

# MEDIATION MINUTE

NORTH DAKOTA DEPARTMENT OF AGRICULTURE

Spring, 2007

## Non-farmers now eligible for some mediation

The North Dakota Agricultural Mediation Service (AMS) will be able to offer assistance to any North Dakota resident adversely affected by decisions of United States Department of Agriculture, as of Aug. 1, 2007.

House Bill 1341, passed by both houses of the 2007 Legislature and signed by the governor, allows any North Dakota citizen who is eligible for mediation with a USDA agency to request mediation with AMS.

The legislation was sponsored by Reps. Chris Griffin, D-Larimore; Shirley Meyer, D-Dickinson, and Jerry Uglen, R-Northwood, and Sens. Arthur Behm, D-Niagara; Robert Erbele, R-Lehr, and Ryan Taylor, D-Towner.

“This means people with rural housing loans who have a dispute with USDA Rural Development can request

mediation from AMS,” said Agriculture Commissioner Roger Johnson.

Testifying before the House Agriculture Committee, AMS Administrator Tom Silbernagel said that federal regulations already provided that mediation services were available for anyone in a dispute with USDA, but that state law said such services were available only to farmers.

AMS is one of about 33 state mediation programs certified by USDA. Originally enacted to address only agricultural credit disputes, the program was expanded in 1994 to include other issues, such as wetland determinations, conservation compliance, rural water loan programs, crop insurance, grazing on National Forest Service lands, pesticides and others. AMS is funded in part by a 70 percent federal matching grant.

## Administrator's corner . . .

As a general rule, all statements made by parties during the course of mediation are confidential and are not to be disclosed by the mediator outside the mediation sessions. (North Dakota Century Code 31-04-11).

Typically, anything said or admissions made during mediation are not admissible as evidence nor may disclosure be compelled in any subsequent legal proceeding unless:

- Such statement relates to a crime, civil fraud or a violation;
- The evidence relates to a breach of duty by the mediator;
- The validity of the mediated agreement is in issue;

- All persons who conducted or otherwise participated in the mediation consent to disclosure; or
- If the parties talk about issues or facts that were open to discovery outside of mediation.

Producers or others considering formal mediation with the North Dakota Agricultural Mediation Service should be assured that our field staff receives top notch training and is required to take the issue of confidentiality very seriously.



Tom Silbernagel

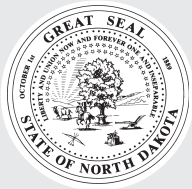
## Silbernagel to attend mediation meeting

Tom Silbernagel, administrator of the North Dakota Agricultural Mediation Service, will participate in the annual meeting of the Coalition of Agricultural Mediation Programs (CAMP), May 21-23, in Monterey, CA.

The agenda includes USDA presentations on the effectiveness of mediation and “dealing with difficult people,” an update on the CAMP Best Practices project and a business meeting.

Participants will also tour Salinas Valley farms, nurseries, greenhouses and packing facilities.

CAMP is made up of the USDA-certified agricultural mediation programs in 33 states.



## North Dakota Mediation Minute

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**Editor**  
Ted Quanrud

# Rain from nowhere

His cattle didn't get a bid, they were fairly bloody poor,  
What was he going to do? He couldn't feed them anymore,  
The dams were all but dry, hay was thirteen bucks a bale,  
Last month's talk of rain was just a fairytale,  
His credit had run out, no chance to pay what's owed,  
Bad thoughts ran through his head as he drove down Gully Road.  
"Geez, great grandad bought the place back in 1898,  
"Now I'm such a useless bastard, I'll have to shut the gate.  
"Can't support my wife and kids, not like dad and those before,  
"Crikey, Grandma kept it going while Pop fought in the war."  
With depression now his master, he abandoned what was right,  
There's no place in life for failures, he'd end it all tonight.

There were still some things to do, he'd have to shoot the cattle first,  
Of all the jobs he'd ever done, that would be the worst.  
He'd have a shower, watch the news, then they'd all sit down for tea  
Read his kids a bedtime story, watch some more TV,  
Kiss his wife goodnight, say he was off to shoot some roos  
Then in a paddock far away he'd blow away the blues.

But he drove in the gate and stopped – as he always had  
To check the roadside mailbox – and found a letter from his Dad.  
Now his dad was not a writer, Mum did all the cards and mail  
But he knew the writing from the notebooks that he'd kept from cattle sales,  
He sensed the nature of its contents, felt moisture in his eyes,  
Just the fact his dad had written was enough to make him cry.

*"Son, I know it's bloody tough, it's a cruel and twisted game,  
"This life upon the land when you're screaming out for rain,  
"There's no candle in the darkness, not a single speck of light  
"But don't let the demon get you, you have to do what's right,  
"I don't know what's in your head but push the bad thoughts well away  
"See, you'll always have your family at the back end of the day*

*"You have to talk to someone, and yes I know I rarely did  
"But you have to think about Fiona and think about the kids.  
"I'm worried about you son, you haven't rung for quite a while,  
"I know the road you're on 'cause I've walked every bloody mile.  
"The date? December 7 back in 1983,  
"Behind the shed I had the shotgun rested in the brigalow tree.  
"See, I'd borrowed way too much to buy the Johnson place*

*"Then it didn't rain for years and we got bombed by interest rates,  
"The bank was at the door, I didn't think I had a choice,  
"I began to squeeze the trigger – that's when I heard your voice.  
"You said 'Where are you Daddy? It's time to play our game'  
"I've got Squatter all set up, we might get General Rain.'*

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# Rain from nowhere

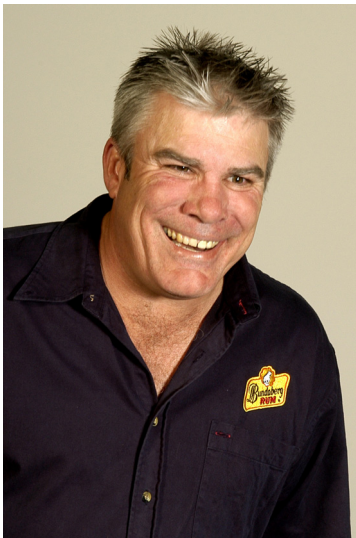
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*"It really was that close, you're the one that stopped me son,  
"And you're the one that taught me there's no answer in a gun.  
"Just remember people love you, good friends won't let you down.  
"Look, you might have to swallow pride and take that job in town,  
"Just 'til things come good, son, you've always got a choice  
"And when you get this letter ring me, 'cause I'd love to hear your voice."*

Well he cried and laughed and shook his head then put the truck in gear,  
Shut his eyes and hugged his dad in a vision that was clear,  
Dropped the cattle at the yards, put the truck away  
Filled the troughs the best he could and fed his last ten bales of hay.  
Then he strode towards the homestead, shoulders back and head held high,  
He still knew the road was tough but there was purpose in his eye.

He called his wife and children, who'd lived through all his pain,  
Hugs said more than words – he'd come back to them again,  
They talked of silver linings, how good times always follow bad,  
Then he walked towards the phone, picked it up and rang his Dad.  
And while the kids set up the Squatter, he hugged his wife again,  
Then they heard the roll of thunder and they smelt the smell of rain.

– Murray Hartin  
February 21, 2007



Murray Hartin

Australian bush poet (that's cowboy poet to us), storyteller, songwriter and journalist Murray Hartin was asked to provide a poem for a Salvation Army project to reduce the alarming number of suicides among Australian farmers and ranchers. "Farming is not just a job, it's a way of life, a tradition, and we just need to let the people out there know that they're not alone," says Hartin. "People care and talking about it helps. A simple conversation could make a lot of difference." *Rain from nowhere* has been widely reprinted in Australia and the U.S., and appears here with the kind permission of the author. More information about Murray Hartin is available at [www.murrayhartin.com](http://www.murrayhartin.com).

## Farm Rescue names producers to get planting assistance

Farm Rescue will help 12 family farmers sidelined by major injury, illness or natural disaster with their planting this spring.

Ten of the farmers are North Dakotans. One is in South Dakota and one in Minnesota. They include producers who have suffered broken bones, stroke, spinal surgery, brain tumors, cancer treatments, knee replacements and heart transplants, as well as farmstead destruction by a tornado.

Farm Rescue has the capacity to help 14 farmers with planting during the spring of 2007, but Bill Gross, founder and president of the non-profit organization, said the board of directors decided to reserve two slots for critical injury or illness cases that may arise during the planting season.

Farm Rescue's operations are made possible by volunteers and sponsoring businesses who support the tradition of family farming. Currently, 63 sponsors support the program, a 110-percent increase in the past year.

The most recent businesses to join as sponsors include Bremer Bank (all North Dakota locations), Cenex of Bismarck-Mandan, Dakota Central Telecommunications, Carrington; Farmers Union Co-op, Butte-Drake-Velva; Fred's Farm Supply, Edgeley; North Central Grain Co-op, Bisbee; Stan Puklich Chevrolet, Bismarck; Seeds 2000, Breckenridge, MN; Sign D'zyn, Minot; Superior, Inc., Kindred, and Walmart, Jamestown and Grand Forks and Aberdeen, SD.

For more information on Farm Rescue, including schedule changes, see [www.farmrescue.org](http://www.farmrescue.org).

*Suicide threat? Call 2-1-1 immediately?*

## Meet the staff

### Jim Mathiason

Jim Mathiason has been a mediator with the North Dakota Agricultural Mediation Service since 1989.

Prior to joining AMS, Jim was employed in the banking industry for 30 years. He has also worked in insurance and securities, and is a licensed real estate broker.

Jim grew up on the family farm near St. John and earned an associate of science degree in business administration at Minot State University-Bottineau.

Jim and his wife, Susan, have eight children and 14 grandchildren. In addition to spending time with his family, Jim's hobbies include yard and garden work, birdwatching and attending youth activities.

Jim believes the key to addressing the conflicts which result in the mediation process is communication, and he believes it is his responsibility to facilitate that communication.



Jim Mathiason

## 2-1-1 hotline ready 24-7

2-1-1 is an easy-to-remember telephone number that connects people with important community services.

Operated by the North Dakota Mental Health Association, the 2-1-1 program provides 24-hour access to information on basic services such as housing, food, health, and other human services.



Examples of the types of assistance by 2-1-1 are:

- Basic human needs resources
- Physical and mental health referrals
- Services for older Americans and persons with disabilities
- Community program resources
- Emergency service provider referrals
- Crisis intervention services, including suicide intervention, domestic violence, supportive listening, etc.

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