

Reprinted from

# HARTFORD BUSINESS.com

May 18, 2009

## Q&A

### Counsel To The Farmers

Douglas Dubitsky, chair of equine and agribusiness practice, Pullman & Comley

**Is equine and agribusiness an unusual practice group in Connecticut? Have other law firms embraced this idea since Pullman & Comley first announced it in March?**

There are very few attorneys in Connecticut who focus their practices on the equine and agriculture industries. I believe Pullman & Comley is the only firm of our size that has a practice group dedicated to serving the state's horse professionals.

**What was the genesis for this practice group? Are there equines and agribusiness in your past?**

I have lived and worked with horses and farm animals for many years. Many of my family and friends are also involved in raising, training and competing with horses. I'm a long-time member of the Connecticut Farm Bureau, and the Connecticut Horse Council. Many of my clients are farm owners, trainers, or competitive riders.

**How big is equine and agribusiness in Connecticut?**

Connecticut has long had one of the highest horse populations per capita in the nation. There are more horses in Connecticut than almost anywhere else in the Northeast. The equine and agriculture industry annually contributes billions of dollars to the state's economy, while preserving open space, forest, and productive farm land. The misconception that agriculture, including equine operations, is a small and insignificant contributor to the state's economy and well-being often confronts our clients' business operations in such ways as opposition to farm operations, unfriendly zoning and land use regulations, environmental complaints, etc.

**A lot of this seems to be basic land use law, from what it says on your firm's Web site. Why the need to focus specifically on agribusiness? What makes it so different?**

The use of agricultural land is a very important and often contentious issue, and includes statutory and common law regulations specific to farming. There was a time when the raising and training of horses was not considered agriculture. Many still do not recognize that the

operation of horse farms involves many of the same issues as does the operation of dairy or egg farms, but instead categorize horse farms more like non-agricultural commercial operations.

Understanding the farming operation, and framing the land use issues in terms of agriculture

instead of general commercial, or even industrial, activity will often be a large part of addressing land use issues.

But our equine and agribusiness practice encompasses much more than land use. Even farms that don't currently have land use issues with neighbors or regulatory authorities, will often have to contend with issues of loose animal liability, buying, selling, breeding, and boarding of horses and other large animals, and the agreements used for each. Our practice group is also intended to assist our clients on such equine-specific issues as equine liability waivers, stallion syndication, the import/export of horses, statutory liens, and farm labor issues, among others.

**So, you must get asked this a lot as a horse lawyer. Who's going to win the Preakness?**

I like rooting for the long shots. As I did at the Derby, I'll probably put it all on the nose of whichever horse nobody else wants, but that certainly should not be considered legal advice.

