

The Bottom Line - Official Publication of The State Bar of California Law Practice Management and Technology Section

The Evolution: Strategic Advisor and Strategic Advocate



By Lee Kanon Alpert, Esq.

For more than 35-years I have thoroughly enjoyed representing countless clients in a myriad of matters including large family law matters, transactional issues and major business negotiations, including mergers and acquisitions, regulatory issues and complex real estate deals. Through the years, my firm and I have enjoyed a thriving practice as we developed a strong reputation for being the go to firm for leaders looking for solutions.

Georgetown University's "Principles for the Ethical Conduct of Lobbying" defines strategic advocacy or lobbying as the, "deliberate attempt to influence political decisions through various forms of advocacy directed at policy makers on behalf of another person, organization or group." As a registered lobbyist who advocates at all levels of government in different jurisdictions, I work to promote my clients' projects and

Over time there has been a noticeable shift in the needs of our clients. As young attorneys many of our clients were peers or referrals from peers. We were establishing our firm, and many of our clients were also beginning their careers. Assistance in company formation documentation, operating agreements, and occasional litigation were what clients needed and we happily serviced our clients and grew our firm's reputation for quality work.

Fast forward thirty years, as our firm and our clients' businesses evolved their concerns morphed into more complex matters involving high value contract negotiations, multi-million dollar real estate deals, and major litigation matters. Our firm's ever growing legal expertise has allowed us to effortlessly address our clients' needs and solidify relationships.

And this evolution continues.

Practicing law has opened many doors for me. As an active civic, community and professional leader, I have always welcomed the opportunity to give back. My public service activities have also added another facet to my law practice that has been both fulfilling personally, and quite helpful in building the firm's business. My involvement with various organizations

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has allowed me to work for the betterment of our community and also helped me build relationships with other community and civic leaders.

As we continue to provide our clients with their business and personal legal needs, it has been fascinating to notice the continuing change in their needs. We find ourselves consulting on issues that are no longer clear cut legal matters. Rather, we are turning our connections into solutions providing guidance

to navigate the complex path of government relations and compliance in order to take their businesses to the next level. Our clients' issues not only necessitate legal knowledge, but require government and strategic advocacy which I saw as an opportunity to expand our firm's service offerings. As an attorney, I recognized that this was initially outside the scope of my legal training, but at the same time my legal expertise gives me an advantage when engaging in areas of government relations, advocacy and lobbying compared to others without a law degree.

Georgetown University's "Principles for the Ethical Conduct of Lobbying" defines strategic advocacy or lobbying as the, "deliberate attempt to influence political decisions through various forms of advocacy directed at policy makers on behalf of another person, organization or group." As a registered lobbyist who advocates at all levels of government in different jurisdictions, I work to promote my clients' projects and ideas, and communicate their concerns, points of view and objectives to civic leaders who may be able to assist in moving their goals forward. My consistent goal has been to expeditiously bring matters to an equitable resolution for all involved through strategic and tactful negotiations to avoid unnecessary litigation or formal legal action. To this end, my long standing relationships with elected and appointed officials, their staff and other decision makers allows me to successfully identify, access and connect with key groups and individuals who may have a direct impact on my clients' concerns.

In my years as a registered lobbyist, I have found that the best referral source is a satisfied client, and by vigorously and successfully advocating for my clients and their goals, our firm and I enjoy a healthy referral stream from satisfied clients. One example of such, was a referral for a real estate deal which came to a head and remained stagnant for years. Combining my legal and advocacy skills, I was able to help resurrect the deal and facilitate the sale of a multi-million dollar parcel of land to a municipal entity that sought to purchase property in the area. Just as in the example above, it is important for a lobbyist or strategic advocate to set clearly defined objectives and expectations with the client, and map out a detailed plan of action acceptable to all parties. Furthermore, all parties must review such plans regularly and adjust when appropriate as situations relating to advocacy tend to change and develop frequently and rapidly.

When mapping out and developing lobbying strategies it is critical to determine when lobbying efforts are most effective. Lobbying and strategic advocacy are most impactful when based on strong facts, draw practical experience and offer proof, are carefully and strategically planned, and involve and represent the group on whose behalf the lobbyist is working. To increase positive results from lobbying efforts, lobbyists should set advocacy priorities, assess the political environment, and map out a clear advocacy strategy with back-up options. Additionally, the best way to be successful is to be transparent and to make certain the proposal being proffered, if at all possible can be a win-win situation for all

parties.

There are some who think poorly of the practice of lobbying, but I believe that is merely a result of inadequate information and a small number of unscrupulous lobbyists whose questionable actions have marred this ancient and highly successful profession in many people's minds. Santa Clara University's Markkula Center for Applied Ethics provides great analysis as to the core function of a lobbyist: "The role of lobbyists in the legislative arena can be compared to that of lawyers in the judicial arena. Just like lawyers provide the trier of fact (judge or jury) with points of view on the legal issues pertaining to the case, so do lobbyists who provide local, state and federal policymakers with points of view on public policy issues." This is why often lawyer-lobbyists are the most effective advocates. We understand both professions and constantly think out of the box to create value for all sides in order to accomplish our clients' goals.

In my opinion, lobbying may be conducted in a manner that is beneficial for all concerned. When lobbyists are able to provide policymakers with a wider sampling of opinions about a topic of discussion, then decision makers are able to make informed determinations that would be to the best interests of the majority. One of the biggest hurdles lobbyists face in their practice is the question of ethics. As lawyers, we already adhere to a strict standard of ethics and lobbyists must do the same. Ethics reporting requirements for lobbying activities vary between jurisdictions, but I firmly believe that lobbyists can get the job done while keeping their integrity intact. It is also worth noting that despite some historically well publicized exceptions to the rule, the vast majority of public officials and even lobbyists today are well-meaning, honorable and honest people who work diligently to improve our communities, our quality of life and our economy.

An important lesson I've learned throughout the many years of my practice, is to be cognizant of my clients' needs and be open to exploring all avenues available while assisting them to legally accomplish their goals. In my experience, transitioning from a lawyer to a lawyer-and-lobbyist seemed to come naturally, and I have found that my extensive knowledge of the law and how government works is an asset and has helped me tremendously in this venture. My clients had a need for proper representation that exceeded what I could provide in the legal realm, and so becoming a strategic advocate fit the bill. My work ethic has always pushed me to go above and beyond the norm, and taking this next step as a registered lobbyist just makes sense.

Our firm has invested a lot of time and effort into building relationships with our clients, and it is through these relationships that we have earned their trust and continued business. Our clients know that Alpert, Barr & Grant has the solutions they are looking for when things get tough and it is because of our commitment to providing the best service that we choose to grow and evolve to meet our clients' needs. We know our clients appreciate our efforts, and we appreciate their business.

About the Author

Lee Kanon Alpert is a founding and current shareholder of Alpert, Barr & Grant (www.alpertbarr.com). As a registered lobbyist and attorney, Lee is a recognized leader and innovator. For over 30-years Lee has been successfully assisting individuals and businesses in achieving their goals. He brings unparalleled experience as a community and civic leader serving a myriad of government, community, non-profit, philanthropic, healthcare and infrastructure boards

and organizations. Lee is married to his wife of 43 years, and resides in Northridge, California with their English Labrador Retriever, Kooper, who is trained therapy dog.