



California Fair Political Practices Commission

June 9, 1987

Michael Kantor
Manatt, Phelps, Rothenberg and Phillips
11355 West Olympic Blvd.
Los Angeles, CA 90064

RE: Your Request for Advice
Our File No. A-87-142

Dear Mr. Kantor:

You have requested advice under the lobbying provisions of the Political Reform Act^{1/} on behalf of Manatt, Phelps, Rothenberg and Phillips.

QUESTION

1. Are you and your law partner, Lisa Specht, required to register as lobbyists?
2. Is the law firm required to register as a lobbying firm even if none of its employees or partners qualify as lobbyists under Regulation 18239?

CONCLUSION

1. As discussed below, you and Ms. Specht may have registration and reporting requirements under the Act.
2. Even if none of a law firm's employees or partners qualify as lobbyists, the law firm may still have registration and reporting requirements as a lobbying firm under the circumstances discussed below.

FACTS

Your law firm intends to provide services to the American Pharmaceutical Prepackagers Association for the purpose of influencing or attempting to influence legislative action. Individual partners will not be compensated directly by the association, but payments made to the firm will be allocated on a pro-rata basis.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

ANALYSIS

For purposes of qualification as a lobbyist under the "compensation test" in Regulation 18239, employees (including partners) of your firm should register as lobbyists when they have received or have become entitled to receive \$2,000 or more in compensation in any calendar month for influencing legislative or administrative action, so long as any direct communication is involved. (Section 82039. Regulation 18239 (a)(b).)

If the firm receives or becomes entitled to receive at least \$5,000 in compensation in any calendar quarter for the purpose of influencing legislative or administrative action, and any employee (or partner) of the firm engages in direct communication for the purpose of influencing legislative or administrative action, the law firm must register as a lobbying firm, pursuant to Section 82038.5 and Regulation 18238.5. This applies whether or not any individual employee qualifies as a lobbyist.

Please note that Regulation 18239 (enclosed), which you cited, was amended on May 7, 1984. It no longer includes any reference to the "time test". A "contacts test" replaced the time test. (Regulation 18239 enclosed (c)).

Please contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Diane Griffiths
General Counsel


By Kevin S. Braaten-Moen
Political Reform Consultant

KSBM:kmt

87-192

MANATT, PHELPS, ROTHENBERG & PHILLIPS

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May 1, 1987

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OUR FILE NO.

Fair Political Practices Commission
 428 J Street
 Sacramento, CA 95814

Dear Commission:

This lawfirm has been retained by the American Pharmaceutical Prepackagers Association ("APPA") to provide legal services in connection with legislation pending before the California Legislature. Pursuant to that representation, it may be necessary for me and my law partner Lisa Specht to be in "direct communication" with California legislators.

APPA will compensate the lawfirm for legal services rendered, and not individual partners. Accordingly, we assume that payments made to the firm will be allocated to the individual partner on a pro-rata basis as compensation. In addition, we will keep a file as to any actual time spent in direct communication with legislators pursuant to 2 California Administrative Code Section 18239(b).

At this time, it does not appear that formal registration will be required pursuant to the Compensation Test or the Time Test of subsections (e)(1) or (2) of Section 18239. If, of course, either test is met, the individual involved will immediately file the proper documentation.

Sincerely,



Michael Kantor

MK/cjf



California Fair Political Practices Commission

May 20, 1987

Michael Kantor
Manatt, Phelps, Rothenberg,
& Phillips
11355 West Olympic Boulevard
Los Angeles, Ca 90064

Re: 87-142

Dear Mr. Kantor:

Your letter requesting advice under the Political Reform Act was received on May 8, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).) You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Pritchard".

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh