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THE AGRICULTURAL LAW RESEARCH PROGRAM AT THE UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW

JAMES P. WHITE*

In the past several decades various law schools in the United States have become increasingly concerned with activities and concurrent legal problems resulting from their particularized environmental location. Consequently law schools located in areas of industrial development frequently accord specialized consideration to legal problems resulting from this industrialization,¹ while law schools in the western states have undertaken research in mining law, oil and gas law, and water rights.² Law schools in urban areas have been increasingly occupied with various legal — economic — sociological aspects of urbanization.³ Thus also have law schools in agricultural areas become occupied with problems of agricultural law.⁴ North Dakota is located in the most productive agricultural region of the United States. In contrast with the entire nation, where only six percent of total income received by individuals originated in agriculture in 1958, the percentage of agricultural income in North Dakota in the same year was thirty-eight percent.⁵ In the same year there was a greater unbalance in North Dakota between income from agriculture and income resulting from manufacturing.⁶ North Dakota has tremendous contemporary investments in farm lands and in farm equipment and machinery. Rising land values, greater mechanization of the farming operation, the cost of mechanization, the resulting growth in the average size of farm and the increased complexity of the farming operation have created many legal and policy matters about which the University of North Dakota School of Law as a state institution should be con-

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1. An example are the studies on Labor-Management Arbitration at the University of Southern California School of Law, Studies in International Business Ventures at Columbia Law School and the Law—Economics Studies at the University of Chicago.

2. An example are studies on oil and gas law at the Southwestern Legal Foundation at Southern Methodist University School of Law and the Water Resources Institute and the Rocky Mountain Mineral Law Foundation at the University of Colorado.

3. As an example the Institute of Legal Research at the University of Pennsylvania has recently been studying the operations and legal status of the Philadelphia Tax Review Board and the Law-Medicine Research Institute of Boston University's School of Law.

4. The College of Law at the State University of Iowa was the pioneer in this area of inter-disciplinary cooperation (See 38 Iowa Law Review 10 [1952]). Programs of agricultural research have been instituted in the law schools at the Universities of Illinois, Minnesota, Wisconsin, Florida and South Carolina.

5. *Survey of General Business* (August, 1959), Table 70 at 24. See also Koenker and Fisher, *Tax Equity in North Dakota* (1960), esp. pp. 2-12.

6. *Survey of General Business*, *Ibid.*

cerned and to which it should perform its best service. Service can be performed which will be of great value to members of the legal profession in North Dakota and to their farm clients. There are undoubtedly many aspects of the total farming operation which could be assisted by consultation with and enlightened advice by members of the legal profession.

The School of Law of the University of North Dakota has commenced a program of inter-disciplinary research with the North Dakota State University which has for years served the farmers of North Dakota in matters of agricultural science. This program has been designated as the Agricultural Law Research Program and was commenced in the 1960-61 academic year. It is most apropos that the University of North Dakota through its School of Law and the North Dakota State University through its Department of Agricultural Economics co-operate in furthering legal research which will prove of benefit to agriculture. It is hoped that this program may render public service to the agricultural interests in this state by delineating, through research and writing, the methods in which existing laws may be utilized and new laws may be formulated to further agriculture. It is part of the constructive program of the law, in which legal planning and competent legal advice may prevent unnecessary difficulties and provide the way for more effective action.

Professor James P. White of the School of Law of the University of North Dakota has been designated by Dean O. H. Thormodsgard as Director of this program. Professor Laurel D. Loftsgard of the Department of Agricultural Economics of North Dakota State University is coordinator of this research at that institution. During the current academic year, Mr. Richard H. Skjerven, a senior in the School of Law, has served as research associate in the program at the University of North Dakota School of Law.

With the Agricultural Law Research Program established, it will be possible to obtain grants from the United States Department of Agriculture, The Farm Foundation, state governmental agencies, and charitable and educational foundations for special research in the agricultural field. Several projects have been completed in this agricultural research program. The study on North Dakota Farm Tenancy appearing in the current issue of the North Dakota Law Review is the latest study in this continuing program. Former projects completed under this program have been "Family Farming

Incorporated",⁷ by Laurel D. Loftsgard and H. W. Herbison; "Taxation of the Family Farm Corporation and Partnership: Variations on a Theme"⁸ by James P. White and "Land Purchase Contracts in North Dakota"⁹ by Shelley J. Lashkowitz and Charles L. Crum. Other articles will be forthcoming.

Woodrow Wilson has suggested that "social service is the high law of duty, and every American University must square its standards by that law or lack its national title."¹⁰ The Agricultural Law Research Program at the University of North Dakota School of Law is a manifestation of the concept of public service by a University suggested by Woodrow Wilson, by its service to the people of North Dakota. The program envisages and is currently undertaking further cooperative-interdisciplinary studies in legal-economic research. Further areas of contemplated research and exploration exist in the areas of water law and water rights study, further study of farm corporations and farm partnerships, estate planning for the farmer, country rural zoning, fences, weed control, conservation and waste, farm trusts and others. These subjects might be explored and made more meaningful to the North Dakota lawyer and farmer. It is contemplated that during the 1961-62 academic year a legal institute will be held on the campus of the University of North Dakota discussing the relations of law and agriculture in North Dakota. Faculty and staff participants of the Agricultural Law Research Program will be and are available as speakers, not only to bar associations but to all segments of the North Dakota State community.

Thus the new Agricultural Law Research Program at the University of North Dakota is twofold. The first and most important aspect is sound and basic legal research in the area of agricultural law. The second aspect of the program is public service based upon this research. Both of these functions will be accomplished as positive programs in assisting the progress of North Dakota.

7. Circular A-321 (January, 1960), North Dakota Agricultural College Extension Service, Fargo, North Dakota.

8. N.D.L. Rev. 87 (1960).

9. 36 N.D.L. Rev. 159 (1960), "This article was contributing study in a North Central Regional research project NC — 15, financial support for which was provided by regional research funds."

10. Stannard and Dodd, *The Public Papers of Woodrow Wilson* (6 vols., 1925-1927), College and State I, at 457.