

LONGTIME JUDICIARY LOBBYIST BROUGHT BRANCHES TOGETHER

Political veterans say they will miss Ray LeBov in the Capitol, but all praise his probable successor

By Linda Rappatoni, Daily Journal Staff Writer

SACRAMENTO - Ray LeBov's announcement that he would retire after 13 years of directing the Judicial Council's lobbying arm has many judges, administrators and lobbyists saying he will be sorely missed.

But the leading candidate for his position is a woman who also has a long history of advocating the judiciary's interests before lawmakers.

Administrative Office of the Courts Director Bill Vickery said last week he has not decided how the courts will go about selecting a replacement.

Many observers said Kate Howard, who has been assistant director of the court's Office of Governmental Affairs for the past four years, would be the most likely choice.

Howard, who has worked in the advocacy office nearly 11 years, said she "would be honored to be considered for the position."

For many years, Howard was an advocate for family law and juvenile dependency matters. Since she was appointed assistant director, she has taken on many administrative responsibilities, LeBov said.

The announcement of LeBov's pending retirement came on the last full day of the Legislative session last month, accompanied by a legislative resolution commending him for his years of service as a lobbyist and committee consultant.

LeBov, 57, said he plans to retire sometime before the end of the year, with the goal of either forming his own lobbying firm or joining an existing firm.

"Ray was always a pleasure to deal with because you could tell him straight up what your concerns were and he always listened," said Supreme Court Clerk Frederick "Fritz" Ohlrich, who has known LeBov since the late 1970s.

LeBov, who earlier spent 12 years as counsel to the Assembly Judiciary Committee, is credited with smoothing relations between the Legislature and the judiciary during a rocky patch in the early 1990s.

At the time, the court had upheld the constitutionality of the citizens initiative imposing legislative term limits and a significant reduction in the Legislature's budget. An Assembly budget committee tried to cut the judiciary's budget by a like amount -- 38 percent -- but it did not succeed.

“It was clearly intended to send a message: if the court was upholding an initiative to cut the Legislature's budget, then here's our response,” LeBov recalled. “Legistators and the leadership felt not only displeased with the outcome of the case, but they felt there were some gratuitous negative comments [from the court] about the Legislature and how it conducted its business.”

To deal with the budget cut, the Legislature offered generous severance packages to its employees.

LeBov said he took advantage of the offer, then joined the Administrative Office of the Courts as a lobbyist.

He credits his experience as a legislative aide, developing relationships and understanding the culture and dynamics of the Legislature, for his success in helping to bring the two branches together.

Also helping repair the rift were annual meetings LeBov arranged among lawmakers, the courts' administration and Chief Justice Ronald M. George, who joined the court in 1995.

It was an approach “that fostered dialogue about issues of concern before they escalated into problems,” LeBov said.

Said Mike Belote, a lobbyist whose clients include the California Judges Association, “Prior to Ray, some elements of the Judiciary tended to see the Legislature in a very black and white way. In the world of litigation, you tend to have a winner and a loser. Ray helped to look for win-win solutions, and sometimes people were critical because they saw it as splitting the baby. But that's what the Legislature does.”

LeBov has seen legislative operations change a lot over the years. He remembers what it was like working on bills before the age of computers, when “everything was handwritten and given to secretaries to type.”

And in the early morning hours of crunch weeks, when committees faced their deadline to approve legislation, “we had to cut and paste changes we were making to our analyses to reflect new information we had gotten,” he said.

Term limits have changed the way lobbyists approach their jobs, he said.

“I think the main effect for us has been particularly in the Assembly, where power is much more dispersed than the centralized way it was before term limits,” LeBov said.

“Instead of having to persuade the speaker or a committee chair, you must persuade most of the members. Depending on the merits or political dynamics of an issue, that can make it either easier or more difficult,” he said. “The Senate is very likely to become more like the Assembly as term limits works its impact there.”

The judicial branch has to advocate its position differently from most other lobbying groups at the Capitol because the judiciary is an independent branch of the government, although its budget is set by the Legislature, Belote said.

“They are very sensitive to issues of purview,” Belote said. “Often there are issues being considered in the Legislature that are pending in the court system or could be, and the Supreme Court has to look ahead and ask, ‘Is this something the Supreme Court could be asked to rule on?’ They have to be very careful and they are.”

LeBov said his office, which grew from four lobbyists to six under his leadership, treads carefully.

“We stay out of most policy arguments, except to the extent that the operational impact on the courts is implicated,” LeBov said. “That’s really important, because to some extent there’s really not a clear bright line between substantive and procedural issues. To the extent it’s in the eye of the beholder, there’s a tug from other interests to either get us involved or keep us uninvolved. It’s very important we maintain consistency so people respect and trust us.”

He said he has tried to make the judiciary’s lobbying efforts “solution oriented,” helping lawmakers achieve their goals without compromising judicial independence or discretion. Sometimes that included persuading legislators to let the judiciary implement a goal by rule of court, he said.

The most difficult issue LeBov dealt with was convincing lawmakers “that courts are not deciding cases for political reasons, and they are just applying the law to the facts of the cases,” he said. “The flip side is getting the judiciary to understand that under our constitutional government structure, the Legislature is intended to be the political branch that appropriately responds to the desires and needs of its constituents.

“We can have different allies or adversaries, depending on the issues, whereas most interests generally find themselves with the same supporters and opponents regardless of what the issue is. The other obvious difference is we have no role in campaigns. And unlike some membership organizations, we can’t, won’t and don’t participate in demonizing people on the other side of an issue.”

Alan Slater, administrative director of the Orange County Superior Court, praised LeBov for getting along with everybody and helping create common ground for compromise.

“He understood the political environment so much, but he also was absolutely focused on good public policy and how it affects the judicial branch,” said Slater, who has worked closely with LeBov as a member of the Judicial Council’s policy committee.

Sen. Sheila Kuehl, D-Santa Monica, said LeBov has a terrific sense of humor and a gentle but probing intellect.

She recalled a bill she introduced this year that would have required publication of all court rulings. The matter was of great concern to the chief justice, Kuehl said.

“They [court administrators] were really not happy with me,” she said. “The chief conducted most of the conversation, but Ray would occasionally add a sentence or two that he knew would appeal to a fair and intelligent argument. I just think he was a wonderful civilian counterpart to the chief.”

She withdrew the bill.

Kuehl also knows Howard, describing her as “extremely straightforward... universally respected and trusted.”

Said one observer, speaking on condition of anonymity, “They need someone like Ray, who is very well respected in the Capitol, to get their issues the serious consideration they need. I think Kate is fabulous. She is really open minded.”

LeBov said good lobbyists exercise patience and timing, knowing when to push for a bill and when to advocate against it. That means knowing the rules, protocols and customs of the Legislature, knowing the subject matter at issue, and knowing the lawmakers. It also means the ability to analyze, diagnose, strategize and implement tactics, he said.

“That’s really the essence of being a good lobbyist,” he said.