applied to the agricultural sector. Agriculture is uniquely suited for this type of

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<sup>1</sup> Univ. of Ark. Sch. of L. Faculty, Excerpts from the Faculty Minutes Relating to the Agricultural Law Program: February 1977 to March 1979, at June 20, 1977 (1977) (on file with author).

<sup>2</sup> *Id.* Univ. of Arkansas School of Law Faculty Minutes, June 20, 1977 (on file with author). The motion was based on a memorandum from the Committee on Graduate Programs, composed of law faculty members S. Nickles, R. Knowlton, and M. Gitelman, Chairperson.

<sup>3</sup> Memorandum from the Comm. on Graduate Programs to the Univ. of Ark. Sch. of L. Faculty (Feb. 20, 1978) (on file with the author). Committee members were C. Carnes, R. Fairbanks, and M. Gitelman.

study because so many legal exceptions and special provisions apply to the agricultural sector.

“Agricultural exceptionalism,” i.e., the use of legal exceptions to protect the agricultural industry, is pervasive. This term is often used to reference its American origins in labor law, where agricultural laborers are excluded from many of the protections afforded to other workers. However, the concept is evident throughout the law, with farmers protected from involuntary bankruptcy, exempted from many environmental regulations, and excepted from anti-trust restrictions. The first use of the term is often credited to international trade scholarship, where special exceptions are also evident in other countries.<sup>4</sup>

In the mid-1970s, there was growing interest in considering agricultural law as a new discipline. Expanding export markets, high farmland values, the increasing size of farm operations, and the use of new contracting arrangements fueled the need for specialized legal services.<sup>5</sup> This peaked the Arkansas Law faculty’s interest, and the Committee on Graduate Programs was tasked with exploring the feasibility of developing an LL.M. program in agricultural law in addition to the general studies LL.M.

The Committee reviewed a survey conducted by the American Association of Law School (AALS) that reported twenty-seven different legal specialties offered by graduate programs at U.S. law schools, with none focused on agricultural law. The committee consulted with Professor Drew Kershen of the University of Oklahoma College of Law. Professor Kershen was one of only a handful of law professors who taught agricultural law courses and seminars at that time. The Committee reported its conclusions to the faculty in a 1978 memorandum.

After the meeting, the Committee was convinced that an LL.M. program in Agricultural Law would (1) be sound doctrinally and intellectually, (2) meet government and private sector professional needs, (3) attract qualified students, and (4) produce job-marketable specialists.<sup>6</sup>

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<sup>4</sup> Susan A. Schneider, *A Reconsideration of Agricultural Law: A Call for the Law of Food, Farming, and Sustainability*, 34 WM. & MARY ENV’T L. & POL’Y REV. 935, 936 (2010) (internal citations omitted).

<sup>5</sup> Neil D. Hamilton, *The Study of Agricultural Law in the United States: Education, Organization and Practice*, 43 ARK. L. REV. 503, 511 (1990).

<sup>6</sup> Memorandum from the Comm. on Graduate Programs, *supra* note 3.

Based on the Committee recommendation, the law faculty voted to create a specialized LL.M. Program in Agricultural Law and gave the development of this program priority over the development of a general program.<sup>7</sup>

The subsequent proposal for the creation of this “innovative and unique”<sup>8</sup> program was presented by the University of Arkansas to the Arkansas Department of Higher Education in 1978. This proposal described the program as follows:

“The LL.M. in Agricultural Law will be administered by the School of Law, University of Arkansas, Fayetteville, as a post-J.D. program to provide specialized training in a rapidly developing, particularly complex area of law, technology, and government regulation with international, national, regional, and statewide impacts. The purpose of the program will be to train a small number of carefully selected attorneys as specialists in the legal problems of agricultural production, distribution, and marketing. Graduates of the program will enter both the public and private sector as highly trained specialists available to large law firms representing agri-business interests, large corporations engaged in agricultural processing, marketing and distribution, government agencies closely involved in agriculture (Dept. of Agriculture, State Dept., Commerce Dept.), and academic institutions seeking to provide curricular offerings in the agricultural law area.”<sup>9</sup>

The proposal called for implementation of the new program in the 1979-80 academic year with the hiring of a faculty director and the enrichment of the law library’s agricultural law holdings. An additional faculty member would be hired for 1980-81, and six fellowship students would be admitted for the inaugural class. A third faculty member would be hired in 1981-82, with six additional fellowship students admitted. “About ten additional courses or seminars” would be created, with these courses available to second and third-year law students at the University of Arkansas.<sup>10</sup>

The program was approved by the Arkansas Department of Higher Education in 1979, and it was subsequently approved by the

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<sup>7</sup> Univ. Of Ark. Sch. of L. Faculty, *supra* note 1, at Feb. 28, 1978.

<sup>8</sup> Letter from Milton Copeland, Acting Dean, Univ. Ark. Sch. of L., to Charles E. Bishop, President, Univ. of Ark. (Sept. 21, 1978) (on file with author).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

AALS and the Section of Legal Education and Admissions of the American Bar Association.<sup>11</sup>

The law school hired Jerry Wayne (Jake) Looney in 1980 as the inaugural director of the new LL.M. Program. Professor Looney already had a distinguished background in agricultural law with dual master's degrees in Animal Science and Agricultural Economics and a J.D. from the University of Missouri - Kansas City. He had teaching experience at the University of Missouri, Virginia Tech, and Kansas State and had a solid publication record in agricultural law.<sup>12</sup>

As director of the new program, Professor Looney was tasked with developing policies and procedures for the program and guiding its formation. Professor Looney presented the faculty with proposed policies in December 1980 and noted that the University had committed to add a second LL.M. faculty member in 1981.<sup>13</sup> The law school honored this commitment and hired Neil D. Hamilton, a young attorney from Iowa who was already making his mark in the agricultural law community.<sup>14</sup> At the time he was hired, Hamilton served as Assistant Attorney General for the state of Iowa, working in the Farm Division.<sup>15</sup> He assisted Professor Looney with plans for the new Program, and the inaugural LL.M. class was welcomed in the Fall of 1981.<sup>16</sup>

In 1982, Professor Looney became Dean of the Law School, and in 1983, Professor Don Pedersen was hired as the new Director of the LL.M.<sup>17</sup> Program. Professor Pedersen was an experienced agricultural law teacher, scholar, and practitioner. He taught at Capital University Law School, where his courses included Farm Labor Law, and at William Mitchell College of Law, where he taught Agricultural Law, with publications across a wide variety of agricultural law related subjects.<sup>18</sup> He was also an experienced agricultural law practitioner. Professors Looney, Pedersen, and

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<sup>11</sup> UNIV. OF ARK. SCH. OF L. SELF STUDY, THE GRADUATE AGRICULTURAL LAW PROGRAM 3 (1986) (on file with author) (hereinafter, 1986 SELF STUDY).

<sup>12</sup> *Id.* See also *J.W. Looney, Former School of Law Dean, Dies at Age 74*, UNIV. OF ARK. NEWS (Oct. 26, 2018), <https://news.uark.edu/articles/45276/j-w-looney-former-school-of-law-dean-dies-at-age-74>.

<sup>13</sup> Memorandum from Jake Looney to Law Faculty 4 (Dec. 1, 1980) (on file with author).

<sup>14</sup> 1986 SELF STUDY, *supra* note 11, at 3, 4.

<sup>15</sup> Interview with Neil D. Hamilton, Retired Dean, Univ. of Ark. Sch. of L. (Mar. 29, 2022).

<sup>16</sup> 1986 SELF STUDY, *supra* note 11, at 3.

<sup>17</sup> *Id.* at 4.

<sup>18</sup> *Id.* at 14, 15.

Hamilton are credited with being the three founders of the LL.M. Program.

The Arkansas law faculty can be commended for recognizing the importance of agricultural law as an emerging discipline, but even with their great foresight, they could not have imagined the explosion of legal issues during the first decade of the LL.M. Program. The Farm Crisis of the 1980's has been characterized as "a defining period for agriculture in the United States" and the "worst financial crisis [on the farm] since the Great Depression."<sup>19</sup> Professor Looney described the situation in a 1985 law review article:

"[T]he current financial distress in agriculture portends other even more dramatic changes for the farm sector and for rural communities. Increasing debt-to-asset ratios, cash flow problems, business failures and bankruptcies combined with depressed land and machinery markets not only threaten the continued viability of the farm sector, but also have adverse effects on farm suppliers and lenders. The cumulative effect of these financial problems on rural communities is of particular concern."<sup>20</sup>

The need for specialized expertise to navigate the economic upheaval within the agricultural sector and the complex legal issues that arose confirmed agricultural law's status as a discipline worthy of recognition by both the academy and the bar, with the University of Arkansas as a recognized leading force.<sup>21</sup>

The American Agricultural Law Association (AALA) was formed in 1980 "to further the development and dissemination of knowledge about agricultural law."<sup>22</sup> One early meeting to discuss forming the organization was held in Iowa in the summer of 1980,

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<sup>19</sup> Barry J. Barnett, *The U.S. Farm Financial Crisis of the 1980s*, 74 AGRIC. HIST. 366, 366 (2000).

<sup>20</sup> J.W. Looney, *Agricultural Law and Policy: A Time for Advocates*, 30 S.D. L. REV. 193, 194 (1985).

<sup>21</sup> Arkansas LL.M. faculty have consistently produced scholarship addressing the special issues presented in agricultural law, and in the 1980's this scholarship provided timely information on the financial issues presented. See, e.g., J.W. Looney, *Protecting the Farmer in Grain Marketing Transactions*, 31 DRAKE L. REV. 519 (1982); Neil D. Hamilton & J.W. Looney, *Federal and State Regulation of Warehouses and Grain Warehouse Bankruptcy*, 27 S.D. L. REV. 334 (1982); Janet Flaccus, J.W. Looney, Donald B. Pedersen & Mary Davies Scott, *Representing Farmers in Financial Distress*, 20 ARK. LAW. 150 (1986).

<sup>22</sup> Leo P. Martin, *Agricultural Law Association Forms at Law School; Discusses Taxes, Financing, Zoning, Conservation*, QUAERE, Jan. 1981, at 1 (on file with author).

with Professor Looney in attendance along with future Arkansas hire, Neil Hamilton, representing the Farm Division of the Iowa Attorney General's Office.<sup>23</sup> The official meeting to convene the new association was held in December 2000 at the University of Minnesota with all three of the LL.M. founders in attendance, although at that time, only Professor Looney had been hired by the University of Arkansas, and the LL.M. Program was being developed.<sup>24</sup>

Several years later, the AALA was housed at the University of Arkansas with Bill Babione, an LL.M. graduate at the helm as Executive Director.<sup>25</sup> The three founders of the LL.M. Program, Professors Looney, Hamilton and Pedersen all served as Presidents of the AALA during its formative years.<sup>26</sup> Professor Pedersen coordinated and edited the monthly AALA publication, *The Ag Law Update*.<sup>27</sup>

When Professor Looney developed the policies and procedures for the new LL.M. Program, a proposed curriculum was drafted. The following courses, all to be created as new courses that were likely not offered at any other law school in the United States, were proposed:

- Agricultural Finance & Credit
- Agricultural Cooperatives
- International Agricultural Trade
- Government Regulation of Agriculture
- Agriculture and Environmental Control
- Farm Estate and Business Planning
- Commodities Trading and Regulation

When Professor Pedersen was hired in 1983, one of his first scholarly projects was developing an agricultural law casebook. In 1985, West Publishing released the book *AGRICULTURAL LAW: CASES AND MATERIALS* authored by Professor Pedersen, Keith Meyer (University of Kansas School of Law), Norman W. Thorson

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<sup>23</sup> Interview with Neil D. Hamilton, *supra* note 15.

<sup>24</sup> See Leo P. Martin, *Agricultural Law Association Forms at Law School: Discusses Taxes, Financing, Zoning, Conservation*, QUAERE, Jan. 1981, at 1 (showing Professors Looney and Pedersen); Interview with Neil D. Hamilton, *supra* note 15.

<sup>25</sup> Margaret Rosso Grossman, *The American Agricultural Law Association: 1991 and Beyond*, 68 N.D. L. REV. 255, 256 (1992).

<sup>26</sup> *AALA Past Presidents and Directors*, AM. AGRIC. L. ASS'N., <https://www.aglaw-assn.org/aala-past-presidents/> (last visited Apr. 28, 2022).

<sup>27</sup> See, e.g., Am. Agric. L. Ass'n, 2 THE AGRIC. L. UPDATE, Jan. 1985, at 2, available at <https://www.aglaw-assn.org/wp-content/uploads/01-85.pdf>. (crediting Professor Don Pedersen as editorial liaison).



(University of Nebraska) and John H. Davidson (University of South Dakota).<sup>28</sup> Publication of this extensive casebook made it possible for law professors across the country to teach an agricultural law survey course without having to create the course from scratch. This furthered the discipline and allowed more students to consider agricultural law as a career path. I was one of those fortunate students. My professor at the University of Minnesota Law School, Professor Gerald Torres, relied on a draft manuscript of the casebook when I took his new Agricultural Law class in 1984.<sup>29</sup>

Under Professor Pedersen's leadership, the new LL.M. Program thrived. The Law School's 1985 Self Study contains a chapter on the LL.M. Program and its important contributions to the law school and the agricultural community.<sup>30</sup> The Program successfully addressed two program policy issues that were hampering the graduation rates of the candidates: the thirty credit degree requirement and the thesis requirement. Although at the time other LL.M. Programs in the United States required only twenty-four credits for the LL.M. degree, Arkansas's program required 30. Professor Pedersen and the Graduate Legal Studies Committee also proposed a "non-thesis option," that was "common to American graduate education" and would better serve those candidates who were not focused on an academic career. Both proposals were passed by the faculty and the appropriate university bodies.<sup>31</sup>

In 1985, the required courses in the Program were Colloquium in Agricultural Law, Research Seminar in Agricultural Law I, and Economics of Agricultural Policy. The economics course was offered through the Agricultural Economics department of the University's School of Agriculture. "Non-thesis option" candidates were also required to take a new Research Seminar in Agricultural Law II course.<sup>32</sup> Twelve elective courses were available, with most also available to JD students:

- International Agricultural Transactions
- Regulation of Agricultural Lands
- Agricultural Taxation
- Farm Estate and Business Planning
- Agricultural Cooperatives

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<sup>28</sup> See KEITH G. MEYER, DONALD B. PEDERSEN, NORMAN W. THORSON, & JOHN H. DAVIDSON, *AGRICULTURAL LAW: CASES AND MATERIALS* (1984).

<sup>29</sup> Susan A. Schneider, *Thoughts on Agricultural Law and the Role of the American Agricultural Law Association*, 10 *DRAKE J. AGRIC. L.* 1 (2005).

<sup>30</sup> See 1986 SELF STUDY., *supra* note 11, at 2-3.

<sup>31</sup> See *id.* at 5-7.

<sup>32</sup> *Id.* at 8.

- Agricultural Finance and Credit
- Agricultural Labor Law
- Forestry Law & Policy  
Food and Drug Law<sup>33</sup>

A few JD classes were recognized as appropriate for LL.M. candidates and Administrative Law was a required background class.<sup>34</sup>

When Professor Neil Hamilton left Arkansas to take a position with Drake Law School, the Law School did not replace him. The Law School justified this decision by noting that the LL.M. students “deserve to be exposed to various members of the law faculty” and recognizing that the “highly specialized nature of the agricultural law courses” made it difficult to replace someone who left.<sup>35</sup> “By having wide faculty involvement, the loss of a particular teacher should not cripple the program or create undue problems if a replacement cannot immediately be found.”<sup>36</sup> While law school financial constraints and JD faculty hires likely contributed to this decision, the result was the same. Law faculty were recruited to teach in the LL.M. Program. Given the “highly specialized nature” of the courses, these faculty members often had to learn new subject matter and then develop their own course materials.<sup>37</sup> Dean Looney also continued to teach Government Regulation of Agriculture in the program while serving as dean.<sup>38</sup>

JD faculty members that were recruited to teach agricultural law courses were Professor Lonnie Beard (Agricultural Taxation and Farm Estate and Business Planning), Professor Mary Beth Matthews (Agricultural Cooperatives), Professor Linda Malone (Regulation of Agricultural Lands), Professor Charles Carnes (Agricultural Labor Law) and Professor Robert B. Leflar (Food and Drug Law). Professor Christopher Kelley taught Forestry Law and Policy as an adjunct.<sup>39</sup>

Professor Pedersen handled all aspects of Program management, including recruitment, placement, alumni relations, and reporting duties and had an exhaustive teaching load. He taught Agricultural Colloquium, Research Seminar in Agricultural Law I

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<sup>33</sup> *See id.* at 9-11.

<sup>34</sup> *See id.* at 12.

<sup>35</sup> *Id.*

<sup>36</sup> UNIV. OF ARK. SCH. OF L. SELF STUDY, THE GRADUATE AGRICULTURAL LAW PROGRAM 11-12 (1986) (on file with author) (hereinafter, 1986 SELF STUDY).

<sup>37</sup> *See id.* at 13.

<sup>38</sup> *Id.* at 10.

<sup>39</sup> *See id.* at 10-11.

and II, Agricultural Finance and Credit, International Agricultural Transactions, and a JD survey course in Agricultural Law.<sup>40</sup> From the Law School's 1986 Self Study:

All of the students are impressed with the expertise and tireless efforts of the program's director, Professor Donald Pedersen. The success of the program is due largely to his classroom activities, extensive publications, and performance of a multitude of other duties on behalf of the program. . . . The only criticism is that the program is too dependent on Professor Pedersen. In fairness to him, another faculty member needs to be hired to assist in those duties. At the very least, another faculty member needs to be responsible for such duties as recruitment, coordinating alumni relations, publicizing, and promoting the program and job placement.<sup>41</sup>

In addition to its academic work, the LL.M. Program also provided information to the public, recognizing the "substantial need for a clearinghouse operation" to serve the legal profession and the agricultural industry.<sup>42</sup> In 1987, thanks to the support of Senator Dale Bumpers and his legislative assistant, Chuck Culver, an LL.M. alumnus, the law school received Congressional recognition for its agricultural law work and funding to support a new agricultural law center. Quoting from Senator Burdick's statement to the Congressional Record, "[t]he Agricultural Law Program at the [University of Arkansas] Leflar Law Center is recognized for its unique expertise in the area of agricultural law."<sup>43</sup> This expertise supported the award of funds to the law school for "the creation of the National Center for Agricultural Law Research and Information."<sup>44</sup> The funds were to be used to hire a director, professional researchers, a research and information librarian, and support staff, and to fund graduate assistantships for students in the LL.M. Program, as well as other elements necessary to support the new Center at the law school.<sup>45</sup>

Federal funding for the National Center was provided to the law school through a USDA grant beginning in 1988, with the grant administrated through the USDA National Agricultural Library. The

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<sup>40</sup> *See id.* at 15.

<sup>41</sup> *Id.* at 37.

<sup>42</sup> UNIV. OF ARK. SCH. OF L. SELF STUDY, THE GRADUATE AGRICULTURAL LAW PROGRAM 34 (1986) (on file with author (hereinafter, 1986 SELF STUDY)).

<sup>43</sup> 133 CONG. REC. S35253 (daily ed. Dec. 11, 1987) (statement of Sen. Burdick).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* The funding was secured through the 1988 appropriations legislation passed as Pub. L. 100-202, 101 Stat. 1329-30 (1987).

cooperative agreement between the USDA and the law school reiterated the Congressional directive and specified that the Center was to “provide research and information to the USDA and the National Agricultural Library” independently from the USDA.<sup>46</sup> The Dean of the Law School (Dean Looney) and the Director of the Agricultural Law Graduate Program (Professor Pedersen) served as the inaugural co-principal investigators and were responsible for setting up the new center.<sup>47</sup>

The National Center was a natural partner for the LL.M. Program. Professionals were hired at the center for their agricultural law expertise and were then available to teach a class in the LL.M. Program, and LL.M. faculty consulted on Center projects. The opportunity to teach enhanced the center staff attorney positions and helped to recruit well qualified attorneys. The availability of Center attorneys who were qualified to teach reduced the need for JD faculty to teach in the LL.M. Program. LL.M. candidates were hired as Graduate Assistants and provided research to support Center attorneys. I was fortunate to receive a Graduate Assistantship when I attend the LL.M. Program in 1989-90, working with then Center Director, John Copeland, on agricultural bankruptcy law issues.

The Center operated under this arrangement for two decades, receiving consistent federal funding directed to the law school and producing a wide variety of publicly available information. In 2009, the USDA shifted the grant for the Center from the law school to the University of Arkansas Division of Agriculture, thereby placing the Center under the exclusive control of the Division. By subsequent agreement between the law school and the Division, the Center remained housed at the law school for the next two years, with a number of graduate assistants still funded by the Center. The Center relocated in 2012, officially ending collaborations with the law school. The Center remains under the Division as a USDA grant-funded enterprise, directed by Harrison Pittman, an LL.M. alumnus. The Center’s work is now accomplished by staff attorneys and students hired from law schools across the country.

Throughout the 1990s, the LL.M. Program was led by Professor Pedersen and Associate Dean and Professor Lonnie Beard. Professor Pedersen continued his impressive teaching portfolio. Center attorneys with excellent academic credentials and practice experience taught additional LL.M. classes and contributed in many

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<sup>46</sup> Letter from Willard J. Phelps, Contract Specialist, U.S. Dep’t. of Agric., to J.W. Looney, Dean, Univ. of Ark. School of L. (Mar. 31, 1988) (On file with author).

<sup>47</sup> *Id.*

ways to the program.<sup>48</sup> Associate Dean Beard pioneered the concept of condensed courses that are still popular today. These courses are taught over the course of several days, immersion style, by nationally recognized professionals who travel to Arkansas for a short visit. These offerings included James Baarda of the USDA Cooperative Service who taught Agricultural Cooperative Law, and Professor Drew Kershen of the University of Oklahoma who taught Environmental Regulation of Agriculture. In addition, Christopher Kelley, a nationally recognized agricultural law practitioner, taught Agricultural Administrative Practice, and I taught Agricultural Bankruptcy, my specialty at that time.

Professor Pedersen retired in 1996, leading to a national search for a tenure-track agricultural law professor. I was among the applicants along with Christopher Kelley, my husband. We were both alumni of the LL.M. Program with agricultural law practice specialties, and we agreed to compete for the position with the understanding that one of us could teach and the other would practice law. In the end, thanks to a suggestion from Associate Dean Beard, the faculty voted to split the position, hiring each of us for one half of a tenure-track appointment. Over the next several years, we each shifted into full-time positions and were tenured. My position was established as full-time in the LL.M. Program; Professor Kelley's position was set at half-time in the LL.M. Program and half-time in the J.D. Program.

## **II. An Expanded Focus: Food Law & Policy**

As interest in food safety, transparency, quality, and sustainability increased, the University of Arkansas School of Law was at the forefront of the rise of another new discipline - food law and policy. This approach offers a systemic analysis of our food system, incorporating elements of agricultural law in combination with food law to provide a more integrated and holistic approach. This section of my essay explores the development of food law and policy as a new discipline and the role of the LL.M. Program in fostering it through its transition from agricultural law to agricultural and food law.

I was appointed Director of the LL.M. Program in 2000. As I took the reins of the program, I was inspired by my memories of Professor Pedersen who served as director when I attended the

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<sup>48</sup> There are too many talented Center attorneys to mention, but several deserve special recognition for their many contributions to the LL.M. Program while serving as staff attorneys or directors at the Center: John Copeland, John Harbison, Janie Hipp, Christopher Kelley, Martha Noble, Allen Olson, and Michael Roberts.

program a decade earlier. Professor Pedersen always expected the best from his students and motivated them to work hard. He also cared deeply about each of them and his broad range of expertise allowed him to relate to each student individually. The success of the LL.M. Program is largely due to his dedication.

Also key to success was the ability to anticipate legal trends and important issues in a rapidly changing world. Both Professors Jake Looney and Neil Hamilton were masters of recognizing impending change and signaling new directions to the profession. I have tried to continue this tradition by keeping the LL.M. Program at the leading edge of law and policy.

During the first two decades of the Program, financial and business issues were at the heart of the LL.M. curriculum. Dramatic efforts to address the financial problems facing the agricultural industry during the 1980s - 90s made courses such as Agricultural Finance & Credit particularly relevant. The loss of family farms was a recurrent policy theme, with the focus on these farmers and farm policy. One of the signature aspects of my tenure as director has been to expand the Program toward a broader perspective. For example, when a family farmer goes out of business, what is the impact that this has on the rural community; what impact does this have on our food system; how are consumers impacted?

Since the 1980s, many agricultural law scholars have cautioned about the changes occurring in agriculture. Consolidation and industrialization reduced the number of farms, shifted power and control from individual farmers to powerful corporations, and dire environmental consequences have been realized. Most analysts focused on agricultural policies and the impacts on the farm. Professor Hamilton was the first agricultural lawyer to emphasize the impact these changes made to our food system, highlighting the integral connections between agricultural law and food law.<sup>49</sup>

In 1999, Professor Hamilton, teaching at Drake University Law School, developed a Food and the Law class.<sup>50</sup> Beginning in 2000, we invited him to teach an introductory condensed course as a Visiting Professor in the LL.M. Program called Introduction to the Law of Food and Agriculture that incorporated some of these themes.

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<sup>49</sup> Neil D. Hamilton, *Plowing New Ground: Emerging Policy Issues in a Changing Agriculture*, 2 *DRAKE J. AGRIC. L.* 181, 196 (1997). In this section, he provides the basic argument for a systemic analysis of our food system.

<sup>50</sup> Baylen J. Linnekin & Emily M. Broad Leib, *Food Law & Policy: The Fertile Field's Origins and First Decade*, 2014 *WIS. L. REV.* 557, 590 (2014).

Soon thereafter, food safety issues provided a terrifying window into the direct connections between farm and food when bovine spongiform encephalopathy (BSE or “mad cow” disease) was diagnosed in a cow in the United States. The FDA and USDA had recognized BSE as a potential threat for years and had banned the practice of giving cows feed derived from cows or other animals since 1997.<sup>51</sup> The reality of the risk, however, did not reach widespread consumer concern in the U.S. until it was found in a cow in the Washington state in December 2003.<sup>52</sup> The Government Accountability Office (GAO) had warned of this risk in its 2002 report, noting that in contrast to many other pathogens, the prions that cause this disease cannot be killed by cooking.<sup>53</sup> “Mad cow” disease and the concept of “downer cattle” exploded into consumer awareness and dramatically entwined the world of agricultural law and food law. It accelerated growing concerns about where food comes from and how it is produced.

I recall discussing the emerging BSE issue with Professors Christopher Kelley and Michael Roberts as we strategized about the future of the LL.M. Program. Professor Roberts had paused his successful practice in Utah to attend the LL.M. Program, and shortly after he returned to practice, we recruited him back to Arkansas to lead the National Center. In this role, he also taught in the LL.M. Program, and along with Professor Neil Hamilton, helped us shape the future direction of the LL.M. Program. In this strategy session, we discussed mad cow concerns as an example of how the connection between farm and food was inseparable, and how important it was that the LL.M. Program incorporate food law into our curriculum. This notion of “food law,” however, envisioned a new approach, one that focused on the farm to food connections.

At this time, food law was taught in law schools as a Food and Drug Law class that focused on the wide variety of products under the jurisdiction of the Food and Drug Administration (FDA), Food is one such category of products.<sup>54</sup> Such a course, however, inevitably either excludes or minimizes any consideration of

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<sup>51</sup> Substances Prohibited from Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed, 62 Fed. Reg. 30,936 (June 5, 1997).

<sup>52</sup> Matthew L. Wald & Eric Lichtblau, *U.S. is Examining a Mad Cow Case, First in Country*, N.Y. TIMES, Dec. 24, 2003, at A1.

<sup>53</sup> U.S. GOV'T ACCOUNTING OFF., GAO-02-183, MAD COW DISEASE: IMPROVEMENTS IN THE ANIMAL FEED BAN AND OTHER REGULATORY AREAS WOULD STRENGTHEN U.S. PREVENTION EFFORTS (2002).

<sup>54</sup> Linnekin & Broad Leib, *supra* note 50, at 591 (referencing Peter Barton Hutt, *Food and Drug Law: Journal of an Academic Adventure*, 46 J. AM. L. SCHS. 1, 8 (1996)). See also PETER BARTON HUTT & RICHARD A. MERRILL, *FOOD AND DRUG LAW CASES AND MATERIALS* (University Casebook Series, 1<sup>st</sup> ed., 1980).

agricultural practices, farm to food connections, or even USDA jurisdiction over meat and poultry products.<sup>55</sup>

At our meeting at the law school, we strategized that an expanded, systemic view of food law, incorporating consumer perspectives should be a course in the LL.M. Program. Implementing this new direction, and with the assistance of LL.M. Graduate Assistant, Amy Lowenthal, Professor Roberts created a Food Law & Policy class in the Spring of 2004 and first offered it the following Fall. This class addressed basic elements of FDA food safety regulation, but also focused heavily on USDA and addressed consumer interests and concerns. Food Law & Policy soon became a core course in the LL.M. curriculum.<sup>56</sup>

With Professor Roberts' leadership and seed money from the National Agricultural Law Center, the University of Arkansas School of Law established the Journal of Food Law & Policy in 2004, and its first issue was published in 2005.<sup>57</sup> Neil Hamilton<sup>58</sup> and Peter Barton Hutt<sup>59</sup> both authored articles for the inaugural issue, signaling a new merger of agricultural law and food law and signaling the new discipline of Food Law & Policy.

Once again, Arkansas had recognized an emerging national trend. Consumer interest in food and the perceived failings of agricultural policies that encouraged "cheap" processed foods were becoming pervasive. Eric Schlosser's book, *Fast Food Nation* was published in 2001 and the film, *Fast Food Nation*, was released in 2006.<sup>60</sup> Michael Pollen's book, *Omnivore's Dilemma* was published

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<sup>55</sup> In the early days of the LL.M. Program, a Food & Drug Law class was offered, using Merrill and Hutt *Food and Drug Law* as a primary casebook. The course was initially co-taught by Professors Neil Hamilton and Arkansas Law Professor Robert B. Leflar, and there was some effort to address the agricultural law issues associated with food safety through supplemental readings. For example, the USDA "Federal Nutrition and Feeding Programs" were listed on the initial course syllabus. Univ. of Ark. Sch. of L. Faculty, *Food and Drug Law Course Syllabus*, (Fall 1982) (on file with the author). Professor Hamilton returned to Iowa to teach at Drake University Law School in 1983, founding its Agricultural Law Center, the Arkansas course continued as a J.D. course taught periodically by Professor Leflar with a generally traditional focus covering not only food, but drugs.

<sup>56</sup> Linnekin & Broad Leib, *supra* note 50, at 590.

<sup>57</sup> *About the Journal of Food Law & Policy*, UNIV. OF ARK. SCH. OF L., <https://law.uark.edu/jflp/about.php> (last visited Apr. 25, 2022).

<sup>58</sup> Neil D. Hamilton, *Food Democracy II: Revolution or Restoration?*, 1 J. FOOD L. & POL'Y 13 (2005).

<sup>59</sup> Peter Barton Hutt, *Food Law & Policy: An Essay*, 1 J. FOOD L. & POL'Y 1 (2005).

<sup>60</sup> *FAST FOOD NATION* (Fox Searchlight Pictures 2006). The film is loosely based on ERIC SCHLOSSER, *FAST FOOD NATION: THE DARK SIDE OF THE ALL-AMERICAN MEAL* (2001).



in 2006. The documentary *Food Inc.* was released in 2008.<sup>61</sup> By 2014, it was reported that twenty of the nation's top 100 law schools offered some type of food law and policy course.<sup>62</sup> By 2017, that number had increased to thirty-four.<sup>63</sup>

Students increasingly came to the LL.M. Program to learn about agricultural law because of their interest in where our food comes from, what agricultural policies guide its production, and how the legal system frames our food system. We responded by incorporating more food and consumer-focused elements into our core agricultural law classes. Agricultural Biotechnology addressed not only patent and contract issues, but also the use of genetically engineered products in human and animal food. Agriculture & the Environment incorporated the study of the Federal Insecticide, Fungicide, and Rodenticide Act not just to address farm regulation but to explore the consequences of the extensive use of pesticides in growing our food.

As we expanded our LL.M. curriculum to increase our food law offerings, LL.M. candidates were drawn to this integrated study, and increasingly students came to the LL.M. Program with food law as a primary interest. Enrollment increased. We were delighted to add renowned food safety litigation attorneys Bill Marler and Denis Stearns of Marler Clark<sup>64</sup> to our roster of professors, teaching a condensed course for us each year. Professor Roberts left Arkansas for a D.C. food law practice, eventually making his way back to academia as a Professor of Practice and the Founding Director of the Resnick Food Law & Policy Center at UCLA School of Law,<sup>65</sup> and I took over teaching our Food Law & Policy class, shifting my research and writing as well.

Tenured Arkansas Law Professor Uche Ewelukwa<sup>66</sup> offered to design and teach courses in the LL.M. Program, capturing her

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<sup>61</sup> *FOOD, INC.* (Magnolia Pictures 2008).

<sup>62</sup> Linnekin & Broad Leib, *supra* note 50, at 599.

<sup>63</sup> Emily M. Broad Leib & Baylen J. Linnekin, *Food Law & Policy: An Essential Part of Today's Legal Academy*, 13 J. FOOD L. & POL'Y 228, 230 (2017).

<sup>64</sup> See William Marler, MARLER CLARK, <https://marlerclark.com/lawyers/william-marler> (last visited Apr. 28, 2022). Denis Stearns has since retired from Marler Clark and established his own part-time specialized practice as STEARNS LAW, PLLC, <https://www.artisanal-law-firm.com/> (last visited Apr. 9, 2022).

<sup>65</sup> Michael T. Roberts, UCLA L., <https://law.ucla.edu/faculty/faculty-profiles/michael-t-roberts> (last visited Apr. 9, 2022). See also Resnick Center for Food Law & Policy, UCLA L., <https://law.ucla.edu/academics/centers/resnick-center-food-law-policy> (last visited Apr. 9, 2022).

<sup>66</sup> Uche U. Ewelukwa, UNIV. ARK. SCH. OF L., <https://law.uark.edu/directory/faculty/uid/uchee/name/Uche-Ewelukwa/> (last visited Apr. 9, 2022).

interest in human rights, international law, and corporate responsibility. She developed two courses for us that have become a regular part of our curriculum each Fall: Right to Food and Business, Human Rights, and Corporate Responsibility in the Food and Agriculture Sector. She also developed an excellent course, Intellectual Property in Food and Agriculture that is offered periodically.

Professor Christopher Kelley,<sup>67</sup> with half-time duties in the LL.M. Program, has always been a full partner in all LL.M. Program developments. Beyond his agricultural law expertise, his leadership increased our international law perspective, adding international agricultural and food law issues into the two required courses that he teaches, Agriculture and the Environment and Agricultural Perspectives and occasionally teaching Selected Issues in International Food & Agriculture.

Capturing this new focus and seeking to include the energy of a new kind of student, Professor Kelley and I proposed a name change for the LL.M. Program. In 2009, the LL.M. Program in Agricultural Law officially became the LL.M. Program in Agricultural & Food Law.<sup>68</sup>

In 2009-10, I wrote an article that captured my vision for the future of this combined world of agricultural and food law, *A Reconsideration of Agricultural Law: A Call for the Law of Food, Farming, and Sustainability*.<sup>69</sup> In this article, I sought to reconcile the special legal treatment of farmers with the systemic problems that so many recognized. I called out agricultural policies for focusing too much on the economic interests of those involved in production and processing and focusing too little on the ultimate goal of sustainable food production. The article proposes a new paradigm for agricultural exceptionalism that would be based on the production of healthy food in a sustainable, ethical manner. The article won the 2011 AALA Professional Scholarship Award.<sup>70</sup>

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<sup>67</sup> Christopher R. Kelley, UNIV. ARK. SCH. OF L., <https://law.uark.edu/directory-faculty/uid/ckelley/name/Christopher+Rowand+Kelley/> (last visited Apr. 9, 2022).

<sup>68</sup> Susan A. Schneider, *LL.M. Program in Agricultural and Food Law*, THE LL.M. PROGRAM IN AGRIC. & FOOD L. BLOG (Aug. 29, 2009), <https://www.agfoodllm.com/2009/08/llm-program-in-agricultural-and-food.html>.

<sup>69</sup> Schneider, *supra* note 4, at 935.

<sup>70</sup> Susan A. Schneider, *American Agricultural Law Association Symposium*, THE LL.M. PROGRAM IN AGRIC. & FOOD L. BLOG (Oct. 23, 2011), <https://www.agfoodllm.com/2011/10/we-just-got-back-from-wonderful-trip-to.html?q=AALA+Distinguished>.

In 2011, the first edition of my book, *Food, Farming, and Sustainability: Readings in Agricultural Law* was published.<sup>71</sup> This book solidified the themes that I had written about previously and provided a text that I hoped would be useful in teaching agricultural law courses in law schools across the country. The book was successful in that regard, with a second edition published in 2016. To my surprise and delight, the book is also used as a resource in teaching *Food Law & Policy*, although that was not my original intent.

As another indication of the importance of the connections between agricultural and food law, in 2013, Law School Dean Stacy Leeds<sup>72</sup> hired LL.M. alumna Janie Hipp to establish the Indigenous Food and Agriculture Initiative (IFAI) at the law school.<sup>73</sup> Janie Hipp had served as senior advisor for Tribal Relations to USDA Secretary Thomas Vilsack in Washington, D.C. and before that had a distinguished career in agricultural law.<sup>74</sup> The IFAI has been tremendously successful, fulfilling a great need in Indian Country for legal information and guidance in reestablishing tribal food systems. Another LL.M. alumna, Erin Parker, now serves as IFAI Executive Director.<sup>75</sup> Staff Attorneys at the IFAI have participated in the LL.M. Program; Janie Hipp and Erin Parker created the LL.M. course, *Legal Issues in Indigenous Food and Agriculture*; and LL.M. candidates have worked at the IFAI as researchers and graduate assistants.

In 2015, I helped found the first academic membership organization devoted to the new discipline, the Academy of Food Law & Policy. The Academy was incorporated as a non-profit

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<sup>71</sup> SUSAN A. SCHNEIDER, *FOOD, FARMING, & SUSTAINABILITY: READINGS IN AGRICULTURAL LAW* (2011).

<sup>72</sup> Dean Stacy Leeds, the first indigenous woman to lead a law school, served as Dean of the Law School from 2011-2018, providing support to our agricultural and food law efforts. She remains Dean Emeritus but now serves as the Foundation Professor of Law and Leadership at the Sandra Day O'Connor College of Law, Arizona State University. See *Biography*, STACY LEEDS, <http://stacyleeds.com/biography> (last visited Apr. 26, 2022).

<sup>73</sup> *Arkansas Law School Launches Initiative on Tribal Food and Agriculture*, UNIV. OF ARK. NEWS (Jan. 10, 2013), <https://news.uark.edu/articles/19942/arkansas-law-school-launches-initiative-on-tribal-food-and-agriculture>.

<sup>74</sup> Janie Hipp's exceptional experience and dedication to agricultural law has more recently led to her service as General Counsel at USDA. Chickasaw Nation Media Relations Off., *Chickasaw Attorney Confirmed as USDA General Counsel*, THE CHICKASAW NATION (Aug. 5, 2021), <https://www.chickasaw.net/News/Press-Releases/Release/Chickasaw-Attorney-confirmed-as-USDA-General-Couns-56487.aspx>.

<sup>75</sup> *Parker Named Director of Indigenous Food and Agriculture Initiative*, UNIV. OF ARK. NEWS (Dec. 16, 2020), <https://news.uark.edu/articles/55508/parker-named-director-of-indigenous-food-and-agriculture-initiative>.

organization in Arkansas. I served on the inaugural board of trustees with Emily Broad Leib (Harvard Law School, Food Law & Policy Clinic); Neil Hamilton (Drake Law School); Margaret Sova McCabe (New Hampshire School of Law, later to become Dean at our law school); Michael Roberts (UCLA Resnick Food Law & Policy Center); Peter Barton Hutt (Covington & Burling / Harvard Law School); and LL.M. alumnus and food law author, Baylen Linnekin. I served for the first four years as co-chair of the Board with Emily Broad Leib.<sup>76</sup>

I have also been able to showcase the LL.M. Program's food law and policy work through the National Food Law & Policy Student Network (FLSN).<sup>77</sup> This network is a collaboration of law students from around the country "dedicated to promoting the study and practice of food law and related fields."<sup>78</sup> Formed in 2015 through the Harvard Food Law and Policy Clinic, the network has been fostered by Food Law Student Leadership Summits sponsored by Harvard's clinic.<sup>79</sup> I have been honored to speak at each of the Summits. And in 2020, thanks to the leadership of Arkansas law school Dean Margaret Sova McCabe,<sup>80</sup> our law school hosted the summit.<sup>81</sup> We were proud to host sixty-three law students from forty-two different law schools. With a conference theme of "Food Law & Policy in the Face of Climate Change," twenty-seven academic, professional, and governmental experts presented to the students. The event was co-sponsored with Harvard's Food Law & Policy Clinic and the FLSN.<sup>82</sup>

The LL.M. Program's combined focus on agricultural and food law has allowed us to continue to lead through our integrated study of food production and consumption, from "farm to plate" and

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<sup>76</sup> Emily M. Broad Leib & Susan A. Schneider, *A Call to Action: The New Academy of Food Law & Policy*, 13 J. of Food L. & Pol'y. 1, 1 (2017).

<sup>77</sup> NAT'L FOOD L. STUDENT NETWORK, <https://foodlawstudentnetwork.org/> (last visited Apr. 9, 2022).

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> Our food law and policy work helped to attract New Hampshire Professor Margaret Sova McCabe to Arkansas to serve as dean, as she is "nationally respected expert in food and agriculture law and policy." *Sova McCabe Named Dean of University of Arkansas School of Law*, UNIV. ARK. NEWS (Apr. 27, 2018), <https://news.uark.edu/articles/41816/sova-mccabe-named-dean-of-university-of-arkansas-school-of-law>. Dean McCabe served in that role until 2022, providing support and encouragement to our work.

<sup>81</sup> Shirah Dedman, *School of Law Hosts 2020 Food Law Student Leadership Summit*, THE LL.M. PROGRAM IN AGRIC. & FOOD L. BLOG (Mar. 12, 2020), <https://www.agfoodllm.com/2020/03/school-of-law-hosts-2020-food-law.html>.

<sup>82</sup> *Id.*

beyond.<sup>83</sup> Because of this expanded approach, the program is able to consider the diverse interests of all quarters of the food system - the farm, manufacturer, retailer, and consumer, presenting a holistic look at our food system. And we have maintained our leadership place amidst rapidly expanding interest in this area of law.

### III. A New Approach: Distance Education

The LL.M. Program took another important step forward when it expanded its reach through distance education. This section of my essay discusses this transition and the benefits realized.

From its inaugural class in 1981 through 2014, the LL.M. Program offered only on-campus, full-time instruction to a small class of LL.M. degree candidates. Since its beginning, the Program has always drawn students nationally and internationally, but only students able to relocate to Fayetteville could attend. The intensive course of study was designed to be completed in two semesters, with additional time granted for completion of a final writing project.

As early as 2006, Professor Christopher Kelley and I were intrigued with the possible advantages posed by new distance technology. A friend and agricultural law colleague, David Saxowsky introduced us to remote teaching through video conferencing technology, demonstrating the technique to us, Professor Michael Roberts, and Dean Richard Atkinson in a 2006 video conference from North Dakota.<sup>84</sup> We were all excited about the potential of this new technology.

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<sup>83</sup> "Beyond" from farm to plate references the LL.M. Program's food waste reduction efforts. Thanks to a grant from the Women's Giving Circle, the LL.M. Program created the Food Recovery Project. Visiting Professor Nicole Civita produced the publication, *FOOD RECOVERY: A LEGAL GUIDE*, available at <https://law.uark.edu/service-outreach/food-recovery-project/Legal-Guide-To-Food-Recovery.pdf> (last visited Apr. 26, 2022), that has been circulated nationwide and referenced in the national media. See also *Food Recovery Project*, UNIV. OF ARK. SCH. OF L., <https://law.uark.edu/service-outreach/food-recovery-project/index.php> (last visited Apr. 9, 2022).

<sup>84</sup> David M. Saxowsky was an Associate Professor in the Department of Agribusiness and Applied Economics at North Dakota State University and an adjunct professor at the University of North Dakota School of Law. See *David M. Saxowsky*, N.D. STATE UNIV., <https://www.ndsu.edu/pubweb/~saxowsky/aglawtextbk/author.html> (last visited Apr. 18, 2022). He was one of the first professors in North Dakota to teach remotely via video-conference, delivering his teaching to remote areas of North Dakota. Obituary for David Saxowsky, W. FUNERAL HOME, <https://www.westfuneralhome.com/obituary/David-Saxowsky> (last visited Apr. 28, 2022). Professor Saxowsky retired in 2019 and passed away in 2021. *Id.*

Dean Atkinson was responsible for leading the law school's award-winning building addition, essentially doubling the size of the law school.<sup>85</sup> Part of his new design included a beautiful LL.M. classroom with a wall of windows that looked out onto a tree-lined campus street. Although Dean Atkinson passed away unexpectedly before our move into the new addition, I know he would be pleased with our use of this amazing facility today, as several years later, we introduced conferencing technology to our classroom and our Program.

In 2014, with leadership from Associate Dean Don Judges, who then served as Associate Dean for Graduate and Experiential Education<sup>86</sup> and Dean Stacy Leeds, the Law School partnered with the University of Arkansas Global Campus<sup>87</sup> to develop a distance education program as an integrated addition to our on-campus attendance. Global Campus provided funding for a state-of-the-art distance technology to be installed in our classroom, allowing our distance students to video conference into class, participating along with our on-campus students. Global campus also provided support for distance course development, including assisting the law school with the funding to hire LL.M. alumna Nicole Civita as a visiting professor to help us design distance courses and develop the new approach.<sup>88</sup> Professor Civita was with us for two years designing courses and helping to further our distance education vision. Her work was invaluable, and she remains on our faculty as an adjunct professor.<sup>89</sup>

In many ways, our plan was audacious. We were already short-staffed and many in the legal academic community were hesitant about distance education. Nevertheless, we believed that there were many talented attorneys who were interested in our specialized studies but who could not relocate to Fayetteville. We

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<sup>85</sup> See Design Award Winners (2011): University of Arkansas Leflar Law School Addition, AM. INST. OF ARCHITECTS ARK., <https://www.aiaa.org/awards/design-award-winners/detail/university-of-arkansas-leflar-law-school-addition/> (last visited Apr. 28, 2022).

<sup>86</sup> See *Donald P. Judges*, UNIV. OF UTAH, [https://faculty.utah.edu/u6029377-DONALD\\_P\\_JUDGES/hm/index.html](https://faculty.utah.edu/u6029377-DONALD_P_JUDGES/hm/index.html) (last visited Apr. 26, 2022). We recognize Dean Judges for his leadership and innovation in spearheading our creation of the LL.M. distance education opportunity. He went on to serve in distance education leadership roles at the University before retiring in 2019. *Id.*

<sup>87</sup> See *Global Campus*, UNIV. OF ARK., <https://globalcampus.uark.edu/> (last visited Apr. 26, 2022).

<sup>88</sup> Susan A. Schneider, *Celebrating our LL.M. Faculty: Visiting Professor Nicole Civita*, LL.M. PROGRAM IN AGRIC. & FOOD L. BLOG (July 25, 2014), <https://www.agfoodllm.com/2014/07/celebrating-our-llm-faculty-visiting.html>.

<sup>89</sup> *Nicole Civita*, UNIV. OF ARK. SCH. OF L., <https://law.uark.edu/academics/llm-food-ag/faculty/faculty-ncivita.php> (last visited Apr. 26, 2022).

believed that eventually the demand for the convenience of distance education would force schools to offer distance alternatives, at least at the LL.M. level, and we wanted to stay ahead of the trend. We also believed that distance education, if done thoughtfully, could match our high standards for on-campus instruction. We promised our alumni that we would only deliver courses that met these high standards. The integrity of the LL.M. degree would be maintained.

Recognizing that there were attorneys who were already employed who would like to take advantage of our new offerings, we also created a part-time option. Students would be able to take the classes that they wished each semester, within a four-year timetable for graduation. We would still recruit for our small, full-time, on-campus students, but these students would be joined by part-time and distance candidates, increasing our overall numbers.

As we worked to expand our student body, we also completed a full curriculum review. Existing courses were revised, updated, or eliminated. New courses were created.

Our course formats were also expanded. We would continue to deliver our signature synchronous classes, with students in the classroom and distance students participating remotely. These courses would be scheduled for the full-semester, condensed into a half-semester, or truly condensed into our popular three-four day immersion experiences. As a second model, we designed courses that we refer to as “hybrid.” These courses are designed with a significant degree of asynchronous work combined with periodic meetings for high level discussions. And, a third model is a fully online class, with all asynchronous work and online communication.

Professor Nicole Civita, guided by Global Campus instructional designers, Miran Kang and Adam Brown, helped us to create our hybrid and online courses. Distance courses at the University of Arkansas are designed and certified through Global Campus as a means for assuring excellence. Our distance classes are successful largely because of the Global Campus process and the excellent professionals who work with our professors.

We added additional adjunct professors to our faculty, supported by enhanced enrollment, the expanded curriculum, and the flexibility afforded by distance education. These adjuncts included noted agricultural law experts such as Allen Olson, an LL.M. alumnus with teaching and extensive agricultural law practice experience; Amy Lowenthal an alumna with USDA Office of the Inspector General in Washington, D.C., and Lauren Manning, an alumna with teaching, practice, journalism, and farming experience.

We officially launched our part-time and distance initiatives Fall semester 2014 and our efforts were successful. We posted the following to the LL.M. Blog that August:

We are delighted to welcome 9 face-to-face LL.M. candidates to Fayetteville. Eight are out-of-state students; they have moved to Arkansas from Alaska, Illinois, North Carolina, Oregon, Texas, and Washington, D.C. One student is from Arkansas. Three are 2014 law school graduates, and the remaining 6 are experienced attorneys.

We are also very pleased to welcome our inaugural class in the distance track. These students will be integrated into the face-to-face classroom through video conferencing, classroom capture, online communication, and blended classroom settings. We are proud to have 8 distance LL.M. candidates with us. All are out-of-state students, and they live and work in Colorado, Georgia, Michigan, New York, Oklahoma, Virginia, Illinois, and Washington, D.C. All are experienced attorneys. Three have significant military experience and have been recognized for their leadership and service.<sup>90</sup>

Since this time, distance enrollment has continued to grow, bringing talented attorneys with professional experience into our Program. When the COVID pandemic hit, we moved seamlessly to distance delivery for all our students with no interruption and none of the glitches affecting others unfamiliar with the technology. As we have moved back to on-campus instruction, our distance program has been strengthened.

#### **IV. The Present and Future of the LL.M. Program**

Today, the LL.M. Program continues as a vibrant part of the Law School, serving a wide variety of students and maintaining ties with our alumni. This final section of my essay describes where the Program is now.

The mission of the LL.M. Program remains true to the goals of the Program founders. As stated in the 2019 Self-Study Report prepared as part of the university's program review:

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<sup>90</sup> Susan A. Schneider, *Welcome to the Fall 2014 Incoming LL.M. Class*, LL.M. PROGRAM IN AGRIC. & FOOD L. BLOG (Aug. 27, 2014), <https://www.agfoodllm.com/2014/08/welcome-to-fall-2014-incoming-llm-class.html>.



The LL.M. Program's mission is to prepare a small number of carefully selected attorneys as specialists in the complex legal issues involving agriculture and food law - a complex system of national and international importance. This translates to the following four educational objectives:

- to recruit well-qualified attorneys to the integrated study of agricultural and food law;
- to introduce our students to the wide-ranging and complex law and policy issues associated with our food and agricultural systems;
- to educate our students in a way that allows them not only to master an understanding of current agricultural and food law issues, but also prepares them to address these issues in a changing legal landscape; and
- to graduate students who will use the education they received to serve at the highest professional level, enhancing the reputation of the LL.M. Program, the School of Law, and the University of Arkansas.<sup>91</sup>

We have now developed over thirty academic courses focusing on food and agricultural law, each specifically designed for the LL.M. Program. Each semester we offer more than a full-time load of specialized LL.M. courses, plus additional opportunities for experiential work including externships and practicums. New additions to our faculty include Erin Parker<sup>92</sup> teaching Nutrition Law & Policy and Lauren Bernadett<sup>93</sup> teaching Agricultural Water Law. When a special issue arises, we have a framework in place to develop a new course addressing that issue. For example, the Food, Law and COVID-19 class was delivered during the Fall of 2020, organizing a dozen respected colleagues from across the country to co-teach the class.<sup>94</sup>

Most of our courses are delivered with a synchronous, real-time classroom experience. Recordings allow students who are unable to participate to keep up and to register their reactions. A class

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<sup>91</sup> UNIV. OF ARK. SCH. OF L., LL.M. PROGRAM IN AGRICULTURAL AND FOOD LAW SELF-STUDY 1, 14 (2019) (on file with author).

<sup>92</sup> See *Erin Parker*, INDIGENOUS FOOD & AGRIC. INITIATIVE, <https://indigenousfoodandag.com/erin-parker/> (last visited Apr. 26, 2022).

<sup>93</sup> See *Lauren D. Bernadett*, Attorney, HARRISON TEMBLADOR, HUNGERFORD, & GUERNSEY (last visited, Apr. 26, 2022).

<sup>94</sup> *National Experts Collaborate to Examine Food, Law and COVID-19*, UNIV. OF ARK. NEWS (Nov. 19, 2020), <https://news.uark.edu/articles/55330/national-experts-collaborate-to-examine-food-law-and-covid-19>.

blog feature allows students to comment, either in writing, via podcast, or video recording.<sup>95</sup>

Other classes are offered in a hybrid-format, with independent readings, videos, recorded lectures and podcasts supplemented with synchronous class meetings for high level discussions or question-and-answer sessions. A few classes are offered in a fully asynchronous format, with all interaction online.<sup>96</sup>

The extensive thesis that was required at the start of the LL.M. Program was scaled back in the mid-1980s, but the importance of a legal writing is evident throughout the Program. An article that demonstrates "rigorous legal analysis" and "quality legal writing skills" is required, but it can be written as a law review or as a practice publication. Assistance in drafting is provided through our *Advanced Legal Research and Writing* class, providing as much or as little assistance as is needed. Professor Christopher Kelley's *Effective Legal Writing* class focuses on building good skills and reducing bad writing habits such as "legalese." Most of our regular classes require a written essay of some sort, as we strive for final projects that offer synthesis and reflection. Unlike the typical JD exam, our final projects are rarely time-limited and never "closed book."

In 2019, we participated in a university-mandated program review and received an excellent report from our external reviewers:

The LL.M. program in Food and Agricultural Law benefits tremendously from the profound level of commitment of a diverse, nimble, and talented group of core and support faculty and staff. The program Director and contributing faculty are thought leaders in this burgeoning field, focusing on the nexus between agricultural production, food systems, and related implications for public health, environmental quality, and human rights. These individuals are the life of the program and are key to its continued success.

Perhaps the strongest (and most important) aspect of the program is its attentiveness to student input. It has demonstrated a high level of flexibility and responsiveness to students' needs and interests. It has modified its

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<sup>95</sup> See *Ways to Participate*, UNIV. OF ARK. SCH. OF L., <https://law.uark.edu/academics/llm-food-ag/ways.php> (last visited Apr. 26, 2022).

<sup>96</sup> *Id.*

curriculum to attend to the most pressing food-law issues of the day while remaining deeply engaged in the production aspects of our food supply system. It has engaged policy at a high level, while also explaining the machinations of the legal system that the students must understand as they adjust their career trajectories or deepen their skill set. It has done all of this while maintaining an excellent national reputation. Both the course work and the reputation of the program also bring important benefits to the J.D. program, including the development of a richer array of available courses.

The expansion into distance education and part-time offerings is also laudable. These enhancements reflect modern needs for flexibility and adaptability in program delivery, and also reflect the evolving educational needs of experienced legal professionals. Moreover, support for the deployment of distance education via the Global Campus is top notch.

The program is also notable for the variety of opportunities it provides students to contribute to legal scholarship through *The Journal of Food Law and Policy*, network with other student leaders around the country through the Food Law Student Leadership Summit (which will be held here in Fayetteville in 2020), and gain applied experience (as well as an invaluable professional network) in this specialized area through externships with international companies, government agencies, and leading non-profit organizations. This diverse array of opportunities exceeds expectations for a traditional LL.M. program and is, undoubtedly, one of the reasons for the program's success and reputation.

All of this enables the program to attract a diverse cadre of professionals who, after being here, enjoy strong post-graduate prospects. We think the program is a model for the development of programs in other institutions.<sup>97</sup>

The reviewers did, however voice one criticism, a lack of sufficient institutional support for program staffing, an observation strikingly similar to that provide in 1986.<sup>98</sup> Indeed, when the LL.M.

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<sup>97</sup> Anthony Schutz & Michele Nowlin, LL.M. PROGRAM REVIEW 1, 6 (Oct. 2, 2019) (on file with author).

<sup>98</sup> *Id.* at 4-5. The reviewers stated that:

Our primary concern is focused on the historic lack of institutional support for the program. Despite the results of the last programmatic review -

Program was founded, the proposal to the Arkansas Board of Higher Education promised tenured faculty positions for a director and two professors. The LL.M. Program has never had that staffing. Over the years, we have met our needs with J.D. law faculty who teach a course in the program, an impressive group of adjunct faculty, and dedication.

Recognizing the need for additional assistance and recognizing the experiential opportunities in food and agricultural law outreach, in 2021, Dean Margaret Sova McCabe obtained the support from the University of Arkansas for a new visiting assistant professor position for the LL.M. Program.

After a national search, in December 2021 LL.M. alumna Kelly Nuckolls was hired as a Visiting Assistant Professor and Assistant LL.M. Program Director. In this new role, Professor Nuckolls works to enhance LL.M. Program outreach, teaches in the LL.M. Program, and assists with Program administration. Professor Nuckolls' prior experience with advocacy in Washington, D.C. as a senior policy specialist at the National Sustainable Agriculture Coalition (NSAC) combined with experience with the University of Maryland Agricultural Law Education Initiative provided an excellent fit to the needs of the LL.M. Program. Her prior teaching experience at George Mason University Law School and Sterling

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which emphasized the urgent need for additional resources - and ensuing development of both a part-time option and distance learning option that resulted in substantial increases in program enrollment, the LL.M. program is now doing more with fewer resources than it has ever had! The additional burdens on the program Director and Coordinator are not sustainable, nor are they equitable, and they risk the program's excellent national reputation and place in the legal academy. The lack of adequate resources also undermines opportunities for further growth in size and stature and impedes faculty contribution to scholarship in this expanding area of study and practice.

We therefore recommend more attention to all levels of support, beginning with support for the anticipated strategic planning process the program will undergo this fall. Mapping the forward trajectory for the program will help to identify clear priorities for resource allocation. If the program is going to grow, it must have additional resources. Even if the program simply wants to maintain its current status, it needs attention to succession planning and program administration. More pointedly, it would be impossible to recruit a new program director without these additional resources. *Id.* at 4-5.

*See also infra*, note 38 regarding similar concerns about Professor Pedersen's role as director.

College in Vermont have allowed her to step into the classroom effectively.<sup>99</sup>

We are now launching the Food and Agriculture Impact Project under the Professor Nuckolls' leadership. This Project will allow us to work with agricultural and food-focused organizations, agencies, and other colleges and universities to support legal research, education, and policy analysis on food and agricultural law issues. Through this new Project, we hope to provide exciting new experiential opportunities for our LL.M. students as well as interested Arkansas JD students.

No reflection on the LL.M. Program would be complete without recognizing our students and our alumni. Our students continue to be talented, highly motivated, and anxious to learn as much as possible about food and agricultural law. They offer us a premier teaching experience. When they convert their status to alumni, the bond to the Program continues. We now have over three hundred alumni in forty-four different states and nineteen foreign countries, working in private practice, for corporations, for advocacy groups, for state or federal agencies, and teaching. Each year, it is an honor to connect them with our current students. For the first time ever, in Spring 2022, we designed a "Selected Issues" class that is taught by our alumni, with a different person teaching each week. Current students helped to pick the topics, and then I was able to select from our alumni ranks to fill the roster.<sup>100</sup> It has been a wonderful opportunity for me to reflect on the breadth of our area of study and to be grateful for the LL.M. network that we share.

My appreciation is extended to all my students, past present and future, to the many professors who have helped to make the LL.M. Program a success, and to the Deans who supported our work at every step of the way. I apologize in advance for any aspects of the Program that I have neglected to mention. There are many individuals that contributed to its success that deserve recognition but that are not mentioned here due to space constraints. Many of our professors, our alumni, and certainly our dedicated staff, could recount hours of personal experiences that would probably be far more interesting than my efforts at chronicling the factual aspects of

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<sup>99</sup> *Nuckolls Joins School of Law's Agricultural and Food Law Program*, UNIV. OF ARK. NEWS (Jan. 11, 2022), <https://news.uark.edu/articles/58629/nuckolls-joins-school-of-law-s-agriculture-and-food-law-program>.

<sup>100</sup> *LL.M. Program Celebrates 40-Plus Years, Offers New Course Taught by Distinguished Alumni*, UNIV. OF ARK. NEWS (Feb. 11, 2022), <https://news.uark.edu/articles/58945/ll-m-program-celebrates-40-plus-years-offers-new-course-taught-by-distinguished-alumni>.

the development of the Program. Perhaps when we reach our fiftieth anniversary, it will be time for that essay.