



KUTAK
ROCK^{LLP} **Presents**

Current Issues in Agribusiness

*A Complimentary CLE Seminar
for In-House Counsel and All Agribusiness Stakeholders*

CLE approval pending in AR, CO, IA, KS, MN, MO and NE

Tuesday, August 30, 2016

12:15 p.m. - 4:15 p.m.

Kutak Rock, 1650 Farnam Street, Omaha, NE 68102

RSVP by Tuesday, August 23: online at www.KutakRock.com/2016AgCLE
or contact Kathy Rose at Kathy.Rose@KutakRock.com, or call (402) 346-6000

Register Online: www.KutakRock.com/2016AgCLE



Agenda

12:15 p.m. Central Lunch and Registration

12:45 p.m. *Keynote Address*

U.S. Congressman Adrian Smith (3rd District, Nebraska)

Congressman Adrian Smith will address a variety of issues relevant to agricultural policy, including the current Farm Bill, the compromise bill passed by Congress on genetically modified organism (GMO) labeling, and policy issues related to agricultural trade.

1:15 p.m. *Ag Credit and Banking Update*

Jeffrey T. Wegner (Partner, Kutak Rock), Shane Frahm (VP Agribusiness Credit, Farm Credit Services of America) and Thomas Jensen (SVP and Division Manager, Agribusiness, Correspondent Banking and Renewable Fuels Departments, First National Bank of Omaha)

Kutak Rock senior partner and creditor's rights attorney Jeff Wegner will lead a discussion with banking executives Shane Frahm and Thomas Jensen regarding agricultural credit and lending. The panel will address current agricultural issues relating to credit and banking and anticipated issues relating to production, prices and credit for the 2016-2017 crop year. Mr. Wegner also will provide an update on agricultural bankruptcy issues and developments in ag credit in light of the challenging agricultural economy.

2:15 p.m.

Break

2:30 p.m.

Agricultural Law and Regulation Update

Brian C. Buescher (Partner, Kutak Rock)

Brian Buescher, Kutak Rock partner and leader of the firm's Agriculture Litigation Group, will provide an update on developments in agricultural law and the government's regulation of agriculture. Mr. Buescher will discuss the status of the proposed EPA Waters of the United States rule, the status of GMO corn litigation, challenges to agricultural practices in confinement facilities, final rules issued under the Food Safety Modernization Act, new regulations on drones used for agricultural production, the National Organic Program and its impact on organic production, and new developments on regulation of farm equipment repair under the Digital Millennium Copyright Act, among other issues.

3:15 p.m.

Firearms Regulation Update and What You Can and Can't Do on Your Agricultural Land

Joseph O. Kavan (Partner, Kutak Rock)

Joe Kavan, senior partner, member of Kutak Rock's agriculture practice group and leader of the firm's firearms practice group, will lead a discussion regarding current firearms law. He will address the use of gun trusts, law related to the use and storage of firearms on agricultural land, and issues to keep in mind when considering hunting leases and allowing hunting on agricultural land.

3:45 p.m.

Addressing USDA Violations

Dr. Michael Fisher (food safety consultant and former USDA official) and Amy L. Van Horne (Partner, Kutak Rock)

Food safety consultant Dr. Fisher and Kutak Rock partner Amy Van Horne will present an overview of best practices for dealing with state and federal regulatory agencies. Their session will include discussions regarding where an inspector's authority starts and ends, how to evaluate USDA Food Safety and Inspection Service (FSIS) non-compliance reports for potential appeal, how to prepare an agency appeal, and how to more effectively address an agency to ensure concerns are properly addressed.

4:15 p.m.

Closing Reception

Register Online: www.KutakRock.com/2016AgCLE

Presenters



Congressman Adrian Smith represents Nebraska's Third Congressional District, which is one of the geographically largest congressional districts as well as the top-producing agricultural district in the country. As founder and co-chairman of the Modern Agriculture Caucus, he spends a significant portion of his time addressing agricultural issues. Congressman Smith also sits on the powerful House Ways and Means Committee and its subcommittees on Trade, Health and Social Security.



Jeffrey T. Wegner, a senior partner, concentrates in the representation of creditors in bankruptcies. He has represented clients in bankruptcy courts in more than 47 jurisdictions in cases involving a wide range of transactions, including commercial real estate financings, asset-based lending and real estate and lease financings, and executory contracts. In addition, he has represented entities making acquisitions through bankruptcy proceedings as well as post-petition lenders. He is actively involved in structuring lending transactions through the use of bankruptcy-remote vehicles.



Shane Frahm is Vice President Agribusiness Credit at Farm Credit Services of America/Frontier Farm Credit, where he focuses on the Beef, Swine, Dairy, Poultry and Agribusiness sectors. Previous roles include Vice President Credit and Resolutions, Agribusiness Relationship Manager (specializing in renewable fuels), Credit Leader and Financial Officer. Frahm grew up on a row crop farm in south-central Nebraska and is still a partner in that operation. He received his bachelor's degree from the University of Nebraska, a master's degree in Agricultural Economics from Purdue University and an MBA from Indiana University. Frahm recently led a cross-functional team focused on managerial accounting, inventory tracking and benchmarking for producers.



Thomas Jensen, Senior Vice President at First National Bank of Omaha, is head of the Agribusiness, Correspondent Banking and Renewable Fuels Departments. Managing a portfolio of over \$1.3 billion, Jensen and his teams are committed to growing the success of their customers through long-term relationships and entrepreneurial spirit.

In banking since 1978, he joined First National Bank in 1984 as a Senior Administrative Representative. He was promoted to Senior Agricultural Lender in 1993, Department Manager in 2002 and has played an instrumental part in increasing the Agribusiness portfolio from \$55 million in 1987 to more than \$1 billion today.

Jensen holds a bachelor's degree in Business Administration from the University of Nebraska at Omaha. He has served on the Nebraska Independent Community Bankers Board of Directors, and the Knights of Ak-Sar-Ben Board. Currently he is on the Duchesne Academy Boards and CattleFax board. Jensen also has served as a member of the Nebraska Cattleman and National Cattleman's Beef Association.



Brian C. Buescher leads the firm's agribusiness litigation team and represents local and national clients in general commercial litigation. He represents some of the largest agribusinesses relating to disputes involving real estate, state and federal regulation, environmental concerns, food products, railroad and transportation issues and contract disputes, among other matters. Mr. Buescher also represents a variety of small or medium agribusiness entities and individual farmers, ranchers or operators with regard to various disputes and advice relating to agriculture. He also has experience in the area of solid waste disposal and the environmental considerations relating to this industry. Mr. Buescher also works on government relations matters in Nebraska at the state and local level. He has served as lead counsel representing an agribusiness client in a large commercial arbitration.

Register Online: www.KutakRock.com/2016AgCLE



Joseph O. Kavan, a senior partner, is a member of Kutak Rock's Agribusiness Practice Group and the founder and chair of the firm's National Firearms Practice Group. Mr. Kavan has a deep understanding of the statutes, rules, regulations and interpretations of the National Firearms Act, the Gun Control Act of 1968, the Arms Export Control Act, the International Trafficking in Arms Regulations (ITAR), the National Instant Criminal Background Check System (NICS) Regulations and state laws and local ordinances and their application to firearms dealers, gunsmiths, manufacturers of firearms and ammunitions and firearms importer and exporters. He represents entities involved in the firearms industry in their licensure, regulation, structure, organization, financing and ongoing compliance.

Mr. Kavan regularly interacts with state and federal regulators including the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), U.S. State Department, U.S. Department of Commerce as well as the offices of various states' attorneys general and local enforcement authorities. He is well versed in firearms regulation and licensure as well as acquisition, disposition and financing of entities involved in the firearms industry and regularly advises and assists entities and individuals involved in structuring and financing transactions in the firearms industry.



Dr. Michael Fisher (retired U.S. Army Col.) is a food safety consultant focused on small and very small federally inspected meat and poultry establishments. Dr. Fisher retired from USDA, FSIS after more than 30 years, where he participated in the implementation of the Pathogen Reduction/HACCP Rule, HIMP, EIAO, DVMS and PHIS programs, as well as the development of E. coli O157:H7, BSE and humane slaughter policies. His military experience involved implementation and management of food service sanitation and subsistence inspection programs in domestic and overseas environments. His primary area of interest is promoting the rule of law within FSIS. Dr. Fisher is a graduate of Iowa State University and the U.S. Army War College. He has graduate degrees in pathology and strategic studies.



Amy L. Van Horne practices in the areas of products liability, personal injury, wrongful death, trucking accident defense and general commercial litigation. She has experience in defending food products claims across the supply chain. She also has extensive experience in managing products liability defense, both in the lead trial counsel role and in supervising litigation handled by local counsel across the United States. Ms. Van Horne helps clients create policies and procedures related to crisis planning and communication to ensure a prompt and appropriate response to unexpected events. She advises clients on compliance with FDA and USDA regulations and food product market withdrawals and product recalls. Ms. Van Horne also advises clients regarding disputes before industry self-regulatory entities such as the National Advertising Division of the Council of Better Business Bureaus (NAD) and the Children's Advertising Review Unit of the Council of Better Business Bureaus (CARU). She also dedicates a substantial portion of her practice to mediation and alternative dispute resolution.