

# INSTITUTE OF GOVERNMENTAL ADVOCATES

## *Code of Conduct*

The State of California has enacted various laws that regulate the activities of lobbyists within the State. The main source of these rules is found in the Political Reform Act (Government Code §§ 86100 et seq.), and the regulations adopted thereunder by the Fair Political Practices Commission.

Members of the Institute of Governmental Advocates (“IGA”) have agreed to abide by the Code of Conduct in addition to the ethics rules imposed by law.

Enforcement of the IGA Code of Conduct shall be administered and enforced by the organization in accordance with Section 9, of Article II of the IGA By-Laws.

The following rules comprise the standards of conduct agreed upon by the membership of IGA.

### **1. OBLIGATIONS TO THE PUBLIC AND PARTICIPANTS OF THE GOVERNMENTAL DECISION-MAKING PROCESS:**

- 1.1 All IGA members (“Members”) acknowledge and accept the concept of owing an ethical obligation to the public and participants of the governmental decisionmaking process.
- 1.2 A Member owes members of the State Legislature and their staffs, the Governor and members of the Executive Administration, and all governmental employees an obligation of respect as legitimate and proper participants of the governmental decision-making process.
- 1.3 A Member has a duty to protect confidences when information is given to him or her with an expectation of confidentiality.
- 1.4 A Member owes participants of the governmental decision-making process an obligation not to mislead them. A Member owes participants of the governmental decision-making process an obligation to correct as quickly as practically possible any incorrect information that the Member provided them.
- 1.5 A Member owes participants of the governmental decision-making process an obligation to make every reasonable effort to become, and to stay, as informed as possible on the issues and process involved in the Member’s activities.
- 1.6 A Member owes the public an obligation to make every reasonable effort to promote public understanding of the governmental decision-making process and the proper role of advocacy within that process.
- 1.7 A Member owes a public officeholder an obligation to inform the officeholder of the Member’s planned opposition to a proposal by the officeholder prior to the Member’s active opposition.
- 1.8 A Member owes participants of the governmental decision-making process an obligation to inform them of potential adverse effects of proposals to the extent that it can be adverse to known interests of those participants.
- 1.9 A Member owes the public and participants of the governmental decision-making process an obligation to immediately cease representing a client in a pursued objective and inform the client as quickly as practically possible of the Member’s inability to continue representing the client in the pursued objective if it becomes known to the Member that the client’s effort in the objective is purely harassment, taken out of spite, or otherwise not in good faith, or if the continued representation would violate applicable law or this Code.

## 2. OBLIGATIONS TO THE CLIENT:

- 2.1 All Members acknowledge that he or she has ethical obligation to their clients.
- 2.2 A Member owes his client an obligation of understanding, knowledge, competence and continuing effort throughout the process of representation. A Member owes his client an obligation to make every reasonable effort to become, and to stay, as informed as possible on the issues and process involved in the objectives pursued by the Member on his client's behalf.
- 2.3 A Member owes his client an obligation that any assurances made by the Member to the client must be regarded as an obligation.
- 2.4 A Member owes his client an obligation to make all legal and ethical efforts to accomplish an objective pursued by the Member on his client's behalf. A Member owes his client an obligation to inform the client of the Member's inability to accomplish a pursued objective as quickly as practically possible after the Member has determined such inability.
- 2.5 A Member owes his client an obligation to fully inform the client of all material information accumulated and/or known by the Member relating to the objectives pursued by the Member on his client's behalf. A Member may also owe another party an obligation to protect such material information from the client as confidential. In such a case, the Member must exercise great care and wisdom in properly dealing with the situation and parties to whom the obligations are due.
- 2.6 A Member owes his client an obligation not to mislead the client. A Member owes his client an obligation to correct as quickly as practically possible any incorrect information that the Member has provided the client.
- 2.7 A Member owes his client an obligation to advise and counsel the client as to the proper course of conduct upon knowledge and/or suspicion of any contemplated action by the client related to the objectives pursued by the Member on his client's behalf which is contrary to applicable law, this Code, or the best interests of the client.
- 2.8 A Member owes his client an obligation not to pursue an objective if the Member's attitude, opinion or another obligation interferes with the duties to be assumed by the Member within the scope of the pursuit. A Member owes his client an obligation to immediately cease pursuing an objective on his client's behalf and inform the client as quickly as practically possible of the Member's inability to continue pursuing the objective if the Member's attitude, opinion, or another obligation interferes with the duties assumed by the Member within the scope of the pursuit.
- 2.9 A Member owes his client an obligation to avoid known or anticipated conflicts of interest arising from an inconsistent economic interest between the client and another client, the Member, an associate of the Member, a participant in a joint venture with the Member, or other persons or interests which share in any material way in the revenues of the Member. A Member owes his client an obligation to immediately inform the client of the existence or appearance of any such known or anticipated conflict. A Member owes his client an obligation to sever the relationship with the client if the existence or appearance of such a known or anticipated conflict between the client and the Member, an associate of the Member, a participant in a joint venture with the Member, or other persons or interests which share in any material way in the revenues of the Member cannot be resolved between the conflicted parties. A Member owes his client an obligation to sever subsequently-formed relationships with other clients who have or appear to have such a known or anticipated conflict with the client if the conflict cannot be resolved between the conflicted parties.
- 2.10 A Member owes his client an obligation to immediately cease pursuing an objective on his client's behalf and inform the client as quickly as practically possible of the Member's inability to continue pursuing the objective on his client's behalf if a physical, mental, or similar condition causes the Member to be unable to pursue the objective in an effective manner.
- 2.11 A Member owes his client an obligation not to charge fees incommensurate with the objectives pursued by the Member. A Member owes his client an obligation to return any charged fees incommensurate with the objectives pursued by the Member, unless the client has conducted himself in a manner which

would render such a return of fees an inequity. A Member owes his client an obligation to return any charged fees unearned by the Member upon severing the relationship with the client, except fees charged solely for the purpose of insuring the availability of the Member.

- 2.12 A Member owes his client an obligation to include the subject of expenses in any contractual agreement between the Member and the client. A Member owes his client an obligation to only charge those expenditures made on behalf of the client and in furtherance of the objective pursued by the Member on his client's behalf, unless expressly agreed upon by the client to the contrary in the contractual agreement.
- 2.13 A Member owes his client an obligation to communicate to the client as quickly as practically possible any significant offers of compromise or settlement. A Member owes his client an obligation to decide within the understanding of the effort any significant offers of compromise or settlement on his client's behalf if it is practically impossible to timely communicate the offer to the client; and thereafter as quickly as practically possible communicate with the client the Member's decision.

### **3. OBLIGATIONS TO OTHER GOVERNMENTAL ADVOCATES:**

- 3.1 All Members acknowledge and accept the concept of owing an ethical obligation to each other, and all other lobbyists.
- 3.2 A Member owes other lobbyists an obligation to inform a fellow lobbyist if the Member is contacted by a potential client, and the Member knows, or should know, that the potential client is represented by the other lobbyist; and advise the potential client that the matter of potential employment should not be discussed without either involving the other lobbyist or severing that pre-existing relationship.
- 3.3 A Member owes other lobbyists an obligation not to mislead them if the Member chooses to provide them information. A Member owes other lobbyists an obligation to correct as quickly as practically possible any incorrect information that the Member has provided them.
- 3.4 A Member owes other lobbyists an obligation to inform any other lobbyist with whom the Member is in communication on a pursued objective on his client's behalf as to the specific interest the Member represents. A Member owes other lobbyists an obligation to clarify to any other lobbyist with whom the Member is in communication on a pursued objective on his client's behalf as to the specific interest the Member represents if the Member makes an appearance representing an interest other than the interest of which the Member originally apprised the other governmental member.
- 3.5 A Member owes other lobbyists an obligation to respect the positions advocated by other lobbyists, even those in conflict with the positions of the Member's client.
- 3.6 A Member owes other lobbyists an obligation to avoid acts or utterances which intentionally may have adverse economic effects upon the business of another governmental advocate.
- 3.7 A Member owes other lobbyists an obligation to inform a lobbyist of his or her client's interest on a pursued objective when his client's interest conflicts with the position advocated by the other governmental advocate and such communication will not compromise the client's interest.

The foregoing rules are a statement by IGA regarding the standards of conduct for lobbyists mutually agreed upon by the membership. These rules depend upon a general consensus of what the public, participants of the governmental decision-making process, clients, Members, and other lobbyists expect of Members in pursuing the objectives of their clients. In general, these rules abide by the venerable maxim that you should deal with others as you would have them deal with you.

**INSTITUTE OF GOVERNMENTAL ADVOCATES**

**WWW.CALIFORNIAIGA.ORG**



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## **ACKNOWLEDGEMENT**

I \_\_\_\_\_ have read the Institute of Governmental Advocates Code of Conduct and acknowledge as a member that I will follow these guidelines in the everyday practice of my business.

The Code of Conduct is sent to all new members and on our website for review at: [www.californiaiga.org](http://www.californiaiga.org).

\_\_\_\_\_  
Member Signature

\_\_\_\_\_  
Date

After your signature is affixed, please return it to IGA email, fax or mail.

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