

BEYOND THE LAW: WHAT I LEARNED ABOUT AGRICULTURAL LAW, MENTORING, TEACHING, AND SUCCESS FROM PROFESSOR NEIL HAMILTON

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I. WHAT I LEARNED FROM PROFESSOR HAMILTON

I rarely find myself at a loss for words, particularly in written form. However, the number of times I have started, deleted, and edited this essay in the past several months finds me struggling to fill the page. The reason is not because I cannot think of anything to say, but instead, how to adequately put into words a short tribute and summary of a person who had a major impact on my life while highlighting his vision, impact, and reputation in the international agricultural law

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community. In the almost twenty years since I was first introduced to Professor Neil Hamilton, the list of things I have learned, personally and professionally, would take up more space than allotted for this essay. That being said, one thing I did learn was the value of lists when it comes to sharing ideas, and in that spirit, I share today six of the most important things I have learned from my professor, my mentor, my colleague, and my friend, Professor Neil Hamilton.

A. I Learned There Was a Place Called Drake University Law School

I would never have heard of Drake University Law School (Drake), let alone have made the move here as a student, if it had not been for an article a roommate read in early 2001. I still remember the day, sitting in my office, when one of my roommates called me. At the time, she was working for the corn industry and this was during the Starlink corn recall.¹ She called and told me she had found my law school. She added it was named Drake and had no idea where it was located, but it had an Agricultural Law Center and some guy named Neil Hamilton.

I soon learned not only where Drake was, but that this really was a place I needed to check out. I had several communications with Professor Hamilton as a prospective student and a visit with him when I came to check out campus. I remember thinking it was pretty special a law professor would meet with me, a lowly prospective student, but I soon realized that was because Professor Hamilton was pretty special, not me, as he took the time to visit with many, many prospective students over the years. He recruited students at events, over the phone, and made sure to visit with them personally when possible. That type of personal recruiting set the tone for what I could expect in the years ahead.

It was quickly clear that Drake, and its Agricultural Law Center, was the right place for me and I jumped at the opportunity to become a part of what I saw then, and still see, as a special and unique place in the legal community and in legal education. That decision, influenced greatly by Professor Hamilton, proved to be a life-changing decision in many ways. Convinced I would be in Des Moines for three years, and then gone, it was in large part the experiences I had in law school, the opportunities to learn and to make connections in the field, and the confidence, mentorship and support to pursue my goals, that made me rethink my original plan and look at Iowa as a place to build my life and career. A constant in all of these decisions was Professor Hamilton.

1. See generally Neil D. Hamilton, *Forced Feeding: New Legal Issues in the Biotechnology Policy Debate*, 17 WASH. U.J.L. & POL'Y 37 (2005) (providing background on Starlink and biotechnology issues in agriculture during the early 2000s).

B. I Learned There is More to this Area of Law Than Most Expect or Understand

As a student, I came into law school sure I knew exactly what I wanted to do, and exactly what I thought agricultural law would entail. It did not take long for me to realize what I thought I knew was just the tip of the iceberg. Through classes, presentations, writings, conferences, conversations, internships, and many other ways, Professor Hamilton helped me understand agricultural law is much more than just the laws affecting production of grains and livestock. Instead, I began to understand agricultural law and production is an inherent, integral, and important aspect of our law and policy, from local, state, federal, and international perspectives. It is something overlooked by many, yet impacts every single person on a daily basis. One should not think of agricultural law and policy without considering the relationship between agriculture, food law and policy, nutrition, public health, the environment, land tenure and ownership, trade, and food security—both safety and sufficiency.

His writings over the years serve as excellent examples of how my thoughts evolved. When discussing the philosophical issues surrounding emerging issues in agricultural law, the conversation is not just the black and white legal analysis one might expect. Instead, the reader is asked to consider the impact of the questions posed, to evaluate and shape the future of the industry, and to consider if a “duty of stewardship” exists for those that own farmland, an idea rooted in the tenets of agrarianism the United States was founded in, but harder to define in legal or economic terms.² Through questions posed to us involving topics like this, readings in class included Aldo Leopold’s essay *Land Ethic*³ alongside the Farm Bill and case law, I began to understand agricultural law was not just about learning the law in order to represent producers. Instead, it provides a basis for us to understand how the laws and policies impacting agriculture, directly and indirectly, help shape the world around us. From the food we eat, the clothes we wear, the fuel in our cars, the air we breathe and the water we drink, we have the opportunity, perhaps the obligation, in this industry to not just enforce and litigate the laws in place, but to continuously strive to do better. I learned from Professor Hamilton that agriculture is not an island, and the laws protecting those engaged in this noble profession are interrelated with so much more than I would have ever imagined when I first set foot in Drake.

2. Neil D. Hamilton, *Feeding Our Future: Six Philosophical Issues Shaping Agricultural Law*, 72 NEB. L. REV. 210, 225-26 (1993).

3. See generally ALDO LEOPOLD, *The Land Ethic*, in A SAND COUNTY ALMANAC 201, 224-25 (1949).

C. I Learned We Need to Not Just Talk About the Way Things Are Now, But Try to Think About the Ways Things Could Be and How to Shape Policy and Programs to Develop Proactive (Not Reactive) Laws and Policies

As Professor Hamilton helped me understand my definition of what an agricultural lawyer would do on a daily basis was much too narrow, he also helped me continue to think and ask “what if.” What if we could help shape the future of agriculture by working toward crafting a series of laws and policies that help the future become possible, while also considering agricultural laws as part of a team approach (as opposed to us vs. them) to finding solutions to problems and driving change. This involved understanding that for agriculture and producers across our country to succeed it is not enough to think only about the future or only about the present, but to think holistically about our food systems and relationships.

For example, when looking to encourage rural development, what impact do laws related to direct marketing of foods have on entrepreneurs, opportunities to expand local food markets, or help communities address hunger?⁴ Are there ways we can support new, beginning, or transitioning farmers while also focusing on preserving farmland and feed more?⁵ And an extremely important question: can we make sure others understand the value of ensuring the farmer, the farm, and agriculture as a whole is a key part of discussions tied to our food law and policies?⁶

In looking through Professor Hamilton’s articles, it is clear he has always been a visionary, identifying emerging issues and driving conversations about topics well before hitting the mainstream. The ability to not just be an expert on the current issues and policies, advocating for a strong agricultural future, but to be able to look ahead and see what our current actions (or inactions) may be leading to or what might be in development, this is just one factor making the work of Professor Hamilton stand out over the years. His ability to help his students

4. See Neil D. Hamilton, *Emerging Issues of 21st Century Agricultural Law and Rural Practice*, 12 DRAKE J. AGRIC. L. 79 (2007); Neil D. Hamilton, *Preserving Farmland, Creating Farms, and Feeding Communities: Opportunities to Link Farmland Protection and Community Food Security*, 19 N. ILL. U.L. REV. 657 (1999); Neil D. Hamilton, *Tending the Seeds: The Emergence of a New Agriculture in the United States*, 1 DRAKE J. AGRIC. L. 7 (1996); NEIL D. HAMILTON, *THE LEGAL GUIDE TO DIRECT FARM MARKETING* (1999).

5. See Neil D. Hamilton, *America’s New Agrarians: Policy Opportunities and Legal Innovations to Support New Farmers*, 22 FORDHAM ENVTL. L. REV. 523 (2011); Neil D. Hamilton, *Greening Our Garden: Public Policies to Support the New Agriculture*, 2 DRAKE J. AGRIC. L. 357 (1997).

6. See Neil D. Hamilton, *Keeping the Farm and Farmer in Food Policy and Law*, 11 J. FOOD L. & POL’Y 9 (2015).

understand the importance of agriculture as part of a bigger puzzle, and to think long-term as well as short-term, has an impact across the country, and world.

D. I Learned the Value of Expanding Students' Horizons, Taking Risks, and Forging Your Own Path

One of my most memorable experiences happened more recently, not when I was a student myself, but involved traveling with a group of law students and Professor Hamilton to Cuba in January 2016. This was not Professor Hamilton's first trip to Cuba, not by far, and not his first with students. In fact, this was the fifth Drake Law School trip to Cuba, and I was fortunate enough to be included as a chaperone. We went to Cuba to study agricultural law and development while experiencing the history of Cuba.⁷ The experience was eye-opening, for all of us, as we learned about a developing country's efforts to build its agricultural industry, issues surrounding land ownership and land tenure in the current political system, and a farmer's love of land and the need for food are constant across countries and politics. Professor Hamilton's willingness to take a risk, explore the opportunities to take students to a place where we did not have an existing program, and to push to make it happen, has benefits beyond what we learned about agricultural and international development or the history we experienced. Instead, students were provided an opportunity to experience agriculture in a system unlike anything they had experienced or even studied before. They were required to ask tough questions of themselves regarding longstanding beliefs and ideas, and to open their minds to consider that there were in fact things we can learn, perhaps, from producers in countries like Cuba. Efforts there focus so intensely on sustainability and the environment, while also doing as much as possible with next to nothing in terms of modern technology or equipment. This type of experience is invaluable for students. It is one thing to talk about agriculture and law in other countries, but quite another to experience it firsthand while getting to interact with people directly, share stories, find common ground, and learn from each other.

As I was on this trip, I was struck by a few things in particular. One, the efforts Professor Hamilton made to ensure students were able to experience Havana and Cuba in both an educational way, but also in a more personal way. From organized tours and trips, and importantly time to explore on one's own, the learning experience was made richer because of the effort Professor Hamilton put into the trip, the schedule, and putting the students' experience first. And two, despite the many barriers, the strong relationships Professor Hamilton forged with our colleagues at the law school at the University of Havana and the Cuban

7. See *Drake Law students study agricultural law in Cuba*, DRAKE U.: NEWS & EVENTS (Feb. 22, 2016), <https://perma.cc/3UV3-VU6F>.

equivalent of the American Bar Association. Despite language barriers and other obstacles, the relationship was true and clear.

The relationship piece was cemented for me when I was invited to join Professor Hamilton on a return to Havana in June 2018, where Professor Hamilton was honored at the 11th International Congress on Agrarian Law for his work and storied career.⁸ It was clear to me, watching these proceedings, how highly Professor Hamilton was thought of by his colleagues from across the world. I was also struck by the fact as an agricultural lawyer, as a member of the American Agricultural Law Association, I am not just part of a local or national group of attorneys working in this area, but a truly international community. While in some ways our agricultural, political, social, business, and other sectors may seem so different, at the same time, working in this area, we have much in common. I have Professor Hamilton to thank for helping me experience this, helping me make new connections, opening my mind and challenging me, and bringing a much more global mindset to my understanding of agricultural law. As I think ahead, both to my work and how to provide opportunities like this for students, I will be reminded of Professor Hamilton's words, "Agricultural law offers us a common language to help build bridges to a more optimistic future."⁹ It is with that future in mind it remains important to build bridges internationally, but also locally as we think about the challenges and conversations to be had here at home regarding the future of agriculture and rural America.

E. From His Example, He Has Helped Me Learn What Kind of Professor I Want to Be, and the Type of Impact I Want to Have As I Work with Students

During the planning for the Festschrift celebration, when the requests went out for writers, speakers, toasters, and guests, the response was overwhelming, with more volunteers than we had space or time. He was described by a recent graduate of another law school as a "titan" of the field, and I think that is one of the most apt descriptions I have heard, when considering his impact not just on the students at Drake, but to those across the country and world.

When I think back to law school, while I certainly have recollections of long nights of studying and other related not-so-fun memories, what I recall most is the relationships built over those three years. As one of my main professors, as well as academic advisor, I knew I was always welcome to reach out to Professor Hamilton with questions or just to talk about an idea or issue. I experienced the

8. See *Professor Hamilton receives Cuban Agrarian Law Society award*, DRAKE U.: NEWS & EVENTS (July 5, 2018), <https://perma.cc/J8JQ-PTPQ>.

9. See *id.*

value of a true open-door policy for students to come in and visit, where he learned about them as people, not just students, and better understood what led them on the path to law school and interest in agricultural law. I learned the value of a classroom full of varied backgrounds and experiences as a way to encourage robust discussion and help expand and challenge ideas and arguments. Everyone was welcome to participate in any of the agricultural law classes, or the Drake Journal of Agricultural Law, no matter the background. Instead, all that was needed was a willingness to learn and to try to understand issues in a new way.

I come from a different background, offering different work and personal experiences than Professor Neil Hamilton, and my classes reflect that in the way I teach, information I share, and topics we cover. What I hope is the same though is making students feel I am invested in them academically, personally, and professionally—no matter what they ultimately end up pursuing as a career or if they take one or all of my classes. I want them to know I am interested in helping them pursue their goals, discuss a potential paper topic, or help navigate this stressful time of their academic careers. All of this was done by Professor Hamilton, while ensuring we were able to get to know him outside the classroom as well. From dinners with him and alumni at conferences, trips to Sunstead, or in casual conversation, as students we were able to get to know Professor Hamilton, his sense of humor, his love for his wife, and his ability to navigate through chaos (which if you ever saw his office you understand). As I began teaching at Drake, I relied upon my experiences as a student to help me try to provide those same types of opportunities to build relationships, many of those lessons learned from Professor Hamilton.

F. I Learned the Benefit of Being a Mentor, a Guide, and the Joy You Find in Other's Success, Long After Graduation

When I started my law school career, I had a pipe dream of someday being a professor, to teach agricultural and food law and policy to a new generation of students. Professor Hamilton was my advisor through law school, and at some point, in some discussion, this must have come up. I know this, because he recalled it years later when preparing to go on sabbatical and was working with Drake to determine how to provide students at least some of the food and agricultural classes in the year he would be away. Even then, five or six years after graduation, several years into practice at a local firm, he was still serving as my advocate and guide, helping find opportunities to pursue what I viewed as a pipe dream. Instead, after finally convincing me it was now okay to call him Neil, Professor Hamilton advocated for me and in conjunction with others, gave me an opportunity to experience a dream and spend a year teaching at Drake. While being insanely harder than anything I imagined, I loved every minute of that year. From the

interactions with students, challenging myself and others to think differently or more deeply about topics, and taking the experiences I had since graduation and finding ways to use those to prepare students for the real world. When the opportunity arose to return to Drake as Director of Career Development, Neil was one of the first people I spoke to about this career move, what it might mean for me professionally (especially now that I had an opportunity to experience that dream job), and to talk through the options. For almost twenty years he has been my mentor and advisor, and I am extremely fortunate to have his encouragement and support for all these years. More than just support, he again helped demonstrate to me the importance of actively providing opportunities, for students and for alumni. He would make me a moderator at a conference or suggest me as a speaker to others, ensuring I had a chance to build name recognition and a resume.

As a child of educators, somewhere over the years I remember hearing a saying along the lines of “the true measure of success of a teacher is seen in the accomplishments of your students.” If this is true, then there is no doubt Neil Hamilton has been a roaring success as a professor. Hearing from the many former students and colleagues who traveled to the events in March, reading the many additional comments and thoughts, it is clear Neil Hamilton’s legacy is not just his work in establishing the Agricultural Law Center and building it into the success and respected entity it is today. Instead, it is in the many students and alumni who are engaged in a variety of careers and types of service, across the world. From organic growers, traditional agricultural industry executives, solo practitioner to large firm, all levels of policy experts, and so many more, their success is Neil’s success. It is clear in talking with him how much pride he has in his students from across the years and the varied paths they have taken. Some are directly involved in agriculture, others not, but the path does not matter. I learned from Neil the great value in helping students achieve dreams and goals, and in assisting them in pursuing their own path, whatever that might be, as a student, or even years down the road.

II. LOOKING AHEAD

I am excited, a bit overwhelmed, and honored, to take over as the next Director of the Agricultural Law Center. I know I have big shoes to fill. It is most fortunate for me though, I have a wonderful mentor to help me navigate this process, to encourage me, and share ideas and thoughts, without pressure. I have learned so much from Professor Hamilton over the years, about agricultural law and the type of professor I want to be, and I look forward to continuing that educational process in the years ahead. In the meantime, I will continue to challenge my students, try to expand their understanding of the role of agricultural law, and try to serve as a mentor and advisor whenever needed. I will work to

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continue to keep the Agricultural Law Center a force in this area, addressing difficult issues from climate change to water quality to nuisance and so many more, as did my predecessor. But what I hope is years from now, when I look back on my career, I will know I have succeeded if I have just a portion of the same respect and affection shown to Neil Hamilton by his friends, family, colleagues, alumni, and students.