

Interview with Susan A. Schneider

**Interviewed by Dianna Hunter
Minnesota Farm Advocate Oral History Project**

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at FLAG Office, St. Paul, Minnesota**

Susan Schneider: SS

Dianna Hunter: DH

DH: Tell me who you are. Why don't you give me your full name, how you'd like to be identified, for history's sake? And tell me a little bit about your background. You grew up on a farm, I understand.

SS: Yes. Yes. Okay. I'm Susan A. Schneider. And I presently live in Hastings, Minnesota on a third generation family farm. I guess I got interested in agriculture, partially because of my own farm background. I did grow up out on the farm, and became very involved with the problems that I saw our neighbors experiencing out in the rural community.

I attended law school at the University of Minnesota, and at the time really didn't know that the area of agricultural law existed as a specialty, but was able to do some course work under Professor Gerald Torres, who is an agricultural law specialist. And that pretty much opened the door to me to that area of law. 'Cause once I found it I sort of knew I'd found my niche.

DH: When was that, that you were attending law school?

SS: Let's see. That would have been from '82 to '85.

DH: Where's your family farm located?

SS: It's in Hastings, Minnesota. That's about 30 miles south of St. Paul, down pretty close to the St. Croix River.

DH: You have a little farm of your own, don't you?

SS: Well, it's actually my parents' farm, and most of the crop land is rented out to my cousin now, just in cash crops. When I grew up it was a dairy farm, and now, since I've moved out there, I'm living in the "little" house next door to the old farmstead where my parents still live. And I've kind of got a conglomeration of my own animals out there now. I have a horse and a few sheep, and enough to keep me more than busy in my off-law hours.

DH: What does that mean to you, to have a little piece of a farm? In fact, why are you still doing it?

SS: Oh, I think there is the connection with the land. I mean, I think I'm a farmer at heart. There's something that just gets into your blood, I think. Springtime, you've got to plant things, whether it's just a garden, or whether it's flowers, or whether it's a cornfield. There's just that kind of feeling

Also, the space. The feeling of--especially now working in downtown St. Paul for FLAG, is a real good feeling to know at the end of the day I'm going to be leaving the city behind. And getting out in the country where there's a little more privacy, a little more feeling of connection with the earth. A real--it's just a lot more wholesome feeling somehow, than all of the urban life. And I think I'm real attached to that.

It's a great way to unwind too, after a hard day at the office, to go out and clean out the horse barn, or, you know, take care of the animals, or work in the garden. It's probably the best way I know to relax.

DH: When you entered law school--we're back here now to the early '80s--you said you weren't very aware of Ag issues? Or there was such things as Ag law?

SS: Yeah. I guess I didn't--had not really heard anything specifically of agricultural law as a discipline on its own or of its self. I knew certainly that

there were financial issues that would be legal issues that affected farmers, and estate planning tax issues. I knew there were discrete legal issues that were presented to farmers. But I had no idea that anybody had put it all together into a specialty kind of law.

I think we all have a tendency to think of law in terms of corporate law, criminal law, tax law--the big categories. And it's only been in the last few years that agricultural law has gotten really the respect I think it deserves as a discrete discipline.

DH: Tell me a little bit about that. What--describe a little bit about the discipline of ag law--where it's being practiced, maybe by whom, and what kind of issues come up.

SS: Well, I think it started probably even a little bit before the financial crisis hit agricultural law, where there were a few attorneys, primarily I think at the law schools, that were starting to recognize that there's a whole body of specific laws that apply only to farmers. There's special laws governing security interests and the uniform commercial code. Special laws on renting agricultural property and ownership of farms, corporate farming. It's sort of like in every area of law, there's special rules that apply to farmers. And people who deal with farmers.

And back a few years ago, like I said, professors generally, attorneys at law schools, started recognizing: "Gee, this is a really fascinating thing that we're doing for farmers." And obviously, historically and socially, farmers have always been very, very important to our society, and so there's that socio-historical importance that we've given farmers. And it just took law, I think, a little bit of time to catch up with that, and to recognize that there is a body of law that applies specifically to farmers.

Then when the financial crisis hit agriculture, you saw an awful lot of general practice lawyers, that had maybe worked in a general basis with their farm clients off and on, but maybe weren't getting too involved in their cases--I think farmers are a pretty independent lot, and don't go to attorneys very often. But you saw the same farmers then coming into the general practice

attorney's office with these incredibly complex commercial problems. And all of a sudden, people in the law community started recognizing that the little family farm did not have simple legal problems. The little family farm had some very, very complex legal questions that were coming up.

And as more and more new laws were passed in response to the financial crisis, it got more and more complicated. So I think the whole discipline of ag law kind of mushroomed in that regard, because it almost became malpractice just to dabble in Ag law. There were just too many changes, too many specific areas of law that a person almost had to do some type of specialization in it, or you'd just be in over your head.

I then, as I--at the time that this was happening, I was working at private practice, with Bill Kunkel and Tim Moratzka down in Hastings. And they were doing a lot of specific farm financial advisement, for their clients, and kind of cultivating a farm clientele. So I had the opportunity to work in private practice with a lot of farmers, and just got very interested, not only emotionally, in wanting to help my clients, but also intellectually. It's a fascinating combination of legal questions.

DH: What kind of legal questions were you working on in Kunkel's office?

SS: Oh, I think generally what would happen is we'd have a farmer that'd come in and be in some degree of financial trouble. And the first thing that we'd do, is do kind of an initial analysis of their situation, which would involve going back over pages and pages of financial records, analyzing security agreements, mortgages, title to real estate, ownership of personal property, just to really do an estimate of what the assets were, what the liabilities were, what was encumbered, what was not encumbered. I think, trying to be very good advocates for our clients. We'd probably try to figure out if there were any errors in the lending documents, that maybe something wasn't encumbered somewhere along the line, that might help our client out.

At that point we would usually make a recommendation to our client, whether there was--whether bankruptcy might be something that we should be looking at, or whether this was something that some different more creative

financing arrangement or negotiated settlement, would resolve their problems. Basically, we were mostly work with people to try to figure out a way out of their financial dilemma, causing them the least amount of harm possible.

I think most of those cases probably, we were able to negotiate some type of work-out, but in a lot of the cases we ended up filing some type of bankruptcy, either as a tool, working toward a negotiated settlement, or just as a kind of last resort resolution.

I have to say though that the farm clients that I worked with were just fantastic. Wonderful people to work with. And often times you'd be seeing them in one of the most difficult emotional periods of their lives. You know, they were scared. They had worked hard and they were afraid they were losing everything they were working for. They were intimidated by lawyers, they were intimated by their lenders. And even in that situation they were just wonderful folks to work with.

DH: Why's that? Where they friendly, honest--

SS: Yeah. Exactly. All those adjectives. [Laughter] No, they were very honest, very caring. They oftentimes would be so appreciative of anything I did for them, and you know, here they're basically hiring me, you know, I wasn't doing it on a *pro bono* basis at that time. I tried to keep my fees down, and I think they probably appreciated that, but there were just so appreciative of any concern that I expressed.

It got to be--it was easy to have a very personal relationship with them, rather than someone who sometimes goes into a lawyer's office, or professional's office, and wants to have a very cut and dried, distant business relationship. My farm clients were much more personable than that. And I still get cards from them, sometimes, or little notes from them, or maybe a phone call to let me know how they're doing. So it was a lot of good for me, in working with them personally.

DH: Am I right in thinking that bankruptcy is kind of your specialization?

SS: I think probably financial advisement might be a little bit more accurate. I think that our firm, and myself in particularly, got labeled with the bankruptcy specialist concept because bankruptcy is kind of a mysterious area for a lot of people. The jargon that is used, the whole concept of the bankruptcy code and what happens in the bankruptcy courts, is a little intimidating to some folks. And knowing some of the excellent bankruptcy attorneys that are in practice around the Twin Cities, I'm not real comfortable calling myself a bankruptcy specialist, because I still sort of feel like the new kid on the block when I talk with them. However, my bankruptcy knowledge, compared to someone in general practice, or someone who has not ever had anything to do with bankruptcy, to them I probably would be a specialist.

I was involved in the filing of quite a few Chapter 7s and a few Chapter 11s, and I've written some articles on Chapter 12. So I've done quite a bit of work in bankruptcy, but like I said, the real specialists, I think, are the folks that've been out there practicing for ten, twenty years, and are far more involved in it than I have been.

DH: Well, we saw a new chapter in the bankruptcy code, added just for farmers, in this crisis. And I think a lot of people don't understand in the first place, like you say, that bankruptcy is mysterious. They don't understand much about it.

SS: Uh-huh.

DH: Could you maybe just briefly describe what bankruptcy is, and how farmers have used it to resolve problems?

SS: Okay. Just in general terms?

DH: Yeah.

SS: Well, you mentioned the new bankruptcy Chapter, that's Chapter 12, and that was created specifically for farmers, to help them to reorganize their debts. It's a very interesting piece of legislation because it really goes further

than the other types of bankruptcy, and it's definitely a response to a farm crisis. There's a sunset provision in it, that is designed to emphasize the fact that this is just dealing with a specific crisis. It is not the kind of relief that is generally available to debtors.

That's not to say though that it's the answer for everyone's problems, or that it's a good deal for everybody. Basically what it allows farmers to do is to write their secured debt down to the value of their collateral. That's fair market value. And extend payments then on that debt over a period of time, so the creditor in the long run will get an amount equal to the present value of what their collateral is worth.

The unsecured creditors, and the unsecured portion of their secured debt, have to get the same amount that they would get if the farmer liquidated. So there's a floor on it.

Some of the problems that have come up with Chapter 12 is that, depending upon the value of the farm land, and how fair market value is computed, there are some farms that will not cashflow at fair market value.

A second problem is that the law is written so that there is a trustee that will kind of oversee the plan payments, make sure that there isn't any fraud involved in it. Even though the farmer, him or herself, is going to be operating the farm, the trustee basically oversees everything, and takes a ten percent cut in all the payments. So basically you have to cashflow not just fair market value, but ten percent more than fair market value. And frankly, with today's farm prices, there were just a lot of clients that we worked with down in Hastings that just could not have cash flowed a Chapter 12.

Throw into that too the attorneys' fees, and if you can work out a settlement deal outside of bankruptcy, using maybe Chapter 12 as a threat, you're probably going to be better off for everybody. But it's a good option for farmers to have, and there've been a lot of very successful Chapter 12s that have been filed.

Other types of bankruptcy that are probably more familiar to people, are Chapter 7 and Chapter 11. Chapter 11 was another kind of reorganization which farmers were involved in, but just didn't work very well, because of some pretty technical bankruptcy rulings, ultimately resulting in a Supreme Court decision that made it very, very difficult, if not impossible, for a farm Chapter 11 to have a successful reorganization.

Then Chapter 7 is sort of known as the liquidation bankruptcy, although you get to keep in Chapter 7 is what you are able to claim as exempt. Fortunately, here in Minnesota we have some pretty liberal exemption rules. So most of the farmers that I put through Chapter 7 bankruptcy, scaled back their operations, worked things out with some of their secured creditors, and are still farming today. So it's not a get out of farming type bankruptcy, although it probably will be a scaled back your farm operation type bankruptcy.

One of the nice things though, about bankruptcy, that it did for people, is that it gave them some type of a final resolution of some of their problems. I think emotionally it was real difficult for folks to sit out there with their lenders harassing them, often times unsecured creditors from town that they wanted to pay, but if the money wasn't there it wasn't there. And often times it was just nice to be able to put those problems to rest, and get the fresh start that's envisioned by bankruptcy.

DH: Okay, Susan. After you left Kunkel's office--I call it Kunkel's office just for the sake of brevity--is that when you came down and you got involved at FLAG?

SS: Yes, it was. I went directly from the Hastings office, Kunkel's office [laughs] to work up here with Farmers Legal Action Group. I actually, that was not my first connection with FLAG. When I was in law school I did a clerkship with Jim Massey, and I got to know him, and of course, through that experience--at the time that was my, also my first exposure to Farmers Home Administration. So I ended up doing a research project and paper on bringing tort claims against the government, specifically based on Farmers Home Administration problems.

So I was aware of FLAG when it started. Our office, Phil Kunkel and myself, did some work with FLAG. We did some seminars sometimes with them, to keep up that kind of communication. So I was real interested in the work that FLAG was doing, and then when they had an opening, and they wanted someone with the financial background and the bankruptcy background that I had, I applied for that position, and ended up beginning here in September of--oh, gee, I guess it was '87. I guess I'd have to backtrack, or re-compute that. I came up here basically as a staff attorney.

DH: Is there quite a bit of give and take between the different offices, law offices, working as farmer's advocates or farmer's attorneys? I mean that advocate in the broadest sense?

SS: Between a private practice attorney and a Farm Advocate do you mean?

DH: No, I mean like between Kunkel's office and FLAG, or--

SS: Oh, okay.

DH: --I think you mentioned a little bit about the farm project.

SS: Uh-huh. Yeah.

DH: I think there's another wing of FLAG, and maybe people don't know how that works either, that--how FLAG relates to the Minnesota Farm Family Law Project.

SS: Okay. Well, it's very likely that Lynn or Randi or some one else that's been with FLAG right from its inception might be able to describe that a little bit better. But the basic framework is just that FLAG is a separate corporation, but it is also involved with a group of Minnesota Legal Services organizations, or offices. MFFLP, or Minnesota Family Farm Law Project, and we're the central St. Paul office for MFFLP.

As far as interaction with attorneys and FLAG, I guess that when we were down in Hastings, just because we're all working on the same issues, when we had a

question, we'd call up FLAG. Or if FLAG would have a question, they'd call up us. There was a fair amount of exchange, probably based upon the personal friendship and mutual respect between Jim Massey and Phil Kunkel, and to a certain extent, myself. I certainly knew where to call if I had a question about Farmers Home Administration. I wouldn't hesitate a minute to call FLAG and say, "Gee, what should I do with this."

I think that there are a lot of other private practice attorneys around the state that probably call in on our hot line now. Some of them will call one of us attorneys directly if they know us. We rely probably mostly, though, upon the MFFLP offices for our feedback on what legal issues they're dealing with. We have a lot of communication with the different offices on what types of cases they're getting, what legal issues they're seeing, just how that interacts.

Probably our biggest grassroots type sounding board though, are the Farm Advocates. They call in frequently on the 800-line. We're doing a lot of trainings, a lot of phone work, a lot of outreach type programs, so that we know that we're staying in touch with the Farm Advocates, because they are the ones that are really out there, on the farms and in the rural communities, and they know if there are some problems out there that we might not hear about quite as fast, being insulated here in the city.

DH: How does that work? How does it make change, or, you know, how do issues come to your attention, and then what happens when they do?

SS: Well, I would say a lot of times what happens is an Advocate, or a farmer will come to an Advocate with a problem. The Advocate will identify that as, "Gee, there's something different going on here. That farmers either not being treated the way that other farmers are being treated, or that farmer is not being treated the way we understood the law to be." Or sometimes it will just be, "Gee, this sounds wrong." It shouldn't be happening.

So the Advocate will call our office, explain the situation to us, and again, as I said, they might just call in on our 800-line. Now that Tim Sullivan's working so specifically with the Advocates on the special contract with the Department of Agriculture, a lot of the calls are coming directly to Tim. Otherwise the

Advocates might call one of us, depending upon--I think they know us well enough so they know who to try to track down with a problem.

For example, if it's a bankruptcy question they'll probably just call me directly. At that point, we'll either try to analyze, work out the situation on the phone with the Advocate, give some advice, give our impressions of it, or probably more frequently we'll have to say, "Gee, I'll have to look into that," and we'll have to do some research on it. And then get back to the Advocate.

Sometimes that whole scenario might end up resulting in a demand letter to, for example, Farmers Home or Farm Credit. Sometimes it might even result in a lawsuit. It just depends upon the nature of the issue and what we're able to resolve. And if there's a specific legal handle on it.

I think we've all learned that there are a lot of wrongs and a lot of treatment that might be unfair, but is not illegal. And so those are sometimes tough situations to deal with. I think our job as professionals is to sort those things out and let people know when there is a legal handle that attaches to a problem, and when there isn't.

And if there isn't, then maybe we have to take a look at changing the law. But we have to identify that it is not something that can be done quickly.

DH: Well, tell us some more about this process. I guess, first of all, let's establish whether there's been--I guess we intimated the problem has been systemic unfairness. Would that be a fair characterization? What have you seen as having been sort of characteristic of lenders' relationship to farmers, that brought about these problems?

SS: Well, I think that one thing that happened is that both farmers and lenders were working together fairly well when prices were good and values of farm collateral were high. A lot of relationships were fairly informal. Money was flowing--perhaps a little too freely. Lenders were often encouraging farmers to get more into debt. We certainly heard a lot of stories about Farm Credit System folks, Farmers Home folks, private lenders, actually telling farmers that they would be foolish not to expand the farm operation,

not to buy the farm next door, not to mortgage the homestead, to just--they were just really caught up in the kind of boom years of agriculture.

That was all fine until values started dropping, and prices were falling and all of a sudden things were too tight. There were a lot of lenders that were out there that were grossly undersecured. That kind of brought out the worst, I think, in them. They started--I think you had loan officers that were concerned about their own jobs. You had lenders that were concerned about their own solvency. And they basically went from a friendly rural community type relationship to a survival of the fittest type relationship. Where they were going to try to get everything they possibly could out of the farmer.

Unfortunately, a lot of times farmers were very trusting, very much used to doing deals on a handshake. Oral agreements. They were used to thinking of their lender as a friend and ally, and all of a sudden you saw problems coming up where the lender was taking advantage of that situation.

I can't make that characterization across the board. I'm not saying that all bankers are bad, or all loan officers are bad. But there were definitely some that took advantage of farmers' lack of sophistication in lending arrangements.

In a situation like that, hopefully the farmer would get to an Advocate, or an attorney that knew what they were doing, and could get some help to be able to stand up for what rights they had. We fit into that, in situation where there was either an individual case that a farmer needed assistance, and we could just provide some back-up legal knowledge to know what those rights were.

We also fit into it, if it was a situation of systemic abuse, and that probably comes in the most with Farm Credit System and Farmers Home Administration, simply because--well, a couple of reasons. First of all those are the big lenders in agriculture. They hold a very high percentage of farm debt. Secondly, because they had, or have, general rules that apply to all their loan officers. It's a little different than dealing with a private bank where what they do is only going to affect a small number of farmers in an area. Your Farmers Home Administration, your Farm Credit System, has a rule for dealing with

their borrowers that's going to affect thousands of farmers. And if those rules aren't fair, there is going to be a situation of systemic abuse.

So I think that's really the role for an organization like FLAG, is to identify an issue that affects everybody--or maybe not everybody, but a large group of people--and jump on that issue. It's probably going to be too expensive or too complicated for any one of the individual farmers to challenge the regulations or to challenge the policies. But if you have a group like FLAG, that can challenge the overall policy or the systemic abuse, it's a lot more efficient for everybody.

DH: And how has that come about? How has FLAG gone about challenging the systemic abuse?

SS: Well, in a couple of ways. Probably the best or most concrete example of it would be the Coleman litigation. And I assume you'll probably be talking to Lynn or Jim about that, and they can give you some wonderful background information on Coleman. But that was a good example of where Farmers Home Administration was ignoring the rights of borrowers and trying to deal with the farm crisis basically by foreclosing on farmers. And FLAG was able to step in and get those foreclosures halted. Allowing enough time then to work with Congress to get some legislation that would also deal with some of the problems resulting from the farm crisis.

So basically how the process goes is, first of all, identifying what the systemic problems are. And that's where our role with the Advocates has been so important, knowing what's actually going on in the farming community. Secondly, analyzing the law on the issue, whether that's the statute or the regulations, the case law, what the state of the law is. Third, identifying what kind of a legal handle we can bring to challenge the policy. And then, fourth, making a strategic decision on how to proceed, whether that's a class action lawsuit, whether it's kind of a test case with an individual, whether perhaps something can be done by demand letter, negotiated settlement, that route, or finally, whether new legislation should be drafted and pushed.

DH: You've been involved with some class action lawsuits too, haven't you? I mean, you point to, sort of deferred to Jim about Coleman, but Coleman hasn't been the only class action lawsuit.

SS: No, we've had several. I've kind of been involved in a backup role on a couple of other cases. There's been the Hedge cases, which involved Farmers Home Administration County Supervisors--excuse me, County Committee members, elected County Committee members could be involved in political activities. And I helped out Juliette on that case, and did some background work on that one.

The other case was the Hansen case, where I--my financial advisement experience played in. What we were trying to do in Hansen was to force Farmers Home Administration to deal with borrowers in what we felt was a commercially reasonable way of dealing with them, the way that the local bank would probably deal with them. To figure out what they were probably going to get on foreclosure. And compare that value to what they could get if they continued to work with the farmer.

In the Hansen case, that was impossible. That concept has now been embodied into the Ag Credit Act of 1987. So even though the Hansen case ended up settling, I think that case and our work on that case helped to bring about the change in the law.

And then of course I'm presently involved in a case which is not filed yet, but which we hope will be filed in the very near future, involving the Ag Credit Act of '87, and specifically involving those group of Farmers Home Administration borrowers who've received a discharge in bankruptcy.

A lot of those folks had to file for relief in bankruptcy because they weren't able to get anything worked out with Farmers Home. They had unsecured creditors that were coming after them in the meantime. And a lot of times I think it was Farmers Home inactivity that led these folks to have to seek relief in the bankruptcy court.

Farmers Home has now taken the position that once those people have gotten their discharge in bankruptcy they're no longer borrowers, and hence no longer entitled to debt restructuring under the Ag Credit Act. We'd like to challenge that position through a class action lawsuit.

DH: But a lot of times, like you were saying before, that sometimes when you threaten a class action law suit a settlement is made before hand. Is that right?

SS: Well, I don't know that--I don't know that we've had a specific "threat" for class action. Maybe that might be a right characterization. I think that usually we like to proceed with just a demand letter, spelling out the law. I think we've all been very careful to not want to threaten a lawsuit unless we're really going to follow through with it.

But what we probably would do is to make a demand, I mean try to take a pretty common sense approach to a lot of these issues, and just point things out to Farmers Home or Farm Credit, and say, "Look, this doesn't make sense. The law is this way. All we want you to do is to follow the law." Sometimes that works. I think that FLAG's success in Coleman, FLAG's professional reputation right now is such that Farmers Home Administration in particular are listening to us a little bit more now, I think. Everybody here's done a lot of good work and has gained a little more respect from Farmers Home, so this concept of doing a demand letter, or telling Farmers Home how they should do things, under our view of the law, has been a lot more successful lately than it was initially.

DH: Because you've won some lawsuits?

SS: Uh-huh.

DH: Cost them time and money?

SS: I think that's--I think that's true. I think that a lot of the litigation that-- a lot of the litigation they were in around the time of Coleman, could have and should have been avoided, had they actually sat down and took a look at the purpose of Farmers Home, the state of the law, and just approached it with a little bit more, a little more common sense and a little more compassion, too. I

think it's clear that Farmers Home Administration is not set up to be a private bank. It's set up to help family farmers stay on the farm when they're not eligible for conventional financing. So it's a whole different kind of lending institution.

DH: How about telling us a little bit about your work at William Mitchell?

SS: Okay. Well, right at the same time as I came to work at FLAG, I was given an adjunct position teaching agricultural law at William Mitchell. So I did that one night a week, in addition to my work at FLAG.

That was a rewarding experience in a lot of ways because, first of all, it gave me a real good incentive to learn about a lot of other areas of agricultural law, even above and beyond the financial crisis type stuff that I was working with. But secondly because I realized that there were a lot of law students that are out there, that are farm kids. Or they're kids whose grandparents grew up on farms. They're kids that somehow sense that there is something interesting about farming, and something that is very, very intellectually interesting about farm law issues.

And it was real fun to get some of those students excited about what is happening in ag law, what's happening with the legal services offices, what's happening with the Advocate Program, what's happening with FLAG's work, and what's happening even in ag law as a specialty for rural practitioners. So it was real fun to be exposing young law students, or some of them I guess weren't, probably wouldn't characterize themselves as young, but people just learning about the law, the legal profession, exposing them to the area of ag law. The response was really quite enthusiastic among most of the students.

And I know that one of the favorite classes I had was one time when I had Lou Anne Kling come to class, talk about the Advocate Program and mediation. And after that class so many of the students were just so fired up with the fact that these things are really going on, this is real practical application of the law, this isn't just reading about old cases--

DH: --this is real.

SS: Yeah, I think the students were impressed, particularly with Lou Anne's presentation and her discussion of various cases that she's working with, and the whole mediation process, because the students were really starting to understand that this was real life. This is the practical application of the statutes that they read about in the books, or the kind of black and white version of the law that they hear about in law school, but sometimes aren't really exposed to. This was reality. These were people who were dealing with critical legal decisions on a daily or weekly basis. And that was real exciting to the students, I think.

It was really--they saw there's some needs there. There's some reasons why it's important to learn this stuff, you know? It was a real inspiring thing for them.

DH: Is that unique? When you're studying corporate law, or tax law, does it lack that kind of excitement?

SS: Well, I think that--I could probably go off at some length on law school curriculum. I think that there should be more clinical work, and more exposure to real life problems and clients, in law school. But that's you know, I'll spare you all of that. [Laughs]

But I think that agricultural law itself, there is a very close connection with the client. Partly because often times it's not just the client's business that you're dealing with. It's their home, it's their family, it's grandpa's farm or grandma's farm. It's a whole way of life more so than it's just a specific business decision. So I think that when you apply agricultural law to an individual client, there's something there that you're touching that is much more than just the law.

And I think that's what really hits students about it. It's that these are people who really need good legal advice, one way or the other. And it's not just going to affect whether they're working at this factory or this office. It's going to affect where the kids are brought up, and it's going to affect the whole family situation.

I'm sure that I'm biased towards agricultural law. I'm sure that if you talked to somebody who maybe practiced family law, or who practiced some of the other more personal areas of law, might feel the same way about their discipline. But I've certainly seen it first hand.

And that's what I tried to get my students in touch with. The next course that I taught at William Mitchell, was in conjunction with an eighteen month clinical program that they ran, called the Rural Debtor-Creditor Clinic. I think that was an excellent clinic for some of those students to actually work with farm clients. Professor Chris Kelly was the advisor, and taught the clinical portion of that class. But I taught the academic portion, you know, the regular one night a week class on what rural debtor-creditor law was. But again, I think that was another good vehicle to use for those students to give some meaning to the law that they were studying.

DH: I remember that Chris Kelly was at an Advocate training one time too, talking about FCS issues.

SS: Yes.

DH: Did the clinic get into FCS issues?

SS: Yes. The clinic had a couple of cases. In fact, one was co-counseled with FLAG, involving Farm Credit System lenders. Farm Credit System is kind of a specialty of Professor Kelly's, and I think that when the Clinic was first started, it was the January that the Ag Law Act passed. With Farmers Home Administration, they didn't do anything until regulations were passed, implementing the Act. That didn't happen until the following September.

Farm Credit System, on the other hand, jumped right in and started restructuring, before most attorneys had figured out anything with regard to the restructuring process that was required under the Act. They just started right in there, sending restructuring notices out to people, getting their time period running, foreclosing if need be.

So the Clinic, I think, served a real important function, of working with students to try and figure out from day one what the law required Farm Credit System to do. And then ended up applying that in a couple of cases that they handled.

DH: Well, you're a product of the Eighties. So it seems to me that you probably have a different perspective on maybe women in law than I had, graduating from college in the early seventies. Is the law still kind of a man's profession?

SS: Well, I think I guess, just to date myself here properly [Laughs]. I graduated from high school in '72. So I first went to college in the seventies.

DH: [Unclear]

SS: [Laughs] Thank you. [Laughter]

And I dropped out of school, basically, and went to work for a while, and then ended up finishing my undergrad work part-time while I was working. So I have to say that I did see quite a change from the seventies, when I was in college, to the eighties, when I finished up in college.

As far as law goes, the university was very actively recruiting women law students. So forty percent of my class at the University of Minnesota were women.

I guess, I can't say that I felt too much, at that time, that it was a man's profession. I had gone to St. Catherine's, which is an all-women's school, and definitely encouraged women at that time to seek professions. And, again, had a law school class where many of my classmates were women.

I didn't really quite start catching on to some of the problems until I started getting out more in practice. And I realized that there were an awful lot of that kind of the good old boy male dominated power base, in law.

And I also discovered that there were a lot of male attorneys who were probably very well intentioned, and who were probably trying to change

their attitudes somewhat towards women attorneys, but were just incredibly intimidated. They had a very, maybe they had a usually, a very aggressive, confrontational style, with an attorney that would be opposing them in a case. And it would throw them off guard completely to have a woman opposite them. They didn't know quite whether they were supposed to be as aggressive or more aggressive, or were they supposed to somehow be more polite or treat her in a more, some parochial way that they would view lady-like?

They also would have a real difficult time handling women who were aggressive. There was a lot of, kind of some interesting double standards of women who were bitchy or difficult to deal with. And you kind of wondered if they had been men, would they just have been viewed as being a good advocate for their client, or just aggressive.

There's basically, what it is, and I try not to be too hard on any individual on it, I think that basically what it is is just a lot of change going on right now in law. And men who were brought up to not expect to be working with women lawyers, and women who were brought up to not expect that they were ever going to be lawyers even, are all of a sudden finding themselves in roles that they were not really taught how to handle when they were little kids.

So I think we all have a lot of learning to do on it. I think it was probably hard on me initially to be as aggressive as I felt I should be. Because I really wasn't conditioned to do that.

Again though, working with farmers was great. Because there, in most cases, and most of the clients that I worked with in private practice, most of the folks I've dealt with here at FLAG, there's a real partnership between the husband and the wife. Sometimes they have roles divided up, and one won't know anything about what the other one's doing. But in most cases, I think there's a pretty good partnership.

I guess, come to think of it, there were probably a few very protective husbands, who had wives who did not know anything about the financial trouble that they were in. And that was always a very, very difficult situation to deal with, because at some point along the line you kind of had to tell them,

"Look, she's got a right to know what's happening here." But in most of the cases, the women were very well informed, very astute about the farm business, and they were fun to work with. They were good--I think they were good for me, starting off as a lawyer, to help me really to identify my own role.

DH: Do you have some observations about the fact that it seems like there's a disproportionate amount of women in leadership roles in farm activists sort of groups. Do you have a theory on that, or any observations to share about that?

SS: Well, I definitely would agree with it. I mean, I think that women have just done a wonderful job, and assumed a wonderful role in the farm movement. I guess probably my own theories would be first that women have, that the nature of farming is a small business, and there's a great deal of independence. And there's enough work to do so that if it's a husband-wife situation, the wife pretty much had to get involved. There wasn't the kind of the luxury of not being involved.

Plus, I think most farm women who would put up with the hard work and the life style, of living on a farm, have that same kind of feeling that I talked about before. That connection to the land. It's not something where the husband goes out to some strange building and works in an office for fifty hours a week and then comes back home again. It's all right there. And so it is her business too. It's, you know, they're really integrally involved.

So I think that you had a situation where women saw what was happening, and they saw that their lifestyle was in jeopardy, and they rose to the occasion, and they fought for it. And they helped each other, I mean, they kind of came together.

I think the other factor too in this is probably, maybe one of a more sexist aspects of agriculture. I don't know why. They're sex roles at least. A lot of the people I worked with, the husband would be responsible for more of the manual labor on the farm, and the women were often responsible for the books. So they were the ones that were dealing first hand with the financial crisis. And they were the ones that maybe were first aware that things were not going well.

I think women too in our society are--were somehow--we're given the skills as children to communicate well with people. And a lot of times men are not, somehow not taught to do that quite as well. So if you're dealing with a crisis, I think that a women is often times going to recognize that their neighbor is going through a crisis, and reach out and help them, where men might not necessarily recognize it at the same time.

One of the most fun trainings that I think I've ever done here at FLAG was the Women's Technical Support Group Training. We had a whole room full of farm women, and talked with them about their legal rights and the law and what FLAG is doing. And I know I did a couple of bankruptcy seminars for them. And it was a very, very powerful group, of all of these women coming together. You know, coming from their individual and independent little farmsteads, and coming together and sharing their problems and sharing their knowledge, and sharing their support. That was real, a real thrill for me to be a part of that, and I think just a wonderful opportunity for me to present information to a group like that.

DH: On this vein of women's and men's roles, I guess that brings to mind the family's roles on the farm, and how it seems like everybody's got a job on the farm.

SS: Uh-huh.

DH: And then I was thinking too about your law classes, and you said a lot of the students were either farm kids or they had grandparents who farmed. Were the students, what I see so often, a professional who maybe would have chosen to farm had the opportunity been there, but instead had to leave the farm and seek employment somewhere else? A lot of times you see that as bankers, FmHA people.

SS: Uh-huh.

DH: And I'm just guessing. Tell me whether it's true or not. Is that the case in law also?

SS: I don't have a lot of real first-hand knowledge. I can't think of too many students that really talked to me about that. But I know that there are a lot of the students who want, you know, they're in St. Paul or Minneapolis right now going to law school. They want to get out of the city. They want to go back to their rural communities and practice with farmers. I would venture a guess, and I'm pretty sure of myself in saying this, that a lot of them would like nothing better than to farm a little bit part-time, and have the outside income to be able to do so.

So I think a lot of them, I do know, came from situations where their folks were on the farm and were having a rough time, and they saw farming as not as good financial career, or not a good career to go into financially. Not a secure career. And, for some of them, I'm sure it was just plain impossible to go into. There were just no way that they could have gotten financing to get started. So I'm sure that there were some that ended up choosing other careers, because farming was not available.

I think the law school is--it's a difficult enough to get to and get through law school. It's just a lot of--there's a lot of pain involved in it I think. [Laughs] So they have to really be interested in law. It's not the sort of thing that you could do too much as a side-line. I think there might be other professions that might be a little bit easier, at least, to get into, if what you really want to do is farming. I think you've got to have a certain amount of love for or at least interest in law in order to make it worth all the work. [Chuckles]

DH: Public interest law is not the most high paying area of the law is it?

SS: [Laughs] No. No, I think any public interest attorney that really is doing a good job in what they're doing could probably more than double their salary working for a large firm, or working in a private practice setting.

DH: Why, then, don't they? Why don't you?

SS: Well--I guess it just comes down to there's an awful lot of things to a job more than money. You need enough, obviously, to get by. And Legal Services

attorneys make enough to get by. I mean, it's not--I'm certainly not saying that any of us are poor. I mean, we have good jobs, we get good regular pay checks coming in.

But it's--the feeling of doing something good--and I don't mean to sound too altruistic or too righteous about it. But I mean, it's like--just the feeling that you're doing something with your knowledge to help other people. Doing something that needs to be done is just an incredibly rewarding experience. And after experiencing that, to just go and work for a firm where what you're working for is to bring home more money, I think, would feel a little shallow.

Also, I think the people that are involved in public interest law are a lot of fun. It's--it's a lot more laid back legal community, I think, than most corporate law settings. There's some real good people to work with, and that makes a big difference in any job. Your co-workers can just make or break a job situation.

Plus, I think right now my work at FLAG here has probably been the most exciting work that I could have done anywhere, as far as the issues that were presented, being on the cutting edge of the law. Just being right out there, where things are happening legally. Even as, you know, aside from any of the do-gooder type feelings about it, it's just exciting. It's an exciting place to be in law.

DH: And that's because of the farm crisis created a lot of these conflict situations you mentioned at the beginning of the interview?

SS: Uh-huh, yes. Definitely, definitely that. A lot of the farm crisis litigation, a lot of the changes that we like to think that we have helped to bring about in lending practices, that's real exciting.

Plus just the whole idea of the specialty area of law. I think that getting again back to the area of agricultural law as a discipline, and as a discipline that spans more than just financial areas, but also gets into environmental areas, into tax issues, into all kinds of other issues, it's real exciting to have the

luxury of being able to specialize, and to really learn what's going on in ag law. And there is just a lot of change across the board.

Getting back to the women lawyers issue too. It's a lot of fun to practice with as many good women attorneys as are in the FLAG office. I have just a lot of good feelings about that.

DH: Are there five?

SS: Well, let's see. There's Juliette and Lynn and Randi and myself.

DH: Four.

SS: Yeah.

DH: Out of six attorneys.

SS: Uh-huh. And I--it seems like in most places where I've worked, I've always been in the minority. [Laughs]

DH: Does that create a different feeling in the office?

SS: I think it does. It's hard to put your finger on exactly what it is, because in a small office like this, each person's individual personality makes such an impact on the office. So you kind of lose track of what is just personality or what is a male-female thing.

But I think that women do bring a little bit different perspective to the law, that somehow, in a kind of unquantifiable sense, is something that I'm very comfortable with. And I think that it's very good for the practice of law in general.