

Farm Family Transition Mediation Program of the Kansas Agricultural Mediation Services

KAMS Background:

Since 1988 the Kansas Agricultural Mediation Services (KAMS) has served the Kansas agricultural community as the official USDA certified state agricultural mediation program. Administered by K-State Research and Extension at Kansas State University, KAMS has helped resolve conflicts between borrowers and creditors as well as between various USDA agencies and program participants to whom USDA issues an adverse decision. In addition to mediation, low cost farm financial counseling and legal assistance is available to help parties prepare for mediation.

Farm Family Mediation Model:

In the course of our work we have found that farm families working through a transition or succession of the family farm operation often have conflict that gets in the way of making good business decisions in that process. Using our basic services, we have developed a model to help families better manage and resolve the conflict.

Mediators:

KAMS has several experienced mediators all approved by the Kansas Supreme Court Office of Dispute Resolution. Many of our mediators have more than 20 years of experience in mediating cases referred through our program, including family farm transition cases. The mediator is not a judge or arbitrator, but is there to help the parties reach an agreement among themselves. KAMS carefully chooses a mediator for these cases with appropriate experience, background and expertise to help families manage conflict and guide the discussions in a productive manner.

Resource Persons:

Farm Financial Analyst. In farm family transition mediation a farm analyst is often used for their experience and skills in helping parties understand the feasibility and financial impact of options to be discussed and the agreements reached at mediation. The analyst serves as a “neutral resource person” who is available to answer questions, analyze options, and provide objective realistic guidance for the whole family on the finances and farm management implications of the transition. KAMS uses the expertise of the K-State Research and Extension Farm Analyst Program specialists in this capacity.

Attorney. In farm family transition mediations it is also helpful to have an attorney available as a “neutral resource person,” like the farm analyst, to help answer general legal questions that arise in preparing for or during the course of the mediation. In the role of a resource person the attorney does not represent any party individually—they are there to provide guidance to the family as a whole. Parties may still have a private attorney for legal advice specific to their individual situations. KAMS welcomes having attorneys as part of the mediation if parties wish to have them there. The

attorneys who act as a legal resource person are with the KAMS Farm Mediation Legal Counseling Program through the Kansas Legal Services, Inc. organization.

Mediation Process:

All parties must agree to participate in the mediation process and certain paperwork must be filled out and signed to start that process. One of the parties needs to send KAMS a written request for mediation. After the written request is received paperwork is then sent out to be signed and returned, including an Agreement to Mediate and an Overview Questionnaire.

The Overview Questionnaire asks for an summary of the issues facing the family, the goals you would like to accomplish in the mediation, and a list of other family members or key individuals that need to be involved. Each of the other participants will be invited to the mediation, and asked to sign an Agreement to Mediate and to fill out an Overview Questionnaire. The Overview Questionnaires are given to the mediator in advance of the mediation session for background purposes.

Once all the paperwork is received back from the participating parties, a mediation will be scheduled. KAMS sets up the time, place and location that is convenient for the parties. We choose a “neutral” location where there can be privacy but not a place where some of the parties would feel intimidated. Sites include churches, Extension offices, libraries, courthouses, or other places with a private conference room. The mediator, along with the resource persons, then convenes a mediation with the parties to work through the issues that need to be resolved.

Costs:

The costs for a farm family mediation through our program would include the following: 1) the mediator fee would be \$43 per hour for time spent preparing for mediation, conducting the mediation session, writing up the agreement, and travel time; 2) mileage at State rate for the mediator’s travel; 2) a farm analyst resource person would charge \$200 plus mileage for the mediation session, and \$450 for FinPack analysis if needed; 3) a legal resource person would charge \$50 per hour.

We encourage all the parties to call and visit with us about the process. They may call us on our toll free number 1-800-321-3276 which is good nationwide.

Kansas Agricultural Mediation Services

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