

HOW TO SPIN LAWS AND INFLUENCE POLITICS

Longtime Lobbyist's Classes Feed Hunger for Legislative Savvy

By Linda Rapattoni, Daily Journal Staff Writer

SACRAMENTO - Ray LeBov always wanted to teach people the ins and outs of lobbying. After leaving his job as chief lobbyist for the Judicial Council nearly two years ago, he got his chance.

His class, a \$250 half-day seminar called Lobbying 101, was an instant hit. His students include wannabe lobbyists, veteran lobbyists looking for new strategies, people who supervise or work with lobbyists and even a former legislator who wanted to remain anonymous.

Titus S. Toyama, chief financial officer for the California Franchise Tax Board, said he signed up for the class because as supervisor of the agency's legislative liaison, he wanted to get a better idea of what the representative did.

"Given the fact that our department has lots of tax policy issues going on, I wanted to become more familiar with the world in which he works," Toyama said.

LeBov quickly introduced Lobbying 201 and is in the process of designing Lobbying 301. He plans to eventually offer 12 seminars a year.

The veteran lobbyist has nearly a monopoly in California. Colleges don't offer degrees or certificates in lobbying, and courses that do exist don't focus exclusively on advocacy, he said.

He's not the first, however, to offer courses in lobbying. Fred Main, chief legal counsel and a lobbyist for the California Chamber of Commerce for more than 20 years, recalled that back in the late 1980s and early 1990s someone offered three-day classes on lobbying and the regulatory process.

"When I was at the chamber, we would send our junior staff to them," he said.

After about 10 years, they petered out, he said. That left the gap LeBov needed to offer his tips for persuasive professionals.

Lobbying 101 explains how legislation becomes law in more detail than the general public ever learns. He hands out an inch-thick sheaf of materials on everything from what makes an effective lobbyist to how to find the right author for a bill and a lexicon of legislative terms that sound like a foreign language to the uninitiated.

Examples include an "unbacked bill." Backed bills have covers designating who officially requested the Legislative Counsel to prepare a draft for introduction. Unbacked bills are ones a lawmaker agrees to submit to the Legislative Counsel to beat a deadline as a favor for a sponsor but has no intention of carrying through the Legislature.

The second half of the class is focused on an interactive exercise that emphasizes the dos and don'ts of lobbying.

Terry Zinger, president of Golden State Labor Compliance, who took the basics class, said LeBov put the lobbying process in clearer context.

"The materials he handed out were excellent, especially for two months from now when I don't remember everything [that] he said," Zinger said.

Zinger liked Lobbying 101 enough to sign up for Lobbying 201, which focuses on the process of the state budget and lobbying the executive branch.

One of the "do's" on LeBov's list for lobbyists is letting the author of a bill know of your opposition as soon as possible, but definitely before a committee is ready to hear testimony on it.

"You can make a permanent enemy of the author if you don't," LeBov warned.

"Tell the truth," he said in another piece of advice that he passes on from a senior legislative staff member. "It's easier to remember what you said and if you don't tell the truth, when you get caught your bill will die as fast as your reputation."

Lobbyists around Sacramento who declined to be identified said the lobbyists who fudge the facts quickly get a reputation.

LeBov hands out books listing the rules of the Legislature, with the caveat that lawmakers often waive the rules, through a specified protocol.

One obscure rule allows judges to ask the Legislative Counsel to draft bills – the only entity allowed to do so besides lawmakers themselves.

Most judges are unaware of that special access and would be unlikely to take advantage of it if they did, LeBov said. They would need to find an author for their bill and it's much easier to ask a lawmaker to introduce it, LeBov said.

While people may assume access to a lawmaker at a social function gives them the perfect chance to lobby on a measure, it's often a major faux pas, LeBov told the class. It's the lobbyists' responsibility to ensure their clients don't make that mistake, he said.

Many of the students swap tales of their experiences as lobbyists in the classes. Zinger recalled sponsoring a bill that had a good chance of passage, but when it came out of a committee analysis late in the legislative process, it had morphed into an ugly proposal that he wound up opposing.

"Often, there's nothing you can do about it," Zinger said. "Especially when it goes to the other house. It just knocks the meat out of the bill. You shoot a lot of your resources in the originating house, only to have it fall apart on you. What it taught me was if there's a bill

dealing with the same subject, it could be just as effective to lobby that bill. You can change it in later hearings at less cost.”

New lobbyists also sign up for LeBov’s classes. Randy Roxson, a Lodi lawyer whose practice is limited to fire-related cases such as personal injuries or wrongful deaths, said he recently retired from the state Fire Marshal’s Office to work as a full-time lawyer. He registered as a lobbyist about a year ago.

“Having spent a lot of time on the state side in regulatory work, I wanted to see what it was like as a lobbyist,” Roxson said. “I just started lobbying in the last two months and I needed to learn the perspective on the private side. This [class] gave me a lot more insight.”

LeBov was staff counsel in the California Legislature for 17 years, including counsel for the Assembly Judiciary Committee. He was a lobbyist for the Judicial Council for 13 years.

Lobbying 201 advises lobbyists how to work with the news media.

“We deal with a very media intensive environment,” Toyama said. “With the proliferation of blogs, I’ve become a blog addict. I check at least 3 a day. So I want to learn how the media works when people get their information not just from newspapers, but from blogs as well.”

Toyama was disappointed that LeBov did not talk about the influence of political campaign contributions and whether it drives legislation in the Capitol.

LeBov said that gets so much attention in the general media that he hasn’t seen the need to discuss something like that in detail.

“We do address how to maximize your effectiveness when it appears your adversaries are likely to have more influence than you do,” he said. “We talk about such things as forming alliances with powerful interests on your side as well as how to best make your case in the media. In fact a major portion of the 201 seminar is devoted to media strategies.”

Linda Briskman, former mayor of Beverly Hills and now a councilwoman, said she took the class to learn more about the lobbying process and how to work better with the city’s lobbyist to achieve its goals.

Briskman is the city’s legislative liaison, working between the city council and its lobbyist, Kathleen Van Osten of Rose & Kindel. Lately, the city has been working on getting money for its defense against terrorism, she said. Beverly Hills often gets visits from heads of state and needs to provide protection for them, but has not received any reimbursement for the costs of providing security.

She said it was important as a lobbyist to know how to “capture your target” and what strategy to use to get the desired legislation.

“You have to assess the parties in a room, the audience you are playing to and you have to see what appeals to them,” Briskman said.