

# THE TEXAS RESOLUTION CONNECTION

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### TEXAS RURAL MEDIATION SERVICES™

What can we mediate?  
 Glad you asked!  
 The list is endless, but a few types of cases are:

- Compliance with Farm Programs: farm loan, crop, farm and ranch land protection, farm conservation
- Employment: employment discrimination, disputes with employer/employer
- Land Boundaries

Be on the lookout for more issues that may be mediated in future newsletters

## 25 YEARS STRONG: 2035 DREAM OR REALITY?

Written by D. Gene Valentini

Lubbock's Office of Dispute Resolution is 25 years old and counting. October 13, 2010 began our 25<sup>th</sup> year of operations. The journey from a concept paper and cubicle to being a department in Lubbock County was exciting. It makes you wonder where Lubbock will be in 2035, given all that has been accomplished during the last quarter century.

Starting from zero, the department is now approaching 4,000 inquiries and referrals per year from the ten Chapter 152 counties<sup>1</sup>. Dispute Resolution is also provided statewide through the United States Department of Agriculture (USDA) grant and other governmental entities utilizing our services. Trainings and workshops are also statewide. Office of Dispute Resolution has also established Lubbock County's Domestic Relations Office, expanding the array of services we are able to provide.



D. Gene Valentini- Director

(story continued on page 2)

## USDA FARM SERVICE AGENCY: FEATURED GUEST ARTICLE

### Plan Ahead for Federal Farm Program Participation Insure Program Eligibility and Timely Payments

By Juan M. Garcia, Texas State Executive Director, USDA-Farm Service Agency

Although most of Texas received snow and experienced subfreezing temperatures in the past few weeks, those of us involved in the agriculture industry know that before long, spring will be upon us.

Spring means planting and planting means planning.

Farmers know all too well the multitude of business decisions that must be made long before the first seed is planted - seed selection, fertilizer application, ground preparation the list goes on and on...

When planning for spring planting, don't overlook important decisions that must be made regarding federal farm program participation. Addressing these issues early will insure program eligibility and timely payments.

Following is a checklist of important Farm Service Agency (FSA), "housekeeping," items that producers should consider sooner rather than later:

- Producers should verify, with FSA, that their operations are the same as last year or notify us of any changes.

Operational changes of which FSA should be notified include picking up new ground or losing ground and adding or removing individuals from the operation. This operational information is required for FSA farm records and used by FSA to determine payment eligibility.

- Make sure all names and addresses of individuals associated with a farm or farms are current.

(Story continued on page 3)

## BULLYING IN TEXAS

Bullying is an issue that will be discussed during the current legislative session. At the request of school districts and others, Legislators have introduced bullying bills in response to the numerous media stories about bullying.

Who is responsible? This is one of the many questions Texas Legislators must deal with as the session progresses. The bills currently under consideration deal with the prevention of bullying and whom to hold accountable for incidents arising from bullying. Legislators have to consider all angles when deciding if a bill should pass or not.

Bullying can take many forms— from physical bullying, to the increasingly popular cyber bullying. According to the Department of Health and Human Services (DHHS), parents should watch for early warning signs to know if their child is being bullied so that early action can be taken to possibly prevent such tragedies. They also suggest to speak with the child and school staff if these signs appear. A few of the warning signs DHHS lists are: If the Child:

- Comes home with torn, damaged, or missing pieces of clothing, books, or other belongings
- Has unexplained cuts, bruises, and scratches
- Has few, if any friends, with whom he/she spends time
- Seems afraid of going to school, walking to and from school, riding the school bus, or taking part in organized activities with peers (such as clubs)
- Takes a long, “illogical” route when walking to or from school
- Has lost interest in school work or suddenly begins to do poorly in school
- Appears sad, moody, teary, or depressed when he/she comes home
- Complains frequently of headaches, stomachaches, or other physical ailments
- Has trouble sleeping or has frequent bad dreams
- Experiences a loss of appetite
- Appears anxious and suffers from low self-esteem

## 25 YEARS STRONG (CONTINUED FROM PAGE 1)

Uniqueness, Innovativeness and Phenomenon have all been used to describe our group from West Texas. The area now has the highest per capita usage of mediation in Texas and provides more public alternative dispute resolution services than any governmental agency in the state.

Departmentally, the relationship with the courts is also unique in Texas. The department is overseen by the Lubbock County judiciary and supported by the Lubbock County Commissioners Court. The Court authorized a total renovation of over 5,000 sq. feet of office space to accommodate the growing client base and 20 full and part time staff members. The Bar and the departmental advisory board members have all significantly contributed to the journey. Robert Wilson, a long time advisory board member and Chair, stated that “The Office of Dispute Resolution is a testament to how a vision becomes a reality and reality translates into an agency that works for the greater good of its citizens. I am extremely proud of the opportunity of seeing first hand how effective and professional this organization has become.” For Lubbock, the heroes are those who mediated in the 80s and 90s. If they had failed, 2035 would not be a possibility.

1. Texas Civil Practice & Remedies Code Chapter 152

## PUBLIC DEFENDERS PROGRAM

Capital Murder trials can be extremely expensive. A county preparing for a trial where a death sentence is possible must provide any indigent defendant with a lawyer. Research shows some of these trials can easily reach the million dollar range for the hosting county. Lubbock County may have the “life raft” many smaller less-populated Texas counties are lacking. Lubbock County is unique in many ways; for instance, it is home to the Regional Public Defenders Office.

This Lubbock County program is grant funded and according to Jack Stoffregen, the Chief Public Defender with the Regional Public Defenders Office, there are only 14 counties not eligible for services in Texas. The program eligibility is based on populations less than 300,000. An inter-local agreement between Lubbock County and a participating county can be created where the said county pays an annual fee based on population and likelihood of having a capital trial. This fee ensures that the Lubbock Regional Public Defenders Office provides the defense at its expense with the exception of any expert witnesses the defense might need.

In a recent interview, Mr. Stoffregen stated “It’s just a great concept. A lot of people thought of it as a money-saving concept. That’s really not the strong selling point for it. Out of the 125 counties that we’re representing, there may be 15 or 20 counties that have actually used our services and for those counties it saves them money.” The counties that have not used the services have the safety net of knowing the program is there if it is ever needed. Mr. Stoffregen also added, “We make sure and travel to every county in our region at least once a year and sit down and talk with the county judge and the commissioners. We take them a packet and tell them we hope we don’t see you until next year when we come deliver another packet. Without exception and uniformly, our county judges say this is the best thing we’ve ever done, it’s a great program, it’s insurance. And that’s exactly what it is, it’s insurance for them.”

## TEXAS WILDFIRE THREAT

According to the Texas Forest Service, the threat of wildfires to several communities in Texas is very real. Texas wildfires can be unpredictable and can turn into wind-driven freight trains in the blink of an eye. The state of Texas, particularly the western region, is experiencing unseasonably high winds, high temperatures and low humidity, causing concern for extreme wildfire danger. Based on current weather conditions, a wildfire can spread across the length of a football field in less than one minute. It’s important for the public to assess the fire danger in the area around them in order to make educated decisions on whether evacuation is necessary and what kind of threat is posed. Texas Forest Service urges citizens to take precautions and stay aware of local conditions. Some prevention suggestions are:

- **Avoid any outdoor activities that may generate sparks or open flames.**
- **Don’t park or drive in dry grass.**
- **Be sure there are no loose chains hanging from a moving vehicle that may make contact with the pavement.**
- **When welding, wet down your work area, keep a bucket of water and a fire extinguisher nearby, and post a fire watch.**
- **Clear combustible materials away from your home.**
- **Do not leave any fire unattended and ensure all fires are completely out (cold to the touch).**
- **Check current and forecasted weather before doing any outdoor burning.**
- **Don’t do outdoor burning of any kind until the threat of fire decreases and burn bans are lifted.**

## FARM SERVICE AGENCY (CONTINUED FROM PAGE 1)

Insuring FSA has the correct contact information on file is important for obvious reasons. FSA needs to be able to reach producers in a timely manner should additional decisions need to be made regarding an operation and in order to provide correspondence about new or updated programs.

- Notify FSA if ground has recently been brought into production or converted for any reason as wetland and highly erodible land (HEL) compliance provisions could be impacted by these activities.

Noncompliance with wetland and HEL provisions may result in forfeiture of federal farm program benefits. Similarly, producers should visit with the Natural Resource Conservation Service (NRCS) to confirm compliance with conservation plans as failure to adhere to these plans can also adversely impact program benefits.

- Make Direct and Counter Cyclical Program (DCP) and/or Average Crop Revenue Election Program (ACRE) selections on farms for 2011.

If a farm is already enrolled in the revenue-based ACRE program then that election stands for the duration of the current Farm Bill. However, if other farms are not currently enrolled in ACRE or if new farms have been acquired then DCP/ACRE decisions need to be made for these operations by June 1, 2011.

- Acreage reports for small grains (i.e. winter wheat) and subsequently all spring-seeded crops must be reported by the final crop reporting date.

Producers must file their reports accurately and timely for all crops and land uses, including prevented and failed acreage, to ensure they receive the maximum FSA program benefits possible. Acreage reports are considered timely filed when completed by the applicable final crop reporting deadline, which may vary from state to state. Prevented acreage must be reported within 15 calendar days after the final planting date and failed acreage must be reported before the crop is disposed or destroyed.

- Crop insurance coverage decisions must be made by the crop-specific, purchase closing date to insure eligibility for most FSA disaster program benefits. The Noninsured Crop Disaster Assistance Program (NAP) closing date of March 15, 2011 applies to most fruits and vegetables, annual seeded forage crops and other spring-seeded, non-insurable crops.

To be determined eligible for the various crop and livestock disaster assistance programs including the Supplemental Revenue Assistance Payment (SURE), NAP and related Risk Management Purchase Requirements (RMPR) must be met. And, although legislative authority for disaster programs expires in September 2011, insurance issues must be addressed to assure coverage for disasters that may occur in calendar year 2011.

- For Conservation Reserve Program (CRP) contract acres, producers must make sure that everyone who has an interest in the contract reports his/her own share.

Don't procrastinate. Address the items outlined in this article before heading to the field. At first glance, the "to do" list may seem overwhelming, but, Texas FSA's very competent staff members are ready and willing to make the process run smoothly providing producers with a positive business experience. Contact your local County Office or USDA Service Center for more information regarding program eligibility and related provisions or visit FSA online at [www.fsa.usda.gov](http://www.fsa.usda.gov).

## TRAINING CALENDAR

Dates and locations are tentative and subject to change.

### Basic Mediation Training

\*May 23-27, 2011 - Lubbock  
September 12-16, 2011 - South Padre  
March 5-9, 2012 - Ruidoso, NM

### Family Mediation Training

October 18-20, 2011 - Ruidoso, NM

### Mediator Continuing Education LUBBOCK

April 16, 2011      November 5, 2011  
September 24, 2011      December 10, 2011

### Health Continuing Education

September 8, 2011 - Abilene  
December 15, 2011 - New Braunfels

### 5th Annual Health Care Symposium

October 6, 2011 - Lubbock

### Estate and Transition Planning CE

April 21, 2011 - Victoria  
October 27, 2011 - Sherman  
December 1, 2011 - Harlingen

### SBOT Ag Law Seminar

May 19-20, 2011 - Lubbock

### Juvenile Justice Symposium

June 2, 2011 - Lubbock

### Water in Texas Workshop

(TBA) - Nacogdoches

To register, please contact  
[drc@co.lubbock.tx.us](mailto:drc@co.lubbock.tx.us)

To view updates and other useful information,  
visit our blog at

[www.TexasMediationTraining.blogspot.com](http://www.TexasMediationTraining.blogspot.com)  
or website:

[www.co.lubbock.tx.us/drc/training.htm](http://www.co.lubbock.tx.us/drc/training.htm)

\* Registration restrictions apply

NOTE: Reciprocal Continuing Education Credit available for other professions

## TEXAS FSA STATE COMMITTEE MEMBER (WRITTEN BY FSA)



Jerry Don Glover of Muleshoe has over 45 years of experience in Agriculture policy and is a third generation farmer. He is also the presidentially appointed Chairman of the five-member Texas Farm Service Agency (FSA) State Committee. The State Committee oversees delivery of FSA's conservation, crop and livestock disaster assistance, farm credit and commodity programs, resolves appeals from the agriculture community, and keeps Texas producers informed about FSA programs. According to Glover, "FSA issued over 1.6 billion dollars in federal farm program payments to Texas farmers and ranchers in fiscal year 2010, the State Committee provides a much needed system of checks and balances to insure that the administration of our programs is consistent and fair across county lines."

Other members of this committee include:

- Debra Barrett of Edroy is a fourth generation cotton and grain sorghum farmer.
- Armando Mandujano of Coyoanosa partners in the family operation that consists of 4,000 acres producing watermelons, cotton, onions, pumpkins, and peppers.
- Wesley Ratcliff of Oakwood has been involved in agriculture for most of his life, and has owned and operated his current ranch for over nine years.
- Glen A. Rod of El Campo owns and operates a row crop, rice and turf grass operation.

"I am proud to be Chairman of a committee comprised of individuals who have the producer's best interest at heart," said Glover. "We work very closely together, represent a cross-section of the state's agricultural industry and there are absolutely no personal or hidden agendas." Glover describes his last two years as Chairman of the FSA State Committee as a "humbling" experience. "Our biggest challenge as a committee has, and will continue to be, managing an extremely tight budget. We need to provide for our 188 county offices so that they can, in turn, provide the high quality of service our customers deserve and have come to expect from FSA."

For more information about FSA administered programs, visit [www.fsa.usda.gov](http://www.fsa.usda.gov)

## MEET THE STAFF



Howdy, My name is Harrison Hill and I'm the Assistant Director for Education and Training for the Office of Dispute Resolution, a position I've held since joining the office in January 2010. I administer a variety of different trainings and other continuing education events in Lubbock and around the state. I have two little girls, an eight year old German Shepherd mix named Roxanne, and a seven year old Border Collie mix named Bailey. They are my pride and joy, and I don't know what I'd do without them. I'm from Levelland, so I'm West Texas born and raised, and I know I never want to leave. I graduated magna

cum laude from Texas Tech University in 2005 with a B.A. in Political Science, and received a J.D. from Tech Law in 2009. In my time away from the office I love to hunt, fish and be outdoors if I can. I like to fish both fresh and saltwater, but if I had my choice I prefer fly fishing a cold mountain stream. Similarly, I'll hunt anything that gives me a chance, but it's hard to beat the opening morning of dove season. I also love almost all sports, whether it's playing or watching.

The Office of Dispute Resolution is in the process of providing The Texas Resolution Connection newsletter by email to all our readers. If you would like to receive this publication by email you can submit your contact email address to [drc@co.lubbock.tx.us](mailto:drc@co.lubbock.tx.us). This publication is funded in part by USDA- an equal opportunity provider and employer.

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*“Dispute Resolution strives to provide a competent, effective alternative resource for the resolution of disputes.”*

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