

Agribusiness

Our agribusiness team truly understands modern farming and the agricultural industry. We provide comprehensive legal services to agricultural cooperatives, corporations, LLC's, individuals, landowners, farmers and other legal entities for services in various areas and matters, including the following:

- **Business and Organizational Planning:** INC, LLC, Series LLC, LLP formation, registered agent services, buy/sell agreements, equipment lease agreements, intellectual property, mergers and acquisitions, contracts
- **Corporate Transactions:** purchase orders, terms and conditions, contract review, mergers and acquisitions, battles for corporate control, corporate governance
- **Environmental/Energy Matters:** discharge issues/water run-off, wetland regulations, pesticide application, hazardous materials, CERCLA, FIFRA, Clean Water Act, Clean Air Act, Concentrated Animal Feeding Operations (CAFOs), water rights, wind, solar and waste bi-products
- **Insurance Services:** liability defense, coverage disputes, equine liability issues, risk management consultation, litigation services
- **Labor & Employment:** OSHA, employee handbooks, policies and procedures, independent contractor agreements, wage and hour laws, EEOC, FMLA, human resources assistance, ADA, immigration, collective bargaining, workers' compensation, termination and disciplinary litigation
- **Estate & Business Planning:** estate tax, family limited partnerships, succession planning, gift transactions, asset protection planning, wills and trusts
- **Real Estate:** farmland preservation, easements, land purchases, zoning and land use, ground leases, contracts for deed and Section 1031 exchanges (three corner exchanges)
- **Construction:** equipment leasing, the Uniform Commercial Code, expansion issues, and construction litigation
- **Lending Services:** loan agreements, security agreements, mortgages and deeds of trust, foreclosure protection, and guarantees

We have immediate access to subject matter legal professionals practicing in virtually any area of business law or litigation that an agribusiness entity might encounter. As a result, our team of agriculture law attorneys has the knowledge and support of professionals practicing in other areas including, but not limited to:

- Finance & corporate lending

PROFESSIONALS

Ruth E. Robinson
Partner

Eric M. Fogel
Partner

Brad Goss
Partner

Kelly Haab-Tallitsch
Partner

Lisa A. Johnson
Partner

Martha Reddy Lehman
Partner

Raymond J. Melton
Partner

Jeffrey A. Risch
Partner

- Transportation
- Product liability
- Retail

Service Capabilities

Services that our agribusiness attorneys regularly handle include:

- Succession planning for the business entity
- General counsel advice to grain industry cooperatives
- Illinois Department of Agriculture administrative law hearings
- Easements/field access/negotiation of utility easements
- Partition actions and family farm ownership disputes
- Equipment leasing and lease reviews
- Defense and prosecution of “nuisance/trespass” claims
- Lending/loan agreements, workouts, leases, purchases/sales, family limited partnerships
- Solar farm lease negotiations
- Wind farm construction litigation and turbine self- certification with FERC
- Cell tower lease negotiations
- Preparation of contract documents for Section 1031 exchanges
- Defense of liability claims, farm accidents and tractor accidents
- Concentrated Animal Feeding Operation (CAFO) regulatory enforcement
- CERCLA/Super Fund litigation and regulatory enforcement
- Animals Running At Large Act litigation
- Equine law matters
- Genetic seed issues
- Crop overspray litigation
- Contaminated soil clean up litigation
- Grain elevator accidents (personal injury/death, property damage claims)

Experience

Defended a Farm Produce Client in Connection With Salmonella Outbreak

Assisted Clients With an FDA Investigation and Voluntary Recall of a Food Additive Product

Obtained Favorable Ruling Denying Motion for Preliminary Injunction for Industrial Dairy Farm

Serves As Outside General Counsel to a Major Midwest Agribusiness

Secured Beneficial Evidence that Resulted in No Wrongful Death Suit Being Filed after a Fatal Farming Accident

Firm News

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Firm News, February 10, 2023

43 SmithAmundsen Attorneys Recognized by *Best Lawyers in America*© 2023

Firm News, August 18, 2022

Alerts

What's in a Name? When is a Farmer a Family Farmer Under the Bankruptcy Code?

SmithAmundsen Financial Services Alert, August 26, 2020

Chapter 12 Bankruptcy: A Forgotten Tool for Family Farmers?

SmithAmundsen Financial Services Alert, February 22, 2019

Attention to How Your Farm Business is Organized Pays Off for the Heirs at Tax Time

SmithAmundsen Agribusiness Alert, March 7, 2016

Published Works

A Banker's View on Indiana's Right to Farm Act

Indiana Bankers Association , December 4, 2018

Blog Posts

Farm Bill Removes THC found in Hemp from the Controlled Substances Act - Could Medical Marijuana Be Next?

Cannabis Business Legal News, December 18, 2018

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