

LAW WEEK

COLORADO

A Field Of Dreams



Attorney John O'Brien checks the quality of the corn growing on his farm outside of Denver. | LAW WEEK PHOTO & ILLUSTRATION MATTHEW MEIER

A Look At One Lawyer's Life Outside The Office

By **Meg Satrom, Esq.**
LAW WEEK COLORADO

ANTON, COLO. — Water tables. Tenths of inches of rain. Soil conservation and land in acres, not city blocks.

It's a vocabulary that's not unfamiliar to me — I spent many summers of my youth on a family farm in North Dakota — but it's not my daily vernacular. It's also not the vernacular of corporate boardrooms or most law firms. Yet these and other terms were the prominent topic of conversation when I traveled some 90 miles outside of Denver to visit a farm.

A lawyer's farm. A Denver lawyer's farm at that.

It's a trip that had been weeks in the making — a story I couldn't help but tell

— a farmer/lawyer, a lawyer/farmer. A man with a full career outside the law. And a way to learn more about that man and a part of the state I'd never seen before all tied into one. It was a trip I had to take.

And was it ever worth it.

Hot and dry

John O'Brien drives a truck well suited for a rancher or farmer. His GMC Sierra has carried him all over the country for his law practice — to pig farms in Nebraska and chicken co-operatives in Texas — yet in the past couple of years, that truck has with some regularity wheeled him to the same location in Colorado's eastern plains — his farm.

And it was our destination in early August, as we barreled down state Highway 36 leading east from Byers, or exit 316 off of Interstate 70.

The eastern plains of our state are similar to the western flats of Iowa, an area I drove through many times when I was in graduate school. And I had to remind myself more than once on this drive that this was unfamiliar territory.



An aerial view of John O'Brien's farm and surrounding areas, located approximately two miles outside of Anton, Colo. | IMAGE COURTESY GOOGLE MAPS

The wildfire damage helped me remember — fires ravaged areas of Washington County earlier this year. The conversation also helped — O'Brien is a man who knows his land. And this is an area that's been plagued by drought over the hot summer months — a fact that's not lost on this farmer, who's been practicing law for 26 years.

Most of the land on the eastern plains is dry farmed, he told me, meaning there's no planned irrigation or method for watering crops. Farmers, perhaps more so than any other group of people, rely on Mother Nature to provide. And for miles along this rural road, it's clear she's not been holding up her end of the deal.

It's painfully clear when we reach his land, which spans 2,000 acres and the road we're traveling.

As we make our way off the paved road and onto a gravel one, he starts to articulate the story of this acreage.

He bought three adjoining farms here — near Anton, Colo. — in 2009, and he's been working to get it under hand since then, using a longtime friend to help him in the day-to-day operations.

While this year produced a beautiful wheat crop, he said, the corn speaks for itself. Barely chest high where it was growing, but largely bent at its waist, humiliated in the heat. Shin high on average and missing ears. It's part of farming, he said, to deal with things as they come, to be patient.

And he certainly knows how to be patient.

A growing interest

O'Brien doesn't come from a long line of farmers. He largely grew up in Boulder County, but went to college on the East Coast — at the University of Vermont.

He attended Notre Dame for law school and then began working as an associate at what was then Moye Giles O'Keefe Vermeir & Gorrell.

Much of his early work was focused on agribusiness, he said. And as his experience grew, so did his interest in that practice. He told me about those early deals as we bounced around and through his property — noting areas that had been set aside as part of a federal conservation program and would soon be able to be farmed again.

The earliest deals he worked on were financings of livestock, and as O'Brien continued to see many of the same people over and over again, he made a move to partner with a few of them to become a cattle rancher in addition to financier.

That was more than 20 years ago, and he's been balancing ranching outside his practice since. (He also struck out on his own for a number of years with his own boutique agribusiness firm Kerr Brosseau Bartlett O'Brien, before he joined Snell & Wilmer as a partner in 2010.)

So while his law practice was growing, so was the number of cattle on his ranch. And the longer he had cattle, the more he realized it made sense to start farming as well.

The ideal way to ranch, he said, is to be vertically integrated, meaning the rancher can provide his own feed for the livestock, not have to pay for it. "You can control the cost of production by feeding from your own lands," he said. "You're selling into an expensive grain market at the same time you're buying from it."

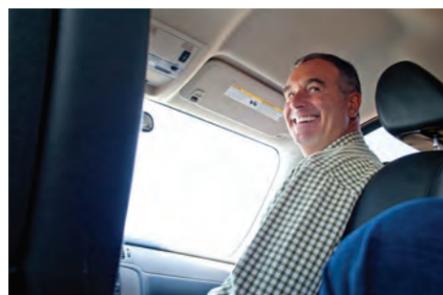
That's where this land comes in. This beautifully flat yet rugged land.

A labor of love

O'Brien had been looking to purchase acreage for a while, even putting in offers on a number of other properties. But these three farms, measuring 11 miles along their combined borders, were the right deal at the right time.

He knew people in the area, including the man who now helps run the land in O'Brien's absence. And one thing he was keenly aware of was not wanting to be a complete outsider to neighbors. So when the properties became available, he jumped at the chance.

In the past three years, the past 12 seasons, he's traveled here regularly to see and work the land. And the one thing I can



Clockwise from top left: A group of grain storage tanks on the 2,000-acre farm; John O'Brien discussing his drought-devastated corn crop; a panoramic shot of the farm, including some of the buildings; an up-close of one of the few ears of corn the farm has produced; O'Brien in his truck; and O'Brien's friend, Tammy Wurtz, surveys one of the areas that had a better production of corn. | LAW WEEK PHOTOS MATTHEW MEIER

tell as we bump along the property is how much he loves it.

There's the spot where he's letting the brush and growth stay intact so friends and acquaintances can hunt quail; the spot he regularly stops to have a picnic lunch, as we do; even the way he navigates over roads only he can see and the way he talks about his next steps.

Part of the adventure, he said, has been developing a complex plan to ensure the right crop rotation; finding ways to maximize moisture; working to create long continuous lines of plantings so the tractors don't have to turn around as often — huge pieces of machinery are most efficient when they don't turn.

And then there's the big picture. Adding more acres. Possibly following the grain

through its processing by owning storage facilities. All while continuing to pursue his other love, the law. (He hopes to practice for 50 years, he said.)

A pretty picture

O'Brien has equally divided his property into wheat, corn and fallow fields. It makes for a pretty picture, albeit one that would have been prettier had the corn performed.

Wheat, or prairie gold as some call it, is the state's only major food grain crop, and most of what is grown in the state, including on O'Brien's farm, is shipped overseas.

He produced enough last year to make 2 million loaves of bread, he said. And as additional acreage is transitioned out of a conservation program, that

number will only increase.

While this year was a strong one for wheat, the same cannot be said for corn. Drought has hurt more than just Colorado's farms — the corn crop nationwide has been devastated.

But that's one of the things O'Brien understands — he's got to roll with the punches like his neighbors do.

This year that means turning the corn over to become silage. It means taking a hit while planning for the next season — even planting winter wheat in the coming days.

And it means looking ahead, to the season after that. And the one after that. And if there's one thing I'm sure of after a day with O'Brien, it's that this man has a plan for those and more. •

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