How to Deal with Conflicts of Interest

There’s no getting away from all conflicts of interest. Here are eight ideas to help lawmakers juggle their personal and public interests.

By Peggy Kerns

When you enter public service, your personal and professional lives come with you. Your background helps you get elected. It also presents you with the potential for conflicts of interest. You’re a parent, a homeowner, member of a professional organization and a taxpayer. You deal with legislation in lots of areas, and sometimes it’s difficult to tell where your private interests stop and the public’s interest begins. Conflicts of interest are inherent to the job.

THEY’RE EVERYWHERE

A legislator-nurse chairs the human services committee. What should she do when a bill comes before the committee that would benefit her, as well as all nurses? A farmer serves on the committee considering a bill to create incentives for the crop that he grows. Legislators who are educators or spouses of educators, have to vote on a bill that raises teacher salaries.

The experts say you cannot avoid conflicts of interest as you carry out your duties as a public official. It’s how you deal with them that counts.

“Conflicts of interest may occur when a legislator’s personal interests come in conflict with the public interest. It does occur when the legislator picks the personal interest over the public interest,” says Alan Rosenthal, professor of public policy, Rutgers University.

Conflicts of interest are not in themselves wrong or unusual, says Stuart Gilman, president of the Washington, D.C.-based Ethics Resource Center. “Although it might seem obvious, one has to have at least two interests to have a conflict of interest. What’s important is how one acts on these conflicts. And the ability to identify conflicts of interest does not necessarily ensure that one can deal with them effectively.”

STEPS THAT MAY HELP

Here are some things to consider when faced with a conflict of interest decision:

1 Respect the legislative institution. You hold a position of public trust. With it comes the responsibility of strengthening the bond of trust between citizens and their representatives. No matter what decision you make, it should strengthen the legislative institution.

2 Follow the law. Alabama defines conflict of interest as “...a conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust.” Your state’s definition may not be as straightforward, but it’s saying the same thing: Do not use public office for personal gain.
WHAT TO CONSIDER

It is impossible for a public official to avoid conflicts of interest. How you deal with them is what counts. Things to consider:

✓ Respect the legislative institution.
✓ Follow the law.
✓ Seek counsel.
✓ Ask for advice.
✓ Take a leadership role.
✓ Meet your own standard.
✓ Be aware of the appearance factor.
✓ Prepare to defend your decision.

Seek counsel. If the intent of the law is clear, it should be easy to follow, right? Not always. Conflict-of-interest situations can be ambiguous. Legislative attorneys or the ethics commission help clarify the law.

Ask for advice. All the legal advice in the world may not always give you an answer in these gray areas. Talk to your legislative leadership. Ask a trusted colleague. Your friends or family can help you sort out the right decision for you.

Take a leadership role. Help other legislators anticipate potential conflicts of interest before they arise. Use the caucus as a forum to air possible situations where members may have conflicts. As a group, decide the ethical standard that may work for the caucus, the legislative body and the legislature.

Meet your own standard. What do you do if the public's interest also is your interest? States usually distinguish between whether a legislator personally benefits from legislation or is part of a class or group that benefits. Only you can decide to meet this standard or if your conscience is telling you something else.

Be aware of the appearance. In matters of public trust, appearances are important. Like it or not, the media has tremendous influence on how the public looks at what you do. The public cannot judge your motives, but they can judge your actions. Though appearance is not an ethical standard, it is one to consider.

Prepare to defend your decision. More than likely the public will respect your decision, if you can clearly explain it. Sharing your reasons and justifications results in a more informed public and affects the public as participants in the legislative process.

SHARING THE DECISION

How to handle conflicts of interest? When it comes down to it, are the only one who makes the decision and the only one who counts. What feels right? What do your instincts tell you? What action upholds your sense of integrity and the public trust? In the end, this is the standard to meet.