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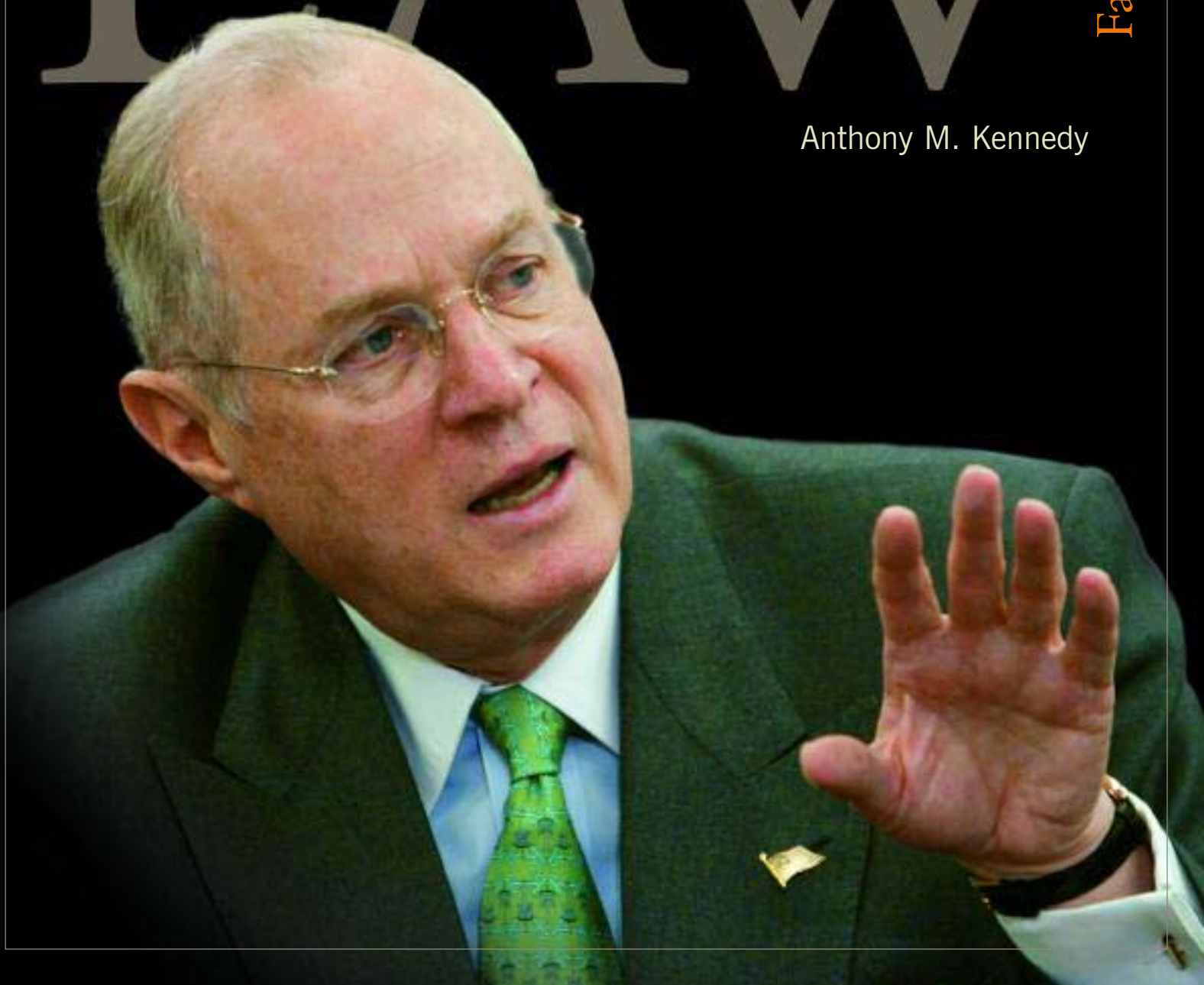
# PACIFIC

# LAW



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Anthony M. Kennedy



# ‘The Third House’

Pacific McGeorge A Powerhouse In California’s Lobbyist Industry

By David Graulich

Walk the hallways of “the horseshoe”—the U-shaped California State Capitol floor that surrounds Governor Arnold Schwarzenegger’s office—or hang out at the popular watering holes along J and K Streets in Sacramento, and you may overhear political insiders talking about “the third house.” No, they’re not discussing residential real estate. Instead, they’re referring to the lobbying industry—known within the business of politics as the “third house” of California’s Legislature, along with the Senate and the Assembly.

There are more than 2,600 lobbying entities in California, according to a 2005 report by Secretary of State Bruce McPherson. Pacific McGeorge alumni work at many of the most prominent ones, including KP Advocates; Manatt Phelps & Phillips LLP; Nielsen, Merksamer, Parrinello Mueller & Naylor LLP; and the California Chamber of Commerce, as well as at smaller firms and one-person practices. Located just a few miles from the Capitol Mall, Pacific McGeorge has traditionally attracted both professional lobbyists who are expanding their careers with legal training, as well as students who see a Pacific McGeorge degree as entrée into the third house.

Lobbying is a growth industry in California. The Secretary of State’s report said that nearly \$228 million was spent on lobbying efforts during 2005, setting a new advocacy >



Jerry Desmond and Mike Belote

Photography: Steve Yeater

spending record. The 2005 figure represents an increase of \$64.2 million, or 39 percent, over lobbying spending in 1999. The Secretary of State's statistics included expenditures for advocacy with administrative agencies, such as the Public Utilities Commission and the Department of Insurance, as well as the Legislature. The "most prolific spenders" on lobbying were California cities, counties, school districts and other local government agencies, which accounted for just over \$35 million of the total expenditures, according to the report.

In Sacramento, lobbyists work in a variety of settings. They can be employed in-house at corporations such as AT&T or Edison International; they can work for trade and industry groups, such as the California School Employees Association or the Western States Petroleum Association; they can work for groups devoted to a particular social cause, such as the California Council for Environmental & Economic Balance, or they can be "contract lobbyists," i.e., private firms retained by clients to be their advocates with elected officials, regulatory agencies, and the media.

Wherever they make their professional homes, Pacific McGeorge alumni who work as policy advocates in Sacramento credit their law school training as excellent preparation. "We approach our work the way lawyers would," says **Michael Belote**, '87, a partner with California Advocates, Inc., a contract lobbying firm that was founded in 1971. "There are clear similarities between the worlds of litigation and legislation. As policy advocates, we make our arguments to legislative commit-

tees instead of juries. We still have to tell a story, and we still have to go through a discovery process prior to votes on bills." Belote adds, "There's no question that being a lawyer with McGeorge training is invaluable."

Belote was already working in the Capitol for a real estate trade group when he enrolled at Pacific McGeorge. One of his academic highlights was studying Constitutional Law with Professor Anthony Kennedy. "The whole Supreme Court nomination was percolating when I had Professor Kennedy," Belote recalls.

Belote emphasizes the entire law school experience more than any curriculum or specialty. "Law school is a very general education about how society is ordered. It's a thinking process, an analytical process. "I have an enormous variety of issues come through my office," he continues. "I need to have the ability to put down one issue and pick up another, then walk down the halls of the Capitol and cover five or six topics in fifteen minutes."

In one recent assignment, Belote's firm analyzed a proposed bill involving environmental disclosure statements in real estate transactions. "It took an enormous amount of research into what is happening all over California in terms of local ordinances, environmental contamination, rulemaking at the Federal Environmental Protection Agency, and then integrating all of that into California law."

For **Jennifer Wada**, '05, her fascination with public advocacy began when she was growing up in rural Idaho. "I always

Jennifer Wada keeps her eyes on what's happening in the California Assembly.



Photography: Steve Yealer

knew I wanted to get into politics,” she says. After completing her undergraduate studies in Los Angeles, Wada came to Sacramento with the express intent of gaining political experience. She joined Public Policy Advocates, where she is a legislative advocate and where she worked while attending Pacific McGeorge in the evening.

“My job is all about persuasion,” she says. “I meet with legislators, the governor’s staff and regulatory agencies to persuade them why my client’s position is good public policy. A lobbyist is paid to carry a message, and to be persuasive and competent in carrying that message.

“It’s a steep learning curve,” says Wada, whose firm represents clients in industries ranging from insurance to groceries to maritime transportation. “You rely on your clients, on experts in the area, and you do a lot of research and reading on your own.”

While taking law classes in the evening and working in the Capitol during the day, Wada was also a member of Pacific McGeorge’s prestigious Mock Trial competition team. Wada views her team and classroom training in “trial ad” as a big asset in her career as a professional lobbyist.

“I have the basic argumentative skills that certainly help me zone in on the opposition’s issues, and to respond to their arguments quickly. Often times I’m testifying in committee, sitting at a table before legislators up on the dais, some of whom start throwing questions at me. The person representing the other side is sitting there, too, and he or she could be making allegations that I have to respond to.” Her trial advocacy training, Wada says, “helps me ‘think on my feet,’ to grasp the issues more easily and to make an effective and appropriate response.”

**Jerry Desmond Jr.**, ’82, remembers the time in an Administrative Law class taught by **Professor Robert Best**, ’70, when his classmates began puzzling over an ambiguous sentence in a section of state code. “Because I had already worked as a lobbyist, I knew why the sentence was confusing,” says Desmond. “It was the product of negotiation.”

Desmond is a second-generation lobbyist whose father founded the firm that is now Desmond & Desmond. The younger Desmond often helped out with the business while growing up. “My father decided to start paying me when I graduated from law school,” he jokes.

Today Desmond represents clients who are travel agents, cemetery operators, marina owners and private investigators. He was involved with writing and negotiating many of California’s laws that regulate travel agencies, and he lobbied on behalf of clients for revisions in the harbor and navigation codes.

“Lobbying has grown from the days when my father started the firm,” he says. “Today, everybody has representation. People are often surprised at the number of government entities who are represented by advocates. For example, there’s an association of state election officials. Every California



Monica Williamson

county has an election official, and they have positions on various legislation that impacts on how people vote.

“A lobbyist tries to influence a law before it becomes law,” he says. At Pacific McGeorge, Desmond explored many parts of the school’s curriculum, such as corporate law, and served an internship at Sacramento County Juvenile Hall. He fondly remembers the late **Bill Morgan**, ’59, a Superior Court judge who presided at Juvenile Court, as a mentor.

“The client looks to us to interpret the impact of a particular legislative proposal on their issue,” Desmond says. If the analysis shows a possible negative impact for the client, Desmond continues, “our job is to eliminate that concern by seeking to amend or revise the legislation.” That means working within both the formal and informal systems around the Capitol—testifying at committee hearings as well as meeting one-on-one with elected officials and policy analysts to present and advocate the client’s viewpoint.

“The real skill of a lobbyist is relationship-building,” Desmond says. “There are legislators whose positions we may oppose, but on another day we’ll still need to have an open door to them. A good relationship, based on integrity, remains fundamental.”

**Karen Norene Mills**, ’83, associate counsel for the California Farm Bureau Federation, also stresses the importance of building—and maintaining—good relationships, even when the political debates get intense and partisan sentiments become inflamed. “It’s never a good idea to burn bridges. You always need to be polite and gracious about things, because you may meet up with people again,” says >

Mills, whose federation's members are more than 80,000 farmers and ranchers throughout California's agricultural industries. "There are ways to advocate strongly for your clients while doing it in a respectful way."

Mills worked in private law practice after Pacific McGeorge, doing primarily corporate work, before becoming a lobbyist. "It's very beneficial to be in private practice for a few years. You get a basic understanding of the traditional ways." At the Farm Bureau her focus is on water and electricity policies. "Since about 1996, energy policy has become very intertwined with the legislative and enforcement part," she says. "My work is largely regulatory work with the Public Utilities Commission."

"The most important thing," she says, "is to have a clear understanding of the rules and the process: the law, the court procedures, the regulatory procedures. If you know the rules real well, you have an advantage. If you understand the process, it gives you options that others may not even be aware of."

Pacific McGeorge alumni agree that a huge change in the lobbying industry came when California introduced term limits for the Legislature. In the old days, a committee chairman in a safe district could pile up several decades of seniority and have czar-like control of a key policy area such as taxation, telecommunications or education. If a lobbyist knew a couple of senior committee chairmen and their chief aides, that was pretty much all that mattered.

Today, term limits in Sacramento means there's constant turnover in the Senate and Assembly, with a stream of new officeholders having little or no background in particular controversies or issues. Often it is a lobbyist who serves the role of an educator, guide and guru.

And while Hollywood likes to portray the lobbyist's job as one of wining and dining, fundraising and socializing (in movies such as this year's *Thank You For Smoking*), Pacific McGeorge alumni say that they are more likely to be grappling with a dense section of legislative code than lifting a champagne glass. "Times have changed," says Wada. "It's not just a good old boys' club any more. Connections still matter, yes, but it's different now. There are a lot more special interests, a lot more groups that are able to organize." To be a successful lobbyist, Wada says, "you need a thorough policy understanding. You need substance, to get deeper on an issue than your opponents, to read the legislative code and really understand what is going on."

**Monica Williamson**, '01, was a veteran of California politics before entering law school, having worked on ballot initiatives and having served as a legislative policy analyst on health care. Today, as vice president of public affairs for the California Apartment Association, she represents the interests of the statewide rental housing industry that owns and operates more than 795,000 units throughout California.

"My job is to make sure that legislators know our position on

particular issues," Williamson says. "Each year, at the beginning of the legislative session, we scan all the bills and determine how they will impact on the rental housing industry or translate into hardship for tenants. Then we begin educating legislators on how bills will impact on their constituents." In August, for example, Williamson testified before Governor Schwarzenegger's High Risk Sex Offender Task Force at a public hearing in Sacramento. Her testimony concerned ramifications for apartment owners after a registered sex offender has moved into a complex, and how owners should deal with the concerns of other tenants. "I've been meeting continuously with legislators on this subject, and working with the chairman of the governor's task force to try to find ways to mitigate the problem."

Reflecting on her law school experience, Williamson recommends the Government Affairs Certificate program "and definitely election law classes." She adds, "Prior to going to law school, I didn't really know how to apply decisional law in analyzing bills. That's critical in analysis—knowing how to write legislation that doesn't run afoul of people and the courts."

"The perception that lobbyists are all about money and campaign contributions is overstated," says Mike Belote. "Certainly there are lobbyists who focus more on campaign activities than others—but the focus at my firm is on substantive changes in the law. If all my life was going to campaign fundraisers, I wouldn't be doing what I do."

Summing up his profession, Belote concludes: "There's an old adage around the Capitol: when everyone thinks they have given up something, you may have the right policy. I have the pleasure and privilege of seeing people work on the inside, learning what the issues are, and being part of a collaborative process."

**Karen Norene Mills consulting with a colleague on a proposed bill.**



Photography: Steve Yealer

## Pacific McGeorge alumni who are registered lobbyists with the California Secretary of State

Name	Year	Lobbying Firm/ Lobbyist Employer	Name	Year	Lobbying Firm/ Lobbyist Employer
<b>Robert Achermann</b>	1978	Advocacy & Management	<b>Robert Lucas</b>	1984	Lucas Advocates
<b>Nancy Armentrout</b>	1998	California Association of Health Facilities	<b>Brian Maas</b>	1988	California Motor Car Dealers Association
<b>William Barnaby</b>	1974	William E. Barnaby, Inc.	<b>Fred Main</b>	1980	Manatt, Phelps & Phillips LLP
<b>Scott Baugh</b>	1987	Platinum Advisors, LLC	<b>Duncan McFetridge</b>	2001	Law Offices of Duncan McFetridge
<b>Michael Belote</b>	1987	California Advocates, Inc.	<b>David McHale</b>	1987	Allstate Insurance Company
<b>Cliff Berg</b>	1979	California Advocates, Inc.	<b>Jennifer McQuarrie</b>	1997	CharterVoice
<b>Roger Berliner</b>	1983	Manatt, Phelps & Phillips LLP	<b>Roberta Mendonca</b>	1976	Government Relations Group, Inc.
<b>Thomas Bone</b>	1976	Platinum Advisors, LLC	<b>Chris Micheli</b>	1992	California Strategies & Advocacy, LLC
<b>Louis A. Brown, Jr</b>	2001	Kahn Soares & Conway, LLP	<b>Eric Miethke</b>	1987	Nielsen, Merksamer, Parrinello, Mueller & Naylor
<b>Donne Brownsey</b>	1987	Sacramento Advocates, Inc.	<b>Karen Mills</b>	1983	California Farm Bureau Federation
<b>Nick Cammarota</b>	1991	California Building Industry Association	<b>Jack Molodanof</b>	1987	Holloway Rasmusson & Molodanof
<b>Tim Chang</b>	1992	Automobile Club of Southern California	<b>Thomas Newton</b>	1988	C.N.P.A. Services, Inc.
<b>Curtis Child</b>	1984	National Center for Youth Law	<b>John Norwood</b>	1980	Norwood & Associates
<b>Kim Dellinger</b>	1997	California Building Industry Association	<b>Maurine Padden</b>	1982	California Bankers Association
<b>Gerald Desmond, Jr.</b>	1982	Desmond & Desmond	<b>Craig C. Page</b>	1991	California Land Title Association
<b>Syrus Devers</b>	1997	California Medical Association	<b>Michael Paiva</b>	1997	Personal Insurance Federation of California
<b>Dominic DiMare</b>	2002	California Chamber of Commerce	<b>Nancy Peverini</b>	1988	Consumer Attorneys of California
<b>Michele Dias</b>	2002	California Forestry Association	<b>Randy Pollack</b>	1986	Greenberg Traurig, LLP
<b>Brooks Ellison</b>	1985	The Wilson Group, LLC	<b>Jeffrey Sievers</b>	1998	Civil Justice Association of California
<b>Kristian Foy</b>	1994	Arnold & Associates	<b>George Soares</b>	1973	Kahn Soares & Conway, LLP
<b>Erika C. Frank</b>	2002	California Chamber of Commerce	<b>Mark Theisen</b>	1983	Mark Theisen Advocacy
<b>Rex Frazier</b>	2000	Personal Insurance Federation of California	<b>William Thomas Jr.</b>	1975	Best, Best & Krieger
<b>Jeffrey Fuller</b>	1975	Association of California Insurance Companies	<b>LeaAnn Tratten</b>	1984	Consumer Attorneys of California
<b>Eloy Garcia</b>	2003	KP Advocates	<b>Cynthia Tuck</b>	1995	California Council for Environmental & Economic Balance
<b>Robert Garcia</b>	1978	Golden State Advocacy	<b>William Turner</b>	1992	Nielsen, Merksamer, Parrinello, Mueller & Naylor
<b>Paul Gladfelty</b>	1984	Gladfelty Government Relations	<b>Stanley Van Vleck</b>	1991	Dunlap, Van Vleck & Brown, LLC
<b>David Gonzalez</b>	2001	Greenberg Traurig, LLP	<b>Jeffrey Volberg</b>	1992	Hatch & Parent, A Law Corporation
<b>Gordon Hart</b>	1994	Paul, Hastings, Janofsky & Walker LLP	<b>Jennifer M. Wada</b>	2005	Public Policy Advocates, LLC
<b>Mike Hawkins</b>	1987	Carpenter Hawkins LLC	<b>Michael Webb</b>	1997	California Building Industry Association
<b>Maureen Higgins</b>	1978	Sloat Higgins Jensen & Associates	<b>Stanley Wieg</b>	1977	California Association of Realtors
<b>Thomas Hiltachk</b>	1987	Bell, McAndrews & Hiltachk LLP	<b>Monica Williamson</b>	2002	California Apartment Association
<b>Lisa Kaplan</b>	2000	Capitol Strategies Group, Inc.	<b>Mellonie S. Yang</b>	1999	California District Attorneys Association
<b>Scott Keene</b>	1980	Keene & Associates, Law Offices	<b>Timothy Yaryan</b>	1974	Law Offices of Timothy Yaryan
<b>Ronald Kester</b>	1986	Kester/Pahos			
<b>Paula LaBrie</b>	2003	California State Automobile Association			
<b>Roberta Larson</b>	1997	Somach Simmons & Dunn			
<b>Patrick Leathers</b>	1978	The Gualco Group, Inc.			