

Advisory Opinion Regarding the  
Interpretation of the Term "Lobbyist"

Case Number 88023.A

**Question:** Is a law firm whose sole representation of clients with respect to an executive department has been contact with the Law Department in the course of litigation involving the City of Chicago as a co-defendant required to register as a "lobbyist"?

**Answer:** No.

**Analysis:** Section 26.2-21 of the Governmental Ethics Ordinance states that:

"Each lobbyist whose lobbying-related compensation or expenditures aggregate \$5,000 or more in the preceding or current calendar year shall register and file reports with the Board of Ethics..." (emphasis added)

As defined by Section 26.2-1(o) of the Ordinance a "lobbyist" is any person:

(i) who for compensation or on behalf of any person other than himself undertakes to influence any legislative or administrative action; or (ii) any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action. (emphasis added)

Section 26.2-1(a) defines "administrative action" as:

"a decision on, or proposal, consideration, enactment or making of any rule, regulation, or other official non-ministerial action or non-action by any executive department, or by any official or employee of an executive department..." (emphasis added)

Chapter 6 of the Municipal Code of Chicago indicates that the Department of Law was created as an "executive department." Thus any attempt to influence the decision of a Department of Law employee would constitute an attempt to influence "administrative

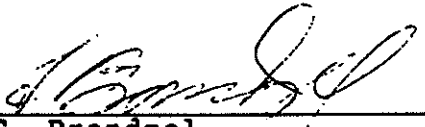
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action" and could therefore be classified as "lobbying" in accordance with Section 26.2-1(o) of the Ordinance.

It is the opinion of the Board, however, that one of the major purposes of Lobbyist Registration is to provide information to the public which would not otherwise be accessible. With this in mind, the Board has concluded that attorneys who file a formal "Notice of Appearance" with a court of law in regards to a case in which the City of Chicago is a co-defendant, are not required to report activities performed in relation to such litigation to the Board of Ethics, since the parties and proceedings involved in litigation are a matter of public record.

Please note however that an attorney who attempts to influence the decisions of the Department of Law, in regards to a matter which is not being litigated in court must file a Lobbyist Registration and Disclosure Report with the Board of Ethics if he receives \$5,000 or more in compensation for "lobbying-related" activities.

Approved by:

  
S. Brandzel  
Chairman