

Jon Wainwright: All right. Today we're going to be talking with veteran lobbyist, Chris Micheli, and veteran legislative staffer, Erinn Ryberg.

We're going to be talking today about the different interactions between lobbyists and staff. How that very critical relationship functions in the California legislature. To start it off, I'm going to kick it over to Chris.

Let's just start at the beginning of the legislative process. What's the dynamic like when you're pitching a bill to a member or a member staff?

Chris Micheli: Sure, at the start of the legislative session, the first month and a half or so that they're back in session is the time to get bill proposals and find an author.

If we do a good job, we'll come early rather than in January. I think a lot of legislators and their staff are already developing their bill packages early in the process.

Almost as soon as the legislative session ends in the fall and the governor has signed or vetoed bills, good legislative staff, like Erinn, are already thinking about bill ideas.

If you get there too late, closer to the deadline, they may have already filled their bill package. Generally my approach is, even if I've got a meeting with the legislator himself or herself, it's always important to sit down with staff before that meeting. Let them know what you're thinking about. What you're going to pitch to their boss.

I think for a couple of reasons. First is if they like it, [laughs] they'll hopefully be an advocate for your bill proposal with their boss. Even more importantly than that, whether they like it or not, their boss is undoubtedly going to say, usually before but certainly after, "Hey, Erinn, what do you do think of that bill?"

The more information that I can get to Erinn about my proposal and why I think her boss is the right author for the bill, hopefully will help me, help her. [laughs] Of course, if you're successful in pitching that bill, then Erinn and I are going to working together throughout the legislative session on the bill. I really want to get off on the right foot with Erinn. [laughs]

She's going to be staffing my bill. Even as the sponsor of the bill who pitches it to her and her boss, she and I are going to have lots of interactions throughout the legislative process, whether it's dealing with supporters or opponents to the bill, the committee background sheet, if there are amendments. We'll be consulting regularly and all of that.

I think it's really important to get in early with the staff and to have those interactions. Hopefully, get her on my side.

Erinn Ryberg: [laughs] I think a lot of what you said Chris will go in to the other topics that we've mentioned as well, that relationship between the lobbyist and staffer, but I agree. Earlier is better because it gives me more time to research the bill idea of myself.

I learned very quickly on the job that you can't just take anyone at their word, not just lobbyist, other staffers, other committee members.

How I like to operate and think of how a lot of staff does it is we pitched, get the background and take our own time to read it, do our own homework, really find out if there is in fact no opposition or will there be opposition and just do my due diligence, then you'll present it to the member.

I think the hard part about coming early is we always want to save room for one's that could come later. It would be really nice if our ledge package is all rounded out by November. We know there's going to be that last man to fill that's going to come in and we go for a deadline that my boss is absolutely going to want to do.

Then we've already committed to all these other bills. If you come in early, that often means that you may not get an answer fast. Any good lobbyist is shopping it around to [inaudible 4:00] offices and not just putting all their eggs in one basket. If they are, then they tell me so then that way I can get them an answer sooner.

This is really especially the beginning of the year. This is what my day consists of, is lobbyist coming in and giving bill ideas. If they're good lobbyist, then they'll tell me why my boss should author this legislation.

It definitely depends on the member, but my boss, she's very particular at what we she authors and it has to fit into one of her three pillars.

I often tell people when they come into the office with the bill idea or coauthor the request to look at the three pillars and tell me how it fits into one of them because that's the argument I have to make to my boss. The only exception being district bills because that can't always go into the pillars.

From the very beginning, your relation, how the lobbyist comes to you. The start of your relationship will dictate how you guys work together throughout the process. Definitely agree with Chris and how you first approach it. It's definitely going to give indication to the staffer, how the interactions are going to be.

If you're doing sponsored bills or if an organization is the sponsor of a bill, then that means they're going to be working with the fact sheet and on letters of support. You want someone that's reliable and somebody that's promising to put in the work. Another I'm asking you to do if your boss chooses to author the bill.

One of the big distinction, obviously pitching bills and agreeing to introduce bills at the very beginning of the process. I want to go into another big part of the process, which is actually the legislative calendar.

When lobbyist come in on your bills, on other people's bills, on committee bills, there's a lot of other interactions and each are going to be approached with the same understanding and respect for each other. It's just different times in the process.

Normally, a lobbyist will come to me and lobby me on bills. One, it can either be pitching bill ideas, like Chris has just mentioned. It can in response to a bill that I have introduced for my boss, whether that support or opposition.

Committee bills, every member sits on a handful of committees and because it's a smaller environment, and it requires a different level of knowledge and understanding on a bill, and so it's important for the lobbyist to come in and talk to staff about those bills. Then finally, bills going to the floor processes as well.

Chris: Erinn, did your office have the staff handle a bill throughout the process? Some offices say, "Oh no, the staffer only handles appropriations or see this staffer from floor. Do you distinguish between committees and floor or if it's a subject matter say judiciary, you handle it throughout the process?"

Erinn: The latter, if it's in a certain subject matter that I handle, then I handle it through the whole process. The exception is our bills because we may have, especially since our bills are catered towards three pillars, there may be heavy in one side over the others.

I try to have my [inaudible 7:27] staff bills in policy in issue areas that they work on, but it's not always the case. For other issue areas, our office does divided up based on issue area and I'll staff it from the very first committee, whatever policy committee that is, all the way to the end of the process.

Chris: That's a great way to, I think, for the lobbyist as well because there's certainly...Some lobbyist do have a broad portfolio, many have clients just in select areas. For example, Erinn and I over the years have had a lot of interaction and say insurance or judiciary committee bills.

It's nice to be able to always have that continuity with one person. OK, I saw her from the insurance committee, now it's gone to apropps. Hey, I'm coming back to you because it's on the floor.

These are the amendments that were done, here's why our position has or hasn't changed as opposed to...She knows the subject matter really well. We've had interactions already because we started in that policy committee.

It's more difficult when it's a separate staffer for apropps committee [laughs] and maybe even a separate staffer for the floor. You think OK but the subject matter expert in your office doesn't have it anymore [laughs] and I'm seeing another staffer just because it has a physical impact even though no one really cares that it's got a physical impact.

It's really still the subject matter that...That's a good way of doing it.

Erinn: I've heard of offices doing it like that. I think, especially because like you mentioned there'll be amendments and negotiations, so you really do want to see a bill through, so you know where it came from.

We had our first meeting years ago. Since then, it's referring to a bill we've worked on before or, as I've started now that I'm entering my fourth in my capital, all the bills come back around, all the ideas come back around.

Chris: Not many new ideas in this place, right?

Erinn: [laughs] No. It's important in our office to follow the bill all the way through. If it doesn't make it through and it comes back the next year, then you want that same staffer ideally on that bill.

I think if you can divide the bills that we staff, it would be great to divide them up based on issue area and policy area, as well. Because it's the same people that you're working with, the relationships that you've already formed, the people you've already met.

Somebody taught me, early when I started working in the capital, that we're not trying to reinvent the wheel and I think that's the case. There's a lot of other people out there that know a lot more than me.

It makes everything easier if I can start 10 steps down and not with, "OK. Who do I need to reach out to? Who has this knowledge?" It does make a difference, especially for the appropriations committee. Most of the good bills have a fiscal analysis.

Chris: 80 plus percent go through it, exactly.

Erinn: The problem is if it's a get an amend and all of a sudden it all is throwing us for a loop and then we have to go back and change all our internal systems, change all the previous analysis and discussions that were done on that bill and then say the subjects have been changed. Somebody else is now carrying this.

It's always confusing, especially for new people, our interns especially. If they're looking they're like, "Well this bill has to do with the title says water, but the text says nothing to do with water." I'm like, "Well, you know, it's changed." kind of teaching them the process that way.

Chris: Erinn raised the issue of lobbying her on member bills, her bosses bills versus committee versus floor. I think our general interactions are going to be the same in the sense that my lobbying tactics may change. I think if we're supporting one of her bosses bills it's obviously a very easy conversation.

"Hey, maybe can I get a little bit more information. Hey Erinn, this client is going to support the bill, here's our interest." She'll probably share more things because we're on the same team. My client's supporting her bill. We'll talk about where the opponents may be. Are there any hurdles? What can I do to help?

If it's an important bill then there's probably going to probably be a lot more interaction, because I'm going to do whatever I can to help that bill. If we're going to oppose her boss's bill then we're probably going to request a formal sit down. A support bill of yours I might just drop by the office. "Hey Erinn, we're supporting AB123." "Oh that's great."

Very informal, casual, we're probably going to treat it a little differently if it's opposition. We'll probably call, schedule meeting and come in. Not that it's antagonistic, but it's, "Hey, we take this seriously." Your bill would adversely impact our client. She's going to want to know why, obviously. Why are you going to oppose?

Erinn: It's nice when I learn that prior to reading it in a letter.

Chris: Yes. Unfortunately, there are some in my profession who may not even come by the author's office and let him or her know, or certainly her staff, know. They may just show up in committee. Some people just drop letters. I've always been one that, hey, sometimes we're just going to have a philosophical disagreement.

In my first or second year of lobbying I'll never forget that there was a Silicon Valley legislator. I had a tech company and an aerospace company. This legislator, she carried a bill that we were sponsoring, but I also represented a national health plan's client. She was carrying a bill that they were adamantly opposed.

I kid you not, in one day, one afternoon, I went with her to committee to support our sponsored bill. Backed up, got the bill out and we walked together to another committee where I testified in opposition and it goes to show...On that other bill for another client. We maintained a good relationship even though the one client was adamantly opposed.

I've always been one who doesn't take things personally and that these are long term relationships. That was an example of where, at the same exact moment, we had a support and an oppose with the same author. It could be this year, clients only care about one bill and Erinn's boss is carrying a bill that we oppose.

Next year she may carry a sponsor's bill or a bill that we support. From my perspective, I've never been a slash and burn type of person because I know that we're going to work together. Pro and con your friend today is your opponent tomorrow but we're all professionals. I think both of us have learned that in law school.

Whether you're litigating in court or just in transactional practice, you could be on the same side, you could be on opposite sides.

In terms of the committee, for someone like Erinn who's got a lot of substantive knowledge in judiciary as a lawyer, etc., in committee bills we'll often get into greater depth in some of the bills than you might with other staff who handle the same committee.

I think that an interaction may be different between lobbyists and staff depending on their level of prior interactions. In other words, are they on friendly terms or they have been?

There are plenty of staff in the building, 2500 staff give or take, where I haven't had a chance to interact with this person. Then there's somebody who I've had years of interaction with that things are more comfortable. Even if we're on opposite sides we're still going to have a good friendly relationship and interactions with it.

Sometimes your pitch is different in a committee versus the floor. Plus, at floor time folks like Erinn are potentially looking at hundreds of bills. You probably want a two minute spiel and then it's like, "Chris, get out." What's your take on the interactions?

Erinn: Yeah. I agree and I think what you said first was correct. It all starts the first interaction that I have with a lobbyist. Right then and there I'll decide are they somebody that can come into my office unannounced and we can talk or are they somebody that we didn't get off on the right foot? That will affect our relationship from here on out.

It also depends...I agree with what you're saying that our interaction with the staff around your history or how well you know them. Also, the staffers knowledge in the area. As with any job there's good and there's bad staff and there's good and bad lobbyists.

I don't know how you do it going around to each different office, different staffers, because you are going to get different ones every time. I staff my boss on the judiciary committee and there's seven members on judiciary. That's seven different staffers that all want their information in different ways, all want to talk to you about it in different ways.

For me, my boss isn't an attorney, so the way you explain it to me⁵⁵⁶ as an attorney is very different from the way that I explain it to Christina who is not an attorney. It probably works in every profession, but really, your interactions dictate how much I care about your argument, how much I care about your bill.

You're right in what you said before. If a staffer likes it then that is a good step. I think a lot of lobbyists take it for granted. They just want to get time in with the member and they don't know that I have the member's ear.

If you're just pushing me aside to get to the member thinking that that's how you're going to get your vote, whether it's a yes or a no vote, I think in some offices that would work.

I feel lucky that I'm in an office that's not and that my boss actually wants my opinion on things, wants to know what other conversations I've had. If you just talk to her then she knows that that's not the only conversation and she does want to know everything.

Chris: Let me add, if I could, on that point. There are members of my profession who are folks who are like I want to see the member-only type thing. Which I don't think is wise on several fronts. First of all, most of us even in the lobby profession, started as staff.

I happened to work for a member of congress in DC and in the district rather than a California legislator, but staff for an elected official is very similar between congress and the legislature. I remember my very first job was as an intern and honestly how poorly [laughs] I was treated both by the staff of that legislator as well as people who'd come into the office.

It was like, "You're just an intern." I always thought to myself, "I'll never treat an intern or a fellow like that." I'm one who, whether it's the secretary, Nancy Coleman in your office. She's also the gatekeeper.

Erinn: I was going to say, she's the gatekeeper. My boss describes her as her boss.

Chris: Yes. She doesn't like you and, "Why can't I get an appointment with that legislator?" That might be one good reason. I think everybody deserves the same level of respect whether you're the assembly fellow for nine months or you're the chief of staff.

As Erinn was alluding to, in the end I can have as many conversations with her boss, but in the end she's going to have the final word. Every legislator doesn't take staff advice 100 percent of the time.

Having the last voice...Plus the other important thing and I always say this to clients because many clients, The Ambulance Association or Tech Trade Association, they have their annual lobby days.

Folks who come up to the capital, everyone likes to meet with the elected official. I always council our clients and members of those associations that staff is just as important as the legislator, because number one, they'll probably have more time to better understand and spend time with the issue.

Ultimately the legislator is going to ask the staff not only for their insights, but often their recommendation as to how should I vote as the elected official. Making sure that Erinn fully understands the issue and the arguments pro and con and hopefully I prevail.

For example, I'm always one who takes the approach of, OK, I'm coming to you for my sponsored bill, or bill I support. Erinn, this is what you're going to hear from the other side and then I try to rebut it. Sometimes I can, sometimes I can't. At least I'll sort of give her a heads-up. This is what you're going to hear. She talked about due diligence.

She's not going to take my word for everything. She's going to check it out. I think it's far better for me to let her know this is what you're going to hear. If it sounds really rosy from me and then she checks it out and hears all this negative stuff, the next time I go in and lobby Erinn, she's going to think, "Uh, last time Chris was here things didn't check out." Am I right?

Erinn: Yeah. It's amazing to me how some lobbyists just don't put that together. It's the same with all the support and opposition letters that we get on bills. I love when people put citations in their support and opposition letters so that I can actually fact check them. That's also something we're, I don't want to say lie, but exaggerate or leave the truth out.

For most of these bills, there's arguments on both sides. It's really just which one is the member going to pick. That's maybe the best thing, reason why, which makes my job easier, my interaction with lobbyists, is at the end of the day all I can do is pass the information along to my boss and I can provide a recommendation on how she should vote.

I'm not the one that's making these difficult calls. I'm picking a side and the lobbyists know that, that's why having your time with me is important and making sure I understand the issue, especially when the member has questions and I have that information available. Really what it comes down to is getting that yes or no from the member.

I can't give that, but if I like it I can help you. If I don't like it, I can...I think if I could say anything about all these interactions is just being honest and truthful and that's why those are the good lobbyists that I don't mind coming back into my office again and again.

The only thing I would say about when you come and lobby me on committee bills versus floor bills, the dynamics are obviously very different and the committee structure is very strong chairmanship. If somebody comes and lobbies me on a bill going through committee, the first question I'm going to ask is where's the chair?

Am I recommending to my boss to go against the chair? Because that's something very different, if we're on the floor, a vote recommendation from the Democratic Caucus is a factor, but it's a lot easier to do your own thing on the floor especially if it's going to affect your district.

The committee, nobody, especially when you work for a member who chairs her own committee, we are very cautious about...

Chris: You want the same respect. [laughs]

Erinn: Exactly.

Chris: You don't want to be rolled as a chair.

Erinn: Yeah. The chairman of the judiciary committee sits on my boss's committee and vice versa. It doesn't mean that you won't get a no vote or a vote against the chair, it just means that we have to put some extra thought into this. This is a much bigger ask than...That's why these conversations change, the length of them.

Opposition conversations are usually a little bit longer. Often I don't even need to read support for bills because you can come up with it. It's the opposition points and the responses to it that my boss is more interested in. Obviously, our own bills, the opposition, I think, that goes back to the relationship you have with people.

If we have a bill that I know Chris is going to hate, I'll give him a heads-up, as much of a heads-up as I can do. You're right, at the end of the day sometimes there's no in between.

Sometimes, to be honest, I haven't told the opposition because there's no middle ground. We have a bill this year that would get rid of Teach for America. It's kind of hard to meet with Teach for America about a compromise.

Chris: You can't have half a program.

Erinn: Exactly, but we still reached out to them and we're still meeting with them, but some things are just philosophical differences that you can't come to...My boss is all about compromising and negotiating and finally finding that middle ground. Some bills you can't.

We like to give people a heads-up, mainly the people that we work with that are in our office a lot. If I went to contact all the opposition to my snack tax, for example, that would take me all day, and then another day to respond to all their comments. We talk to the big players, their associations. In that way they can kind of get the word out.

After that, it's when people start coming to me.

Chris: That leads to a discussion about bills that folks are either opposing or yours or that you might be opposed to as interactions on negotiations. What do you think is an effective way for lobbyists who want to negotiate amendments with your offices?

Is it something where you want to talk about it in general terms, or is your desire to have folks bring alternative language, in other words, "Well Chris, your clients oppose, tell me what they can live with." Would you rather have a general discussion and then get into language wordsmithing?

Would you rather I come into your office and say, "Erinn, if you make these five tweaks to your language we can live with it." What do you think's a more effective approach with you?

Erinn: I think it could depend on the bill. I think a general conversation is helpful because then, especially if it's with me or if it's with my boss, you can see where she's at. Is she 100 percent for this bill and does it really need to entertain any amendments or negotiations or changes?

If she is trying to pick a side, what I've learned most from my office and my time there is that Christina's goal, often, is to make everyone at the table uncomfortable, because if you've made them uncomfortable that means that everyone's giving away something that they don't want to give up and you're having those conversations.

I hate when lobbyists come into my office and they say, "We opposed this bill," for philosophical reasons. There's no middle ground. I'm like, "Well, I have to go to my boss with something." At the end of the day she wants to be helpful where she can, especially if it's going to make a bill better, then give us something to work with.

I think bringing amendments to the office would be premature just because you don't know what...Unless they only deal with one issue. Normally there's kind of a few things that you can give a little bit in, a few changes. I think it's too much given hundreds of pieces of paper a day, my bosses.

I do think any lobbyist that's open to negotiating and to amending and to compromises, it goes so much further in our office because that's the role that my boss like to be in. She likes to be that tiebreaker and try to give everybody a little bit. That means that some people are walking away not getting everything that they want.

Chris: Certainly part of the process.

Erinn: Yeah. Amendments, those are, especially if it's a bill that's going through committee, obviously those amendments are very different than amendments to my bill. There's a lot more people involved. You're having that same conversation with me and the other office that you're trying to go against a chair on.

Just go into an office being willing to negotiate. It means a lot for my boss, and if at the end of the day we can't come to a compromise at least sitting at the table participating in those talks and trying to work out some of the issues then that means a lot for her and for me, and that you're willing to do it.

With my snack tax I had a meeting with one of the candy companies. Actually, I had a meeting with 20 representatives from candy companies and they all just yelled at me for 45 minutes and how much they hated the bill. We had to get rid of the bill.

Chris: Did they bring you samples?

Erinn: Yes, they did.

[laughter]

Chris: Tried to sweeten you up.

Erinn: Thought that would change out mind. It was just a really unproductive meeting because they're the candy companies. They don't want to be taxed. Our bill was about taxing candy. You can see where there's no compromise. The next day one of the gentlemen came back from one of the candy companies.

He was like, "We hate the bill but these are three things that we think would make it more livable and better. We're still gonna..." I knew that wasn't going to change his mind, but he brought up three very good points. I was like, "Oh, actually that makes a lot of sense." It's not going to change their position. It's not going to change our position.

You can still work. That kind of goes back to our conversations with any opposition to a bill is just being respectful and still working together and see if you can improve the bill somewhat or some way. At the end of the day, we still want to make good legislation. It meant a lot for him to come back. He said that that wasn't his approach, just an all or nothing.

Just give me some concrete examples. The same can be said if you come and lobby me on a bill. Often it seems like there's not a middle ground but can we add something else? Can something else be thrown in? In a legislature we can do anything. We make bills.

What else can we add into there or how can we make the effect of it easier if it's on small businesses or if it's on teachers. Wherever area we're working in. I think just negotiating, being open.

Depending on the bill, tell you maybe to bring me some amendments prior. Those are, especially in a community setting, it's very difficult. Four amendments happen so fast, it felt like you blank in, a moment has passed.

Chris: Agree. As we conclude our discussion, what are some of your general observations about lobbyist-staff interactions?

Erinn: I'm still learning about lobbyist and member interactions, but I think what I'm realizing is really the interactions are no different, a lot of the conferences that you attend with the members in these receptions.

The whole idea is to get to know them on a personal level. We obviously can't talk about work at these fundraisers and so you really get to know somebody. The same goes for

lobbyist. The lobbyist said, "I know the best and that I work with the best." are the ones that we talk outside of work and you can actually get to know them.

Then you feel more comfortable having those uncomfortable conversations. I think back to the very first couple points you made, I was shocked when I came into the building at how friendly everyone was because I kind of just assumed it's politics and it's cutthroat.

It's because you may have a committee here and in the morning was somebody you're supporting their bill, but a committee hearing later in the day that you're opposing. That's why you have to be courteous and truthful and honest and just know that I'm opposing you on this one thing but still supportive of the many others areas.

One of the first things someone told me is, "Be careful with the toes you step on, because it may be connected to the butt you have to kiss tomorrow."

Chris: That's a great saying.

Erinn: I think it goes into other areas as well but in the building [inaudible 32:40] , that's why you just don't understand...

Chris: A good life lesson.

Erinn: Yeah. That's why I don't get when lobbyist come and they're rude, they don't want to meet with me. They tell me in the email, "I'm not meeting with staff. I only want to meet with the member." Do you ever think I would help them out? [laughs]

Of course, there's exception especially if it's constituents and we're nice to everybody, but if you want that extra person that's fighting for you, then don't do that. I've had a bill that was sponsored, then switched to opposition.

Things can happen really fast it's just how at the end of the day, being honest with somebody. You have your job and I have my job. Luckily, I mean it's your client and it's my boss. It's still one off from us. I just don't understand why some of those people come in to the offices with the attitudes that they do.

That's why I have the list of lobbyists that I like to work with and that I respect. If we have a bill that we know that they're going to hate, they'll be first the ones that will get a phone call.

If we can't come to common ground, often in my office we take bills because my boss offers that middle road option. She's willing to make both sides kind of push them a little bit more to go a little bit further. You want her...

Chris: Get out of their comfort zone a little bit.

Erinn: Yeah. You want her to do that versus somebody that you know is going to be a for sure yes or for sure no. It does make interactions harder because everyone's uncomfortable and one has to give something that they don't want to give.

Like with the cap and trade legislation that my boss authored or the companion bill. We had a list of 75 stakeholders. Every time there was an update, every time something was going on, we had to contact 75 people.

The ones that stand out are the ones that are helpful and those are the ones that you want to work with, hopefully on the good side the next time around. I think that's really what I've learned.

I think people, my parents, still don't understand what a lobbyist does. They still have this negative idea of it. I always tell them I'm like, "Well, the humane society has a lobbyist so everyone does."

Really in the end of the day, they are no different than me because I'm an extension of my boss, I advocate for my boss and I can't do anything without her OK'ing it. I'm just gathering the...

Chris: You're in the same boat.

Erinn: Yeah. I feel like they're not as bad as some people make it seem. [laughs]

Chris: That's good to hear.

[laughter]

Jon: All right. Thank you so much both of you for [inaudible 35:29] these insights.

Erinn: Thank you.

Chris: Thank you.