

PRRS Mock Final Exam - 2017

Your client, Ed, is a dairy farmer who sells a number of dairy products, including organic milk. He has always grown the feed used for his cows (corn and alfalfa) in a completely organic way so that he could be assured that their intake was 100% organic. Ed has an organic plan for his farm, which is required by statute, and the plan has been approved by the appropriate certifying agents.

Approximately 1 year ago, another farmer, Dave, purchased an adjoining piece of land and began growing a type of corn that was genetically modified to resist aspergillus ear rot. Concerned about the impact that a nearby crop of genetically modified corn might have on his organic certification, Ed began to talk with other organic farmers in the area. The other farmers told Ed that the inclusion of any genetically modified feed in his cows' diet would be cause for revoking his organic certification. Ed has repeatedly attempted to buy Dave out of the plot of land so that his organic corn won't become pollinated by Dave's genetically modified corn. However, Dave has refused to sell. It looks like Dave and his corn are staying.

Ed is afraid he will end up losing the organic certification on his milk if he continues to feed his cows corn that may be cross-pollinating with genetically modified corn. Purchasing organic feed instead of growing it on his own would be incredibly expensive, and Ed doesn't want to do that unless he absolutely has to. **Ed wants to know what, if anything, he needs to do to make sure he can continue to have his milk certified as organic.**

Applying only federal law (you need not consult any state-specific resources), consider the following as you research Ed's problem.

- What statutes and regulations apply?
- Are there any proposed statutes or regulations that could impact this problem?
- What federal agency is responsible for regulating in this area?
- Has the agency developed any programs or guidelines to assist farmers with compliance issues related to organic certification of dairy products?
- Are the statutes and regulations in the area clear on their face, or should you look further for interpretations in administrative or judicial case law or agency documents?

Instructions

- This exam is being made available to you on Friday, June 2nd at 9:00am. on the TWEN web course. It is due by Monday, June 12th by 9:00a.m.
- You must e-mail your finished exam to: lawexams@hofstra.edu by the due date and time stated. In the subject line of the message, you should indicate your final exam number, the course title (PRRS) and my name (C. Selby). On your final exam document, you should **only** indicate your final exam number.

This exam consists of two parts.

Part 1:

You must develop and describe in detail the research strategy and process you undertake as you explore this problem. You should consider every strategic element discussed in the course of our class, including (but not limited to) the strategy you employed in selecting sources to consult, the order in which you consulted the sources, the ways in which those sources led to you other appropriate authorities, and your validation of the authorities on which you relied. At the end of your discussion in part 1, you must include a complete list of all the authorities you consulted (even those you did not ultimately use to formulate your argument in part 2). When you consult an online source, please note if the source was free or paid.

In short, I want to know how you conducted your research, why you conducted it the way you did, and what kinds of costs you would have incurred if you did this at a law firm.

Part 2

Based on the research you undertook in part 1, draft a memo answering the following question.

Will Ed be able to continue to receive certification to sell his milk as organic if, despite his best efforts to avoid cross-pollination, Dave's genetically modified corn crop pollinates some portion of Ed's corn crop?

Your memo must address any relevant issues discovered in your research. Any assertions you make should be supported by appropriate authority. While I expect you to cite to any authority used within the memo in a format that allows me to locate the authority, I will not be grading your work based on the accuracy of your citation format. A high quality memo will be thoughtful, well supported, and clearly articulated.