

## CELEBRATING NEIL HAMILTON: REFLECTIONS OF A COLLEAGUE AND FORMER DEAN

*David S. Walker†*

I am pleased to have the opportunity to introduce this Festschrift for Professor Neil D. Hamilton, my longtime colleague and good friend, on his retirement from the Faculty at Drake University Law School, where since 1983 he has been the Founder and Director of the Drake University Agricultural Law Center (Agricultural Law Center) and a distinguished faculty member.<sup>1</sup> A quick review of this Festschrift's speakers and authors and the subject of their remarks will reveal extensive, insightful, and fond attention to Neil's personal and professional impact upon them and upon lawyers, scholars, practitioners engaged in agricultural law, and certainly present and former students.

I served as the Chair of the Law School's Faculty Recruitment Committee some thirty-six years ago that interviewed Neil and several others for an Agricultural Law position we had created. I twice served as Drake's Dean and had Neil as one of our outstanding faculty; and for more than thirty-five years, Neil has been a good friend and admired colleague of mine. Others will speak of Neil's impact upon them personally and Neil's wide-ranging contributions to the state of Agricultural and Food Law today and the future. For my part, I would like to share some reflections from my perspective as Neil's colleague and former Dean.

I first met Neil in early 1981 when he visited the school, having been invited to meet with faculty and be interviewed for a faculty position to teach Torts. Anyone who knows Neil, or knows of his extensive background in farming and agriculture, knows the pairing was a mismatch! Neil grew up on a farm and was a Forestry major at Iowa State University, where he graduated with Honors and Distinction; he worked for then-Congressman (later Senator) Tom Harkin on agricultural issues; he graduated Order of the Coif from the University of Iowa College of Law and was Research Assistant for Dean Bill Hines, with whom he studied and advocated for Agricultural Law. Following law school graduation, he spent two years opening and developing the Farm Division for Iowa Attorney General Tom Miller. Interviewing Neil for Torts was like interviewing Roger Federer for a linebacker position on the football team! Neil was not interested and

---

† Dwight D. Opperman Distinguished Professor of Law, Emeritus, and Former Dean, Drake University Law School, 1987-1996 and 2003-2008.

1. *Neil Hamilton Profile*, DRAKE U.L. SCH., <https://perma.cc/J3WU-65E3> (archived Sept. 10, 2019).

the University of Arkansas School of Law at Fayetteville seized the opportunity, hiring Neil as an Assistant Professor for its LL.M. Program in Agricultural Law.

It was another two years before Drake decided to hire someone to teach and develop a curriculum in the field of Agricultural Law. Our mission at Drake has always included preparation of lawyers for the practice of law, leadership in the profession, and service to the community. Admittedly imperfectly, we realized Agricultural Law was an important and growing area of the law with broad impact on individuals and families, and by extension, practicing lawyers and local, state, and national policy. Adding a faculty member to teach Agricultural Law courses thus fit comfortably within our mission. Truth be told, we also had a desire to set Drake apart from other law schools by enhancing our curriculum in this way—especially if we could add an accomplished practitioner and promising scholar.

We interviewed four impressive individuals, including Neil, all with experience, published scholarship, and reputation. Quite simply, Neil was the best in a very good race. With Neil's personal background, education, and agricultural practice—he was experienced and without a doubt authentic, evidenced by his passionate writing. He had written about the importance of Agricultural Law in the law school curriculum,<sup>2</sup> including its possibilities for a law school and by extension, all those interested, involved, or served by agriculture.<sup>3</sup> Neil was our choice, and as fortune would have it, we were his.

As I have said earlier and most already know, Neil was raised on a farm, and small farms and family farming are unlikely to have a more earnest advocate and champion than Neil.<sup>4</sup> There is an old trope: You can take the boy out of the farm, but you can't take the farm out of the boy. Usually it is not intended as a positive assessment. The qualities and values associated with growing up on a farm and in a farming community are real, however, and it is a good thing they didn't get taken out. That is certainly true about Neil, and these traits have immeasurably benefitted Drake, its students, and the wide community Neil's work has touched.

---

2. Neil D. Hamilton, *The Importance of Agricultural Law in the Law School Curriculum*, 2 AGRIC. L.J. 31 (1980).

3. See N. William Hines, *A Concise History of the Iowa Agricultural Law Center: 1953-1973*, 24 DRAKE J. AGRIC. L. 175, 176 (2019) (recounting personal recollections of Neil's passion on the subject and expansive understanding of its possibilities).

4. Professor Domenico Viti has rightly observed, Neil is "always on the side of the family farm. Not for an ideological choice but because he has the right perception about what is useful, not just for farmers but also for the whole of people." Domenico Viti, *Farming, Freedom, and Democracy: What I Have Learned from Professor Neil Hamilton*, 24 DRAKE J. AGRIC. L. 279, 282 (2019).

The first of these values is a strong work ethic. Those engaged in farming, certainly on a family farm, have to have a strong work ethic, and Neil brought his to the faculty and students of Drake. Neil is a self-starter. He developed foundational courses—examples include Introduction to Agricultural Law, Environmental Regulation of Agriculture, and Land Use. Neil also created more advanced agriculture-related courses, such as Food and the Law, International Agricultural Development, and Wind Law. Then each summer for many years, the Agricultural Law Center under Neil sponsored a Summer Agricultural Law Institute offering more specialized courses such as Cooperatives or Water Law and secured experienced faculty to teach them.

At the same time that he was developing and offering a wide range of Agricultural Law courses, Neil responded positively outside that field when needed. He regularly taught a well-enrolled class in Legislation; and he was the Faculty Sponsor for our Legislative Internship Program, which regularly placed fifteen to twenty law students with members of the Iowa House or Iowa Senate each year. He was active in marketing the work of the Agricultural Law Center and recruiting students, and he helped Drake students form (and later served as Advisor for) the Student Agricultural Law Association. Its myriad good activities reflected Neil's enthusiasm; and each fall, there was a Fall Harvest Dinner following an annual Continuing Legal Education (CLE) conference on Agricultural Law issues. Later Neil was instrumental in founding the *Drake Journal of Agricultural Law (Journal)*, for which he served as Faculty Advisor and has contributed some seventeen different articles. The *Journal* each year publishes an issue on the proceedings of the American Agricultural Law Association's (AALA) Annual Educational Symposium (Symposium). And through Neil and the Agricultural Law Center, a number of students have been able to attend the Symposium, in the process of course, not only connecting with authors but networking for themselves and Drake.

On a farm there is always work to be done. Likewise, at any law school there is work to be done beyond teaching. As a former Dean and longtime faculty member at Drake, I should say this is especially true of our school. The faculty maintain a strong, proprietary sense in the vitality and success of the school and serve on active committees. The curriculum must be planned, developed, revised and assessed; candidates for faculty positions need to be canvassed, a list developed and narrowed, and interviewed for recommendation to the faculty for consideration; applications for the Law School must be reviewed and some of them offered admission; untenured faculty must be reviewed for promotion and tenure; and more. For each of these responsibilities schools like ours have active committees, and even beyond those committees, there are Ad Hoc Committees for critical purposes like Strategic Planning and ABA Self-Study Committees. Serving

on committees is not why anyone chooses a career in legal education, and none of it, of course, can be said to be glamorous or glorious. But again, it is work to be done. Some are willing and able to do more of it than others, or some may be asked to do more. For all Neil's specialized focus, he never shrank from any of it, indeed readily served, and he contributed wherever he had the opportunity or was asked to do so.

Second, and related to the work ethic associated with running a family farm operation, is entrepreneurship and a strong drive for self-sufficiency. These too are characteristics that aptly characterize Neil, and again Drake was the beneficiary. However much as Dean I might have liked to provide Neil with budgeted, financial support for his initiatives in developing the Agricultural Law Center at Drake, the truth is I did not have the resources or the ability to do that. Moral support, absolutely—financial support, not so much. But Neil was energetic, entrepreneurial, and proactive in generating and seeking out resources to grow the Center and enrich the experiences of all who came in contact with it—students, faculty, alumni, and visiting speakers to name a few. The Summer Agricultural Law Institute paid for itself through tuition and provided additional revenue through fees paid by lawyers who also wanted to take courses the Institute offered. When the farm crisis hit in the 1980s, not long after his arrival at Drake, Neil developed day-long CLE programs covering Agricultural Law issues, including ones related to federal and state financial policy. He also took the program to locations around the State, generating resources for the Center and contributing a share for the University. He sought and obtained grants from agricultural trade associations to write and publish legal guides for farmers and producers.<sup>5</sup> Most significantly, perhaps, he maintained a working, collaborative relationship with the LL.M. Program in Agricultural Law at the University of Arkansas, and together the Agricultural Law Center and the University of Arkansas consistently sought, received, and shared appropriations from Congress to support their work.

Third, while there are undoubtedly numerous qualities one can associate with growing up on a farm and in a farming community, at least one more deserves mention because Neil manifested it at Drake and in his work. That is a disposition towards community service, a readiness to help, cooperate, and share with others his deep understanding of the important and public role of agriculture—even while those who practice it may remain private and independent.

---

5. See, e.g., NEIL D. HAMILTON, IOWA CROP PRODUCER'S ENVIRONMENTAL LAW GUIDE (1992); NEIL D. HAMILTON, IOWA SOYBEAN ASSOCIATION'S ENVIRONMENTAL LAW GUIDE (1994); NEIL D. HAMILTON, THE LEGAL GUIDE FOR DIRECT FARM MARKETING (1999).

This quality of service was always evident at Drake through Neil's willingness to "pull his weight" and support or collaborate with faculty members where interests and research coincided.<sup>6</sup> It has been unfailingly evident, too, in the lengths to which he has gone to assist, mentor, and serve students. Ed Cox, one of Neil's former students who afterwards worked as a Staff Attorney at the Agricultural Law Center and now practices agricultural law in Iowa, spoke what countless students have said,

I cannot overestimate the impact Neil has had on my life, professionally and otherwise. I remember going to speak with him about summer internship opportunities and left feeling that the doors were wide open . . . [Neil] had an incredible ability to place students in internships around the world that allowed them to explore their interests, meet leaders in whatever field they may have an interest, and learn the practical application as well as development of agricultural law and policy.<sup>7</sup>

Kelly Nuckolls, a former student who is a contributor to this Festschrift and is an attorney with the National Sustainable Agriculture Coalition in Washington D.C., expresses the same appreciation in her article.<sup>8</sup> Dustin Miller, another contributor,<sup>9</sup> speaks of the many opportunities he received, including a summer fellowship he obtained in Kenya to develop and implement a micro-financing operation for farmers and women.<sup>10</sup> Amber Miller, current President of AALA and

---

6. See Jerry L. Anderson, *Neil Hamilton, Aldo Leopold, and the Ethics of Conservation*, 24 DRAKE J. AGRIC. L. 199 (2019). Professor Hamilton also joined others of us on the Drake faculty in a law review article analyzing and evaluating a significant corporate law case involving a close family farm corporation and a suit for judicial dissolution. See generally Matthew G. Doré et al., *How you Gonna Keep 'Em Down on the Farm after Baur v. Baur Farms, Inc.? An Analysis and Defense of the "Reasonable Expectations" Standard for Iowa Oppression Cases*, 18 DRAKE J. AGRIC. L. 429 (2013).

7. E-mail from Edward E. Cox, Partner, Osborn, Milani, Mitchell, Goedken, Larson & Cox, L.L.P., to author (Aug. 22, 2019) (on file with author). As Dean and faculty colleague, I personally was aware and appreciated that Neil would arrange for paid summer fellowships or internships for upwards of fifteen to twenty students. See generally Edward E. Cox, *Sustainable Agricultural Land Tenure*, 24 DRAKE J. AGRIC. L. 225 (2019).

8. Kelly Nuckolls, *How Democratic is Our Food System? Brief Reflections on the State of Food Democracy in the United States*, 24 DRAKE J. AGRIC. L. 231 (2019). Kelly Nuckolls is also an Adjunct Professor at George Mason Law School, where she teaches a Seminar in Food Law and Policy.

9. Thomas J. Vilsack & Dustin J. Miller, *What I Learned from Neil Hamilton About the Important Connection Between Producers, Consumers, and Everyone Along the Way*, 24 DRAKE J. AGRIC. L. 271 (2019).

10. E-mail from Dustin J. Miller, Member Gov't Affairs Dep't, Nyemaster Goode PC, to author (Aug. 26, 2019) (on file with author) ("Professor Hamilton harnessed my unique

a lawyer practicing Agricultural Law in Texas, writes to the same effect, adding, “Neil has been an ardent supporter and friend of each professional move I’ve made—or didn’t make. And I know I am not alone in these comments, as he is such a strong supporter of all of his former students.”<sup>11</sup> Mike Traxinger, AALA President-elect who is General Counsel for Agtegra Cooperative and lives on his family farm in South Dakota, is a person like Amber who came to Drake because of Neil and the Agricultural Law Center. “Professor Hamilton is an inspirational leader in the field of agricultural law,” Traxinger wrote. “Through [his] work and dedication, I learned what it meant to be a pioneer in a field of law while also having a positive impact on hundreds of students as a professor.”<sup>12</sup>

Finally, Neil’s former student Jennifer Zwagerman, a Past President of AALA and Neil’s successor as the Director of the Agricultural Law Center and member of the Faculty at Drake, attests nicely to the representative sentiments expressed by the others I mention.<sup>13</sup> After commenting on what she had learned from Neil as a student, she wrote she “realiz[ed] that in my time as a student he helped teach me the type of professor I want to be now. That includes challenging students, supporting them in their goals and ambitions no matter how varied, building relationships, and serving as a mentor in law school and beyond.”<sup>14</sup>

A commitment to community service has been consistently evident in Neil’s research and applied scholarship<sup>15</sup> in addition to his writings on a broad range of

---

experience of being an expatriate returning to the United States and supported projects during law school in Kisumu, Kenya working with microlenders, in Washington, DC working on land tenure rights around the world with the International Food Policy Research Institute and right here in Des Moines supporting the World Food Prize. Following law school his relationships assisted in my securing funding for economic development on the Crow Creek Sioux Reservation in South Dakota and in advancing the rights of Native Americans within the United States Department of Agriculture.”).

11. E-mail from Amber Miller, President, Am. Agric. Law Ass’n, to author (Aug. 21, 2019) (on file with author).

12. E-mail from Mike Traxinger, Gen. Council, Agtegra Coop., to author (Aug. 26, 2019) (on file with author).

13. E-mail from Jennifer Zwagerman, Dir., Drake Univ. Agric. Law Ctr., to author (Aug. 27, 2019) (on file with author); *see also* Jennifer Zwagerman, *Beyond the Law: What I Learned About Agricultural Law, Mentoring, Teaching, and Success from Professor Neil Hamilton*, 24 DRAKE J. AGRIC. L. 287 (2019).

14. *Id.*

15. *See, e.g.*, NEIL D. HAMILTON, BORROWERS’ RIGHTS AND THE AGRICULTURAL CREDIT ACT OF 1987 (1988); NEIL D. HAMILTON, FARMER’S LEGAL GUIDE TO PRODUCTION CONTRACTS (1995); DOUG O’BRIEN ET AL., THE FARMER’S LEGAL GUIDE TO PRODUCER MARKETING ASSOCIATIONS (2005); *see also* Terrence J. Centner, *What I Learned from Neil Hamilton About Developing a Research Center*, 24 DRAKE J. AGRIC. L. 217, 222 (2019).

policy issues,<sup>16</sup> his extensive public speaking and commentary, and his service on a myriad of boards and committees.<sup>17</sup> In terms of serving the community, especially notable are Neil's efforts to focus state and local government's efforts on the relationship between farmers and consumers, consumers' needs and interests, and support for local food systems, farmers' markets, and Buy Fresh, Buy Local campaigns.<sup>18</sup>

Yet, I do not think Neil would be content with a definition of "community" limited to local and state environs or even the nation. The faculty and I may or may not have understood the expansive reach of Agricultural Law when we extended our offer to him, but Neil's vision was not so limited. Early on, while first paying attention to faculty responsibilities and dealing with the farm crisis at home in Iowa and the United States, his vision for the Agricultural Law Center he was establishing had international reach. In 1986, he was an invited speaker at the first United States European Agricultural Law Conference, held in England; in 1987 he spoke at the Comité Européen de Droit Rural, sponsored by the European Agricultural Law Association, and also in Canada; and in 1988, as Chair of the ABA Young Lawyers Division's Committee on Agricultural Law, he organized an annual meeting in Montreal.

In succeeding years, Neil would lecture in Russia, serve as a United Nations Consultant in China, speak at the First Congress of the World Union of Agricultural Law Professors in Italy, and begin teaching annually at the University

---

16. See, e.g., Neil D. Hamilton, Essay, *Food Democracy and the Future of American Values*, 9 DRAKE J. AGRIC. L. 9 (2004) [hereinafter *Food Democracy and the Future of American Values*]; Neil D. Hamilton, *Feeding Our Future: Six Philosophical Issues Shaping Agricultural Law*, 72 NEB. L. REV. 210 (1993) [hereinafter *Feeding Our Future*]; Neil D. Hamilton, *Feeding Our Green Future: Legal Responsibilities and Sustainable Agricultural Land Tenure*, 13 DRAKE J. AGRIC. L. 377 (2008) [hereinafter *Feeding Our Green Future*]; Neil D. Hamilton, *Keeping the Farm and Farmer in Food Policy and Law*, 11 J. FOOD L. & POL'Y 9 (2015) [hereinafter *Keeping the Farm and Farmer in Food Policy and Law*]; Neil D. Hamilton, Keynote Address, *Farms, Food, and the Future: Legal Issues and Fifteen Years of the "New Agriculture"*, 26 J. ENVTL. L. & LITIG. 1 (2011); Neil D. Hamilton, *Moving Toward Food Democracy: Better Food, New Farmers, and the Myth of Feeding the World*, 16 DRAKE J. AGRIC. L. 117 (2011).

17. See Vilsack & Miller, *supra* note 9, at 271-73. Neil currently serves on the Board of Directors of the Iowa Natural Heritage Foundation and of the Seed Savers Exchange; and he has served as Chair of the Association of American Law Schools Agricultural Law Section, President of the American Agricultural Law Association, member of Advisory Committees of the United States Department of Agriculture, and Founder and Chair of the Iowa Food Policy Council under Iowa Governor Tom Vilsack.

18. Anthony B. Schutz, *Neil Hamilton's Agricultural Localism*, 24 DRAKE J. AGRIC. L. 263, 264 (2019).

of Nantes in France. His friendship with the late Professor Louis Lorvellec at the University of Nantes would bring Louis to Drake for several wonderful visits to teach and meet with faculty and students. Their friendship led, in time, to the development of Drake's long running Summer in France Law Program in Nantes, in which many, many students have enrolled and Drake faculty have taught. He has enabled student participation in international Agricultural Law activities in other ways as well. He has planned and taken students on trips to Cuba and sponsored a United States-Cuba Agricultural Law Symposium with the Cuban Agrarian Law Society. In 2009, he took two Drake law students to Copenhagen for the United Nations Climate Change talks. Through his efforts and work over the years, in 2013 Drake hosted the first Cuban law professor approved for travel in the United States, Professor Maritza McCormack of the University of Havana Law School, who met and spoke with faculty and students and delivered a public lecture. In fact, Neil has been instrumental in bringing many faculty from foreign law schools to speak and teach at Drake; and the articles in this Festschrift by Professor Domenico Viti of the University of Foggia, Italy,<sup>19</sup> Professor Michael Cardwell of the University of Leeds, United Kingdom,<sup>20</sup> and Professor Christopher Rodgers of Newcastle Law School,<sup>21</sup> provide some evidence of how far Neil's words and work have carried.

So the "community" Neil has served has been pretty wide. It has included not just the community of Drake—students, alumni, faculty and staff—but farmers, consumers, lawyers, and public servants throughout Iowa, the United States, and the world—wherever there are farmers, their families, and people who like food. In serving this community, Neil has always been quick to grasp issues of the present and address them or contribute to dialogue about their resolution, all the while consistently helping to lead and to shape the conversation about the future of agriculture and sustaining it for those whom it serves.<sup>22</sup> Neil has been an ardent proponent of sustainable agriculture, landowners' responsibilities for stewardship of the land and water through sound agricultural practices,

---

19. Viti, *supra* note 4.

20. Michael Cardwell, *Towards an Integrated Agricultural and Food Policy: A Role for Diet?*, 24 DRAKE J. AGRIC. L. 207 (2019).

21. Christopher Rodgers, *Towards a "New" Agricultural Law? Securing "Public Goods" from Agriculture*, 24 DRAKE J. AGRIC. L. 241 (2019).

22. E.g., Neil D. Hamilton, *Farming an Uncertain Climate Future: What COP 15 Means for Agriculture*, 2011 U. ILL. L. REV. 341 (2011); *Feeding Our Future*, *supra* note 16; *Feeding Our Green Future*, *supra* note 16; Neil D. Hamilton, *Feeding the World's Future: Agrarian Justice and the Rule of Law*, 13 DRAKE J. AGRIC. L. 545 (2008); *Food Democracy and the Future of American Values*, *supra* note 16; *Keeping the Farm and Farmer in Food Policy and Law*, *supra* note 16.

environmental awareness, and observance; and the keen interest of people in safe and nutritional food and healthful diets. Dean Jerry Anderson's excellent, insightful remarks for this Festschrift trace the influence of Aldo Leopold and his articulation and embrace of a "land ethic" on Neil and how Neil has championed and vigorously advocated for the land ethic lifestyle.<sup>23</sup> In bringing this "moral dimension" into his teaching and writing,<sup>24</sup> Professor Hamilton could not have been more timely. Reports issued by the United Nations this year tell of humans' transformation of the Earth to such an extent that as many as one million plant and animal species are at risk of extinction,<sup>25</sup> jeopardizing food security and putting humans themselves at risk. The United Nations further reports that climate change and exploitation of land and water resources threaten the world's food supply, leading to food shortages and further cross-border migration.<sup>26</sup> Neil has been engaging in this vital conversation for more than four decades, bringing it to the Drake Law School and the widening community interested in Agricultural and Food Law. In the process, he has had major impact and lasting influence. I certainly am grateful to him for that and for his continuing efforts, and am grateful to him, too, for being a good friend and superb colleague.

---

23. Anderson, *supra* note 6, at 200-06; *see also* Matt Russell, *The Legacy of Professor Neil Hamilton*, 24 DRAKE J. AGRIC. L. 255 (2019); *see generally* JULIANNE LUTZ NEWTON, ALDO LEOPOLD'S ODYSSEY (2006), which in the spirit Dean Anderson describes in his essay, was a gift years ago from Neil to the author.

24. *See* WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS 128-44 (2007) (emphasizing legal education's need to include in students' experience an "ethical-social apprenticeship" in addition to a "cognitive, academic apprenticeship" focused on acquisition of knowledge of academic and substantive content of the law and a "practical apprenticeship," involving development of professional skills and competencies). Through the "ethical-social apprenticeship," the moral dimension of the law, ethical issues, and matters of professionalism were to be explored throughout students' experience. Neil's work has always incorporated that moral dimension.

25. *See* Brad Plumer, *Humans Are Speeding Extinction and Altering the Natural World at an 'Unprecedented' Pace*, N.Y. TIMES (May 6, 2019), <https://perma.cc/Z3RB-Q8GM>. Among other things, the *Times* article quotes Robert Watson, chair of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, as saying, "For a long time, people just thought of biodiversity as saving nature for its own sake . . . . But this report makes clear the links between biodiversity and nature and things like food security and clean water in both rich and poor countries."

26. *See* Christopher Flavelle, *Climate Change Threatens the World's Food Supply, United Nations Warns*, N.Y. TIMES (Aug. 8, 2019), <https://perma.cc/CV9L-YYVS>.