

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. My colleague Ray LeBov and I have written a brief article on exploring the lobbyist-client relationship. Based upon our years working as both in-house and as contract lobbyists, we have a series of observations and some recommendations regarding the lobbyist-client relationship, and probably the most important advice we can impart is that expectations need to be set early by both parties.

What does the client expect from the lobbyist? What does the client need or want? Sometimes that question or those questions are easy and clear. Pass or defeat a specific bill, for example. However, there are other times where it may be less clear. In other instances, maybe they want to increase their presence or develop certain relationships.

At a minimum, the client expects to be treated with respect, to be kept apprised of all major developments and to not have a lobbyist who has a conflict in representing the client.

We've also found a number of obligations to the client requirements to be helpful, and these we found in the code of conduct that is ascribed to by the dues paying members of IGA, the Institute of Governmental Advocates. First, the lobbyist has definite ethical obligations to a client to be truthful, to follow the law, to protect any confidential and proprietary information that the lobbyist obtains.

Second, the lobbyist should be an effective representative for the client. She or he must have knowledge and confidence throughout the legislative process when representing his or her client. Staying informed is a critical component of that work. Tell your client everything that's relative to your joint mission. Always be truthful of course, and counseling your client and setting expectations are critical here.

The lobbyist's goal should be to under-promise and over-deliver, as Ray likes to say. Do not set unreasonable expectations or suggest the ability to achieve something that cannot realistically in fact be achieved. That does not bode well for a successful engagement between the lobbyist and her or his client.

In regards to major decisions. Remember that the client is the ultimate boss. It's their money. It's their interests that are at stake. The lobbyist is the expert in navigating the legislative terrain, so it should be the lobbyist's role in regards to decisions to advise and to counsel the clients. But it is the client who should have the ultimate authority to make those big decisions, and those decisions have to be an informed by the information, the best information, in fact, that is available and is shared by the lobbyists.

Now note some clients are based in, or they frequently visit, Sacramento. They may be much more in tune with politics. They have their own relationships. This type of client may want, or even expect, to be heavily involved in the lobbying effort beyond just developing and adopting strategy. For example, they may want to be directly involved in meetings with elected officials or their staff. They may even want to provide testimony at legislative hearings. And of course they may want to attend relevant events.

Other clients never come to Sacramento and sometimes lobbyists even don't meet their clients face to face. In fact, these clients may never have been to the State Capitol or to the capital city itself. The lobbyist is the sole presentative of the client, whether in meetings, hearings, or other events.

Regardless of the location or the level of involvement of your client, the lobbyist needs to educate the client about the legislative process, about the personalities, about the policy and the politics, and of course, what the client should expect throughout the legislative process. The more the client understands what is happening under the Capitol dome, it'll be better for both parties to this engagement.

When the client does choose to participate in legislative activities, make sure the lobbyist properly briefs the client. Set expectations. What should the client expect in the meeting? What should the client expect at the hearing? What are the appropriate things for the client to do or not to do?

For example, a client who plans to testify before a legislative committee, explain what'll happen and also what the client should say, how they should say it, and what they should not say. There are other obvious things for clients to know such as don't mix policy and politics, such as at fundraisers.

As with other topics, there are numerous other issues that can and should be addressed when discussing the lobbyist-client relationship. The most important thing Ray and I believe is to keep in mind and have defined rules, and to set expectations and set those expectations early.

Thanks for joining today's podcast on exploring the lobbyist-client relationship. I hope you enjoyed it.