



# FARMING AND THE LAW

By Seymour I. “Spence” Toll

**H**arvest season stirs memories of when I was a Pennsylvania farmhand. I worked on Whitford Farm between Exton and Downingtown, and my half-year of farming there was in 1942 when I was 17. At that time Philadelphia’s Central High School had two graduating classes a year – mine was the 177th class that graduated in January 1942. My late, beloved brother Al (CHS 167th), a chemistry major at Penn State, had learned that agricultural biochemistry was a promising new field in which Cornell had special academic strength. I applied there and was admitted on the condition that I had six months of farm experience. Because I graduated in January there was time to get that experience. Thanks to our dad’s business, I got it.

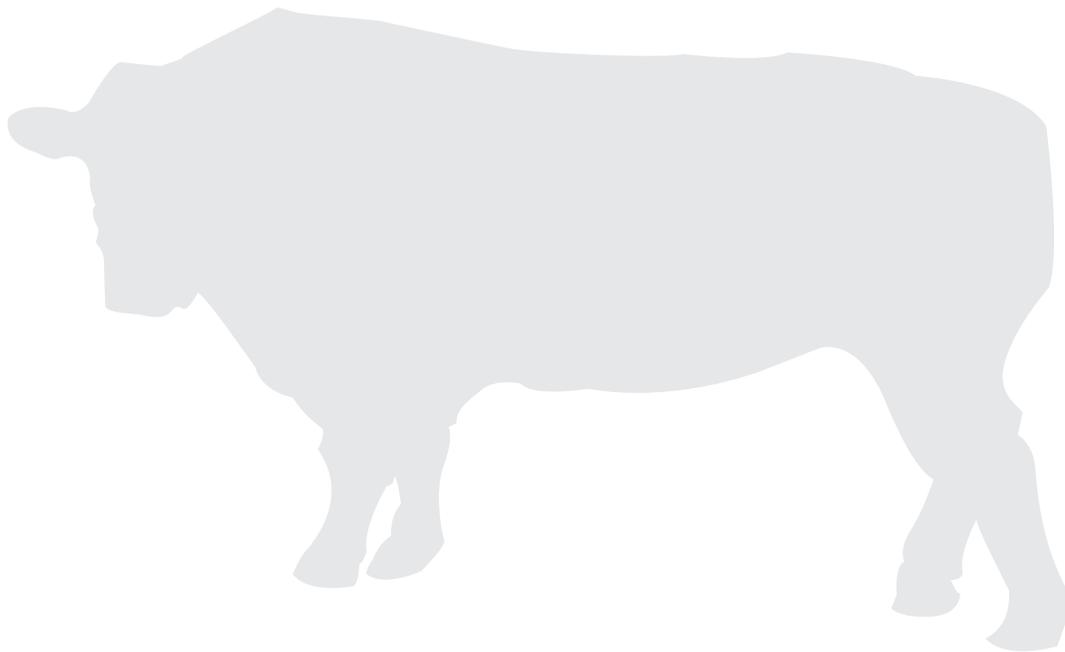
Dad (and eventually brother Al) owned the Philadelphia grain firm of S. F. Scattergood & Co., Inc. whose office for many years was in the Bourse Building. The firm bought carloads of grains such as wheat and oats in the Midwest and Canada and sold them principally to eastern Pennsylvania feed dealers who mixed and sold them to farmers raising dairy cows and other farm animals. Scattergood had a salesman based in Downingtown who quickly scouted a job opening in nearby 200-acre Whitford Farm that had a herd of purebred Guernsey cows as well as crops. That’s how I became a warmly welcomed, hard-working farmhand and then a Cornell freshman.

Following that college year and two years in World War II Army service, I transferred to Yale College, graduating in 1948 and from Yale Law School in 1951. Although I never

again worked at farming, occasional memories of it throughout my legal education and career sparked offbeat suggestions about lawyering. For example, much of the academic language in the first year of law school was often confusing or incomprehensible. That reminded me of a comparable early moment in my dairy farm education.

At the then all-male Central High, a rite of passage in the senior year was a maiden (no pun) voyage to the “Troc” at 10th and Arch which was a burlesque theatre starring nationally prominent striptease artists. That’s why, when my farm boss pointed to a cow he asked me to “strip.” I thought stripping was garment removal, but that cow was already undressed. Confessing confusion, I learned it meant hand-milking the balance that a milking machine failed to remove.

Being awakened before dawn seven days a week to do farm



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work made it seem comparatively easy in lawyering years to be on time for office morning appointments and trials on weekdays. Carrying a lawyer’s briefcase was kid’s stuff compared with handling bales of hay, sacks of feed and large cans of milk.

After each twice-a-day milking I had to wash all the equipment and have it ready for the next milking. That was a reminder of an analogous task with the often-chaotic mix of notes and documents I accumulated by the end of a trial day. Back at the office I had to clean up that mess and organize whatever would be needed for the next trial day. To work effectively, preparation is essential for dairy farmers, lawyers and the rest of us whether we are fishermen or firemen.

After milking each cow, we kept a written record of the amount it produced. Along with that essential bit of information, our close dealings with the cows disclosed that each behaved with recognizable differences. Knowing that was very helpful in handling them competently. Although clients, lawyers, judges and others involved in the practice usually have little in common with dairy cows, that kind of detailed knowledge develops skills a lawyer needs to deal with them effectively.

An essential dairy farm task is collecting manure and using it productively. At every milking our cows were put in rows of about 20 stanchions, a device fitting loosely around the neck of each cow that limits its forward-backward motion. In the floor beneath their rear ends was a gutter into which manure fell. After the cows had been milked and sent back to pasture I shoveled that manure into tubs that were rolled away and unloaded into an outdoor pile. I also removed manure from

a pen where we kept bulls for breeding purposes. While occasionally witnessing their breeding performances added a few more facts of life to my teenage knowledge, something else about bulls was much more instructive for lawyering.

As useful as knowing how to remove and collect that manure was knowing how to distribute it as fertilizer on our plowed fields whose crops included wheat, oats and corn. That’s what I used to do when I manually operated a manure spreader hauled by a tractor driven by a fellow farmhand. My agricultural experience taught me that manure belongs on farms; my lawyer’s experience taught me that it doesn’t belong in the practice, and bulls had a unique linguistic role in that instruction.

The widely used, sanitizing abbreviation of bull manure is “bs,” “b” for bull and “s” for the vulgar four-letter synonym. Whether it’s the full or abbreviated name, and whether used as a noun, adjective or verb, its distortions of truth irresponsibly befoul countless aspects of law practice. The bs of some bragging male lawyers can be more offensive than their smelliest after-shave lotion. Whatever their gender, bs lawyers may, for example, deceitfully spread it in closing arguments to juries, in correspondence, briefs, negotiations, claims and threats. Having been a 1942 farmhand who was fully familiar with its namesake, as a lawyer I’ve been endlessly reminded that it belongs in agriculture and never in law practice.

Nor anywhere else. ■

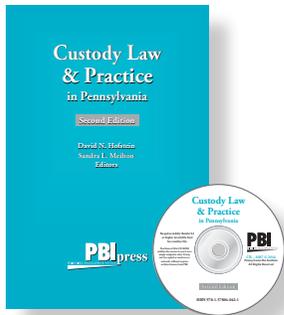
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*Seymour I. “Spence” Toll (SPENTOLL@aol.com) is an author and of counsel at Larsson & Scheuritzel.*

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