



Agricultural Mediation Program

Background

The U.S. Department of Agriculture's (USDA) Agricultural Mediation Program helps agricultural producers, their lenders, and other persons directly affected by the actions of USDA resolve disputes. Through mediation, a trained, impartial person (mediator) helps participants review their conflicts, identify options, and agree on solutions.

Mediation is a valuable tool for settling disputes in many different USDA program areas. These include farm loans, farm and conservation programs, wetland determinations, rural water loan programs, grazing on national forest system lands, and pesticides. The program, reauthorized by the United States Grain Standards Act of 2000, is administered by USDA's Farm Service Agency (FSA).

How Mediation Works

Persons disputing USDA actions that directly affect them are offered the opportunity to request mediation services as part of the Department's informal appeals process. However, parties must request mediation before an appeals hearing is held with USDA's National Appeals Division. USDA customers may accept or decline the offer to participate in mediation.

If mediation is requested, FSA mediation officials suggest steps participants should take to prepare for mediation. Mediation officials then assign one or more mediators to the case. Participants may accept or eliminate these mediators. Once a mediator is accepted, all potential parties are advised that a mediation process is underway and given a chance to participate.

The mediator schedules a time and place to meet that is convenient to all parties. Mediation length can vary from a few hours to several days, depending on the complexity of issues and the number of participants. If an agreement is not reached, the case is closed and all parties remain free to pursue other available administrative appeals or legal actions.

Mediation services can also include counseling and financial analysis to prepare parties for the mediation session. These services are performed by USDA staff. In addition, many states provide mediation training and consultation services for producers, lenders, and USDA agencies.

Mediators

Unlike a judge or arbiter, a mediator has no decision-making authority, but is there to help participants resolve problematic issues and settle disputes. Successful mediation

is based on the cooperation and involvement of all participants.

Mediation Benefits for Lenders and Borrowers

Successful mediation benefits participants in the following ways:

- Mediation may settle disputes within a participant's financial means, providing a low-cost alternative to appeals or to often expensive litigation and bankruptcy.
- The program may reduce stress caused by lengthy litigation. While it can take years for a case to filter through the courts, mediation generally takes only a few meetings to complete.
- The program has a high success rate of 73 percent and is well supported by government officials and community leaders.
- Mediation is confidential. Documents are not used for any other legal action against the participants.
- Mediators can also provide referrals for producers and lenders and informally discuss with them issues or concerns.

Mediation Cost to Participants

Some states charge mediation participants a nominal fee. As fee amounts vary from state to state, please check with your local FSA office.

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State Mediation Program Contacts

Certain states have a certified mediation program. This means that, at the request of the Governor, FSA has helped the state develop a mediation program authorized or administered by a state government agency or by the Governor. When mediation services are needed in a non-certified state, FSA contracts with a reputable mediator in the general public. A list of certified states and their mediation contacts are provided below. If your state is not listed, please contact your local FSA office.

Alabama

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Alabama Department of Agriculture and Industries
P.O. Box 1554
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Arizona

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Arizona Rural and Finance Training Program
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Arkansas

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Farm/Creditor Mediation Program
Arkansas Development Finance Authority
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E-Mail: rjohnston@adfa.state.ar.us

California

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Common Ground: Center for Cooperative Solutions
UC Davis Extension
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Colorado

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Florida

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Florida Cooperative Extension Service
University of Florida
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Gainesville, FL 32611-0210
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Idaho

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Illinois

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Indiana

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Iowa

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Iowa Mediation Services
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Kansas

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Louisiana

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Louisiana State Agricultural Media-
tion Program
Southern University Law Center
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Maryland

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Maryland State Department of
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Massachusetts

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Massachusetts Office of Dispute
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Michigan

Laura Bassein
Michigan Agricultural Mediation
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State Court Administrative Office
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Minnesota

Rodney B Hamer
Farmer Lender Mediation Program
Director
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Missouri

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Nebraska

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Nevada

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New Jersey

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State of New Jersey Department of
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New Mexico

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New Mexico Cooperative Extension
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New York

Tom Buckner
NYS Unified Court System
State Office of Alternative Dispute
Resolution Programs
98 Niver Street
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North Dakota

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Service
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Oklahoma

Mac McCrory
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South Dakota

Shanon Nowell
South Dakota Agricultural Development
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Texas

D. Gene Valentini
Texas South Plains Association of
Governments
Dispute Resolution Center
1323 58th Street, P.O. Box 3730
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Utah

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Wisconsin

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Wisconsin State Farm Mediation
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Wyoming

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