NCSL- 2012
LEGISLATIVE SUMMIT
Chicago, IL

Attorney Client Relationships in the Legislative Arena

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Attorney Client Relationships in the Legislative Arena
1. Lawyer-Legislator
2. Legislature’s Attorney
3. Lawyers who Lobby
4. Lawyers Representation of Clients before the Legislature
1. Lawyer-Legislator

Who are their client? And to whom do they owe a duty?

- The Public
- Government at Large
- Private Clients:
  - Unresolved conflicts of existing clients
  - Retainer clients
- Special advantages
2. Legislature’s Attorney

A. Responsibilities
- Drafting Legislation
- Interpreting Legislation
- Amending Legislation
- Questioning Constitutionality

B. Who is the Client?
- Allegiance to the Legislative Body as a whole
- To an individual legislator
- To the Director

C. To who is a duty owed?
- Public at Large
- Government at Large
- Legislature
- The Director
3. Lawyers who Lobby

A. Restraints on representation

B. Ethical restraints on lawyers that may not otherwise be on a non-lawyer advocate.

C. Special Rules for Registration as Lobbyist

See “Ethical Considerations of the Public Sector Lobbyist” by Alan Fernandes, McGeorge Law Review
NCSL Web: www.NCSL.org
Representing Others before Government, February 2010
Conflict of Interest, What is it?
Legislator Recusal to Vote on Legislation
Legislators and Elections: Ethics
4. Lawyers Representation of Clients before the Legislature

CANON 3
Rule 3.9 Advocate In Non-adjudicative Proceedings

A lawyer representing a client before a legislative body or administrative agency in a non-adjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.
Questions?