GUIDELINES FOR HIRING AND WORKING WITH A STATE LOBBYIST

ASLA’s Constitution states that the society “shall promote the profession of landscape architecture and advance the practice through advocacy, education, communication, and fellowship.” Advocacy is important not only in the promotion of the profession (e.g., licensure, procurement), but also to support legislation that advances public policy issues that reflect the principles of the stewardship of the land and capture the expertise of landscape architects.

Past surveys of ASLA members indicate that “lack of time” is the barrier that most often prevents landscape architects from fully participating in the state legislative process. Hiring a professional lobbyist can support ASLA chapters by streamlining the legislative work that needs to be executed, while efficiently directing volunteer time toward a common policy goal.

The following guidelines provide an outline of the planning process prior to hiring a lobbyist as well as tips for a productive relationship with a lobbying firm.

Evaluate Your Expectations

Before deciding who your lobbyist should be, or even what specific tasks are needed, determine your expectations for the general objectives to be performed and the lobbyist’s ongoing relationship with the chapter. The lobbyist will be your voice, and should be someone with a likeminded approach or style.

- Do you prefer working with a solo lobbyist, small firm, or large firm?
  - You may get more personal attention from a solo or small firm, but there may be less capacity to cover the political contacts. A large firm may have more resources and perhaps more than one lobbyist working on your behalf. However, you may also get the bait and switch where the firm principal solicits your business and the junior lobbyist handles your account.

- Do you prefer a lobbyist that is familiar with landscape architecture?
  - While it is acceptable to consider this a factor in your decision, never consider this to be the most important attribute of a lobbyist. Many lobbyists handle multiple issues and are accustomed to learning new perspectives. However, be sure that the lobbyist will respect your expertise and is willing to learn about landscape architecture and understand your issues.

- Be prepared: Do you need (or could you need) services beyond legislative advocacy? You don’t want to find out after the fact that you will have to hire another consultant to cover all of the services you need. Not every lobbyist is a lawyer and some lobbyists specialize in legislative or regulatory/executive branch matters. Areas of expertise may include any or all of the following:
  - Legislative advocacy
  - Regulatory/executive branch lobbying for state board activity and/or restraints to practice
  - Legal representation, either for practice issues or association management
  - PR/Media outreach
  - Association management (some AM firms can also be tapped to serve the role of lobbyist when you need it)
Establish a Job Description

To offer an RFP and begin a good relationship with a lobbyist, the chapter needs to establish a clear list of responsibilities for the lobbyist. It may include:

- Serve as a conduit for information—to and from the legislature and state agencies.
- Establish relationships with key legislators and staff.
- Accurately and persuasively present the organization’s views.
- Keep the client informed of key developments and factors that could affect the legislation.
- Provide strategic direction for grassroots activity.
- Advise when concessions are necessary, or when you should stand your ground.

Also identify the chapter’s responsibilities in working with a lobbyist:

- Identify the lead contact(s) for the lobbyist. Ideally, it will be one or two people. All other members should use that lead contact, which will filter and coordinate efficient communication to and from the lobbyist. The contact should also be empowered to be a decision maker during negotiations in a fast-moving legislative process.
- Information, information, information. The chapter must provide background on the issue, including legislative history and anticipated support or opposition.
- Be honest about your financial and member resources.
- The lobbyist is the insider, but the chapter must still do the grassroots advocacy work – contacting legislators, identifying and soliciting witnesses to testify, and other coordinating tasks.

Do Your Homework

Before the RFP or the interview process begins, do your homework:

- Ask your friends – check with your allies or similar sized organizations for any referrals. If you have a good relationship with a legislator (particularly one that is your bill sponsor), ask him/her for recommendations.
- Review the lobbyist’s client list for potential conflicts of interest and issue concentration. The client list can also give you a sense of whether the lobbyist has time for your issue. If the lobbyist has worked for allied professions, it can be an asset or a liability. Do not take a chance you’ll have to drop a lobbyist and start over because a conflict develops after-the-fact. You could end up feeling forced to stick with a “conflicted” lobbyist to prevent the damage he/she could inflict if the relationship ends.
- Check their biographical information – does the firm have the right political connections for the current and projected legislative political environment? For example, did the lobbyist gain experience with a democratic governor and the republicans are in power?
- The bottom line is money – it is impossible to generalize the cost of a lobbyist across the nation. When checking around for references, discreetly ask allies about the cost of their lobbyists.
  - A flat monthly retainer is the industry standard, as well as more cost effective than an hourly fee. An hourly fee can add up very fast if there aren’t checks in place to ensure the chapter stays within budget.
  - Beware of getting a “deal” on the retainer. In most cases, you get what you pay for. You may be able to find an up-and-coming lobbyist at a good rate. While he/she may have more time to spend on your issue as the lobbyist develops their client base, they may not be as effective as an experienced lobbyist.
The Contract

Be as specific as possible in the contract for services, including:

- The outcome(s) you want to see as a result of their work.
- A clear time frame for achieving this outcome.
- Products they will be responsible for producing, which could include legislative language, grassroots correspondence with legislators, issue factsheets, organization of a chapter lobby day, etc. Many of these products could be done by the chapter (and with national staff assistance), which could provide leverage to reduce the fee accordingly.
- Legislative issues you want your lobbyist to monitor or address.
- A clear retainer fee and payment plan.
- An arrangement for regular communication, input, and guidance between your lobbyist and key chapter contacts.
- Note: It is illegal to require results (e.g., the passage of your bill) as a condition of payment or incentives.

Be a Good Client and Vigilant Advocate

The work is not finished when the lobbyist takes the job. Remember that the lobbyist is a professional at politics, not your issue.

Make the most of the relationship:

- You are the client. Respect the lobbyist’s expertise, but be confident in your instincts and convey those instincts to your lobbyist. Sometimes losing this year’s battle is better than enacting a weak bill that will be tough to strengthen later on – that is your decision, not the lobbyist’s to make. Be sure your lobbyist understands your long-range goal and is willing to work closely with you to develop a strategy to achieve this goal.
- Set a regular reporting system to get updates from the lobbyist and insist on them.
- Any lobbyist is likely to have a variety of clients - be realistic about the time demands you can make.
- Make sure that your membership is kept aware of legislative activity and advocacy and prepared for grassroots action. This will help them quantify the benefits of this large expenditure.
- Set up a regular job-performance evaluation either at year-end or after the legislative session. You should not punish a lobbyist simply because they did not produce a legislative win. It is illegal to reward a lobbyist for legislative success.

Remember ASLA national staff is a resource for any questions or concerns about lobbying activity.