

What are the most common mistakes made by lobbyists?

By Ray LeBov

I have often been asked to list common mistakes that lobbyists make. From my observation, here are some of the most frequent:

- 1) Believe it or not, not reading the bill! How many times have I discussed a piece of legislation with an interested ally or opponent only to find out that they have very little idea of what it says? What a conversation / strategizing stopper!
- 2) Not applying the requisite degree of attention to making one of the most complex and critical decisions they have to make: deciding which legislator they will ask to author their bill. The significance of this decision cannot be overstated and is equaled by its complexity. The absence of appropriate analysis used by some lobbyists is as shocking as it is costly.
- 3) Giving in to the “action bias” (aka “do something, anything”) at inopportune moments.

As Thomas Jefferson said in 1826: “A good cause is often injured more by ill-timed efforts of its friends than by the arguments of its enemies. Persuasion, perseverance, and patience are the best advocates on questions depending on the will of others.”

Or, as Zen Master Phil Jackson said: “There’s no percentage in trying to push the river or speed up the harvest. The farmer who is so eager to help his crops grow that he slips out at night and tugs on the shoots inevitably ends up going hungry.”

This has also been put: “Don’t confuse motion with action.” You might also want to leave a “stone unturned” if you don’t know what is under it.

- 4) A related mistake is not knowing when to stop. For example: I have seen witnesses lose a bill in committee by continuing to speak past the point of effectiveness. When I worked for the Assembly Judiciary Committee, our chairman would sometimes help a witness avoid this error by asking them: “Do you want your bill or do you want to talk?”
- 5) Not managing client expectations. Unrealistic expectations can create untenable pressure to do the wrong thing or the right thing at the wrong time.
- 6) Not reaching a solid mutual understanding with the client regarding all aspects of the lobbyist- client relationship (including how and by whom decisions will be made, the respective roles of the client and the advocate, timeliness and frequency of reports and updates, what defines and constitutes success and much more). The existence of that understanding is more important than its specific details.
- 7) Ignoring minority party members and staff. It may seem like an unwarranted drain on precious time and resources but it is not, even when you are “sure” that you have the requisite votes from majority party members. There are many reasons: common courtesy; you may need their votes and not realize it; you will need them on some future issue; they may raise issues you haven’t thought of; no one likes to be ignored; and more.

8) Not tempering persistence with patience, *i.e.*, defining perseverance as persistence alone. Losing sight of the fact that the best definition of perseverance (which IS a crucial lobbying component) is that it is persistence PLUS patience in roughly equal quantities.

9) Not telling the truth. Lying may gain you an illusory short-term advantage but will destroy your reputation, credibility and ability to succeed. And, of course, the truth is easier to remember. A small example: I know of someone who regularly used to tell legislators that his client had carried out what the legislator had previously “suggested” to him, regardless of the truth of that statement (in fact, sometimes the opposite had been “suggested”). It worked for a while but eventually these lies (and others) caught up with him and he is no longer on the scene.

10) Not understanding that, in this technological age, anything that is put in documentary form will be known by everyone in the universe within seconds. If you put it in print, assume that you are dispensing it instantaneously universally. The price paid for indiscreet violation of this rule can be enormous.

11) Not sufficiently researching a legislator or staff member’s background and interests before communicating with them. Minimize surprises: Do your homework!

12) They don’t underpromise and overdeliver. It can be tempting to promise the moon (and more), especially in the client acquisition phase – don’t do it! (See mistake #5)

13) Speaking for someone else without specific, clear, definitive, precise authorization. This sin can get you into more trouble than almost anything else.

14) Losing a potential major victory by stubborn pursuit of the unattainable, aka “letting the perfect be the enemy of the good.”

15) Taking setbacks personally.

16) Sending the wrong “messenger” to communicate the client’s point of view. The message is important, of course, but a “rogue” representative who either can’t or won’t observe appropriate protocol is generally toxic to your goal.

17) “Ready, fire, aim:” Impetuosity is your enemy. Analysis and strategy are your friends.

18) Overreacting when frustrated. Take a deep breath instead. Think it through. Then act.

19) Not understanding that, because many laws are not self-implementing, a legislative win or loss may be just the battle, not the war. Remember that in the case of non-self-executing statutes, regulatory agencies play a huge implementation role and that the lobbyist’s job isn’t over when legislation is enacted.

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