NCSL RACSS Professional Development

Legislative Staff Ethics

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Purpose of Session

- Learn how colleagues perceive, analyze and respond to ethical challenges
- Examine resources and frameworks that help you make ethical decisions
- Challenge your own assumptions and practices
Overview

- Defining ethics
- Ethical issues come without warning
- Typical areas of ethical tension
- Case studies to prepare you
- Tools to guide you
Themes

Themes from other legislative counsel, researchers and committee staff—what’s important:

- Keep your eye on the big picture—what helps the legislative process and institution
- Be strongly nonpartisan
- Zealously work for each legislator
- Use common sense and experience
**Themes with Cautions**

- Keep your eye on the big picture---what helps the legislative process and institution [but who decides what is best for the institution?]

- Be strongly nonpartisan [but aren’t legislators pushing for something more?]

- Zealously work for each legislator [but what happens when their interests differ?]

- Use common sense and experience [but what if you’re new or stuck in a rut?]
Why Does Ethical Behavior Matter?

- Builds trust with citizens, legislators and staff
- Builds a better work product
- Creates a healthier environment in which to work
- Fosters a sense of pride and competence
- Promotes personal and professional integrity
Defining Ethics

- Doing what is right
- Elements include requirements and principles/values
- Viewpoints of legislature, agency, public and individual lawyer or other staffer
- Practical application
- Group discussion
Challenges Come without Warning

- Working in political world but must be neutral
- Working in committees
- Answering questions on tight time frames
- Handling multiple tasks
- Working with the media
- Resolving conflicts between good principles/goals
Tension Points

Typical areas of tension:

- Who is the client: legislator or legislature?
- What does confidentiality really mean?
- Where do your loyalties lie?
- Do it right or do it quick?
- Do you provide the same level of service to each legislator and for each issue?
- Should you be quiet or speak up?
Tension Points…more

- What’s your opinion?
- Should you change your draft or other work product?
- What is your province and what is the legislator’s?
- What may you accept from lobbyists or others in the legislative arena?
- What are your personal beliefs?
- What if prevailing practice seems wrong?
What helps?

Help through ethical challenges:

- Learn on the job
- Seek advice from supervisors and colleagues
- Plan for typical tension areas
- Understand the legal requirements, rules and agency policies
- Follow applicable codes of conduct
- Examine personal and agency values
Legal and Regulatory Requirements

- Laws
- Legislative rules
- Supreme Court or other attorney conduct rules
- Bill drafting and other procedure manuals
- Agency personnel manuals and memoranda
- Directives from your superiors
Examples of Legal Requirements

- Confidentiality
- Conflicts of interest
- Organization as client
Confidentiality

Don’t reveal information relating to the representation, unless/except:

• Informed consent
• Implicit to representation
• Reasonably necessary to prevent certain types of harm
Conflicts of Interest

- Don’t represent a client if it involves concurrent conflict of interest

- Conflict exists if representation of one client is directly adverse to another
Organization as Client

- Lawyer employed by organization represents organization through its constituents
- Guideline of “best interest of the organization”
Duties and Values

- What are the legislative agency's key duties?
- What are your personal core values?
- What are the legislative agency's core values?
- How do these duties and values connect to each other?
- Are they ever in conflict?
Staff Perspective

Model Code of Conduct for Legislative Staff

- Basic guidelines
  - Public servant - assist state legislature
  - Loyalty to legislative branch
  - Duty to act in a way that makes staff person worthy of trust and confidence
Legislative Staff Ethics

Model Code of Conduct for Legislative Staff

- Duties to legislators, other staff and the public
  - Honest, discreet and candid
  - Objective, competent, diligent and fair
  - Respectful and supportive
  - Courteous and law-abiding
Honest

- Maintain high standard of honesty
- No - property for personal use
- No - employment for personal gain
- Give full effort for pay received
- Tell the truth
- Be honest in all aspects of life
Discreet

- In what you reveal about work
- Maintain confidentiality
- Balance confidentiality with need, at times, to reveal some information
- Know when to inform leaders of certain information
Candid

- Provide candid advice
- Fully share your knowledge
- Help legislators make good decisions
- May have to be candid even when you are not asked for input
Objective

- Provide objective advice, information and alternatives to legislators
- Provide advice independent of personal beliefs or interests
- Avoid activities that conflict with objectivity or the appearance of objectivity
Competent

- Acquire and maintain necessary knowledge and skills
- Recognize when you need help from others
- Be honest about extent of your expertise
- Continue to learn
Diligent

- Give a hard-working effort on each task
- Use time productively and efficiently
- Complete work in a timely fashion
- Inform legislators of reasonable expectations
**Fair**

- Treat all legislators with equal respect
- Provide equal quality work for all legislators to whom responsible
- Don’t diminish effort because of legislator’s political or religious beliefs, race, etc.
Respect

- Treat all colleagues with respect
- Understand the pressures of their work and difficulties of their obligations
- Practice consideration
Supportive

- Support the efforts of fellow staff members
- Be willing to work as part of a team
- Don’t seek to harm another’s reputation even when working opposites sides of an issue
**Courtesy**

- Treat members of the public with courtesy
- Appreciate the need for those outside the legislature to have information
- Provide help even when you don’t have information they are seeking
Law abiding

- Obey the law
- Encourage lawfulness in the legislative process
- Pursue appropriate channels if you have knowledge of unlawful activities
Wrap-up

Guidance comes from:

- Learning on the job
- Getting advice from supervisors and colleagues
- Planning for typical tension areas
- Learning laws, rules and policies
- Understanding applicable codes of conduct
- Adhering to your personal and professional values and beliefs
Wrap-up

Making ethical decisions:

- What are we looking for here?
- Your own perceptions of one another, note the different points of emphasis
- Strike zone analogy
- Bill drafting analogy
- Mix of uniformity and individual application