

Effective Lobbying

When I was the Director of the Office of Governmental Affairs for the Judicial Council, I had the responsibility and privilege of interviewing a large number of very qualified candidates for positions as legislative advocates in our office.

Among the many things that we asked applicants to do was to identify the qualities that an lobbyist must have to be effective. Not surprisingly, nearly all applicants gave some mix of the following answers:

- subject matter expertise
- knowledge of the "players"
- knowledge of legislative processes, procedures, rules and calendars
- people skills
- good judgment
- political savvy
- good communication skills

These items on this list are commonly given, almost to the point of cliché, because as far as they go, they are correctly identified as being important: they are all attributes which serve the lobbyist well.

I was, however, particularly impressed with the insightful answer of the applicant who, while acknowledging all on the above list, focused her answer on the qualities of "Patience and Timing".

Timing of course necessitates a highly developed understanding of the somewhat mysterious ways (both formal and informal) by which the Legislature conducts its business. It is not enough for the lobbyist to do "all the right things" on behalf of the client's interest; those things must be done at the right time and in the right order.

Here is one small example: Getting key player "A"'s support for one's position may be dependent on his or her learning that key player "B" has already indicated support - the lobbyist must seek their respective support in the correct sequence or potentially wind up getting neither (or, worse yet, garnering their opposition).

As for patience - at its most obvious level, it is needed because the lobbyist's day often consists primarily of waiting: for meetings or hearings that don't start on time, for long agendas of unrelated items to be completed, or for deals that only very slowly come together.

You choose the appropriate cliché - the lobbyist's responsibility is to "strike when the iron is hot" or "when the stars are lined up". The critical point is that often what is central to success is knowing how and when to "heat the iron" or "line up the stars".

Perseverance is critical to a lobbyist's success since there are often many twists and turns and obstacles, if not seemingly imminent outright final defeats, on the way to victory.

But do not make the mistake of thinking, as many do, that persistence is the sole component of perseverance. Perseverance = persistence PLUS patience (in roughly equal parts). Persistence alone can get you thrown out on your ear (eliciting such responses as "which part of no don't you understand"), but employing the patience needed to restrain yourself so that you go back at the right time is one of the key attributes for an advocate to develop.

I break down the effective advocate's required skills and qualities into four separate and equally important components. The effective lobbyist must be a good:

I - DIAGNOSTICIAN

The first aspect of an effective lobbyist's approach to any effort is to diagnose all the factors and forces at play. You must ask these and other similar questions: who has a stake in the outcome? Why do they care about the issue? What can you present to them that they will respond to and why? How does the issue interplay with other issues?

II - ANALYST

Taking in to account and building on your diagnosis, the next step is analysis. For example, if you are sponsoring a bill, you must find a legislator to be the author. To determine who you should ask to carry your bill, you will want to consider a wide range of factors, such as the potential author's subject matter expertise, their relationship with all four caucuses, their committee and/or leadership role. Other considerations include determining which legislative staff member is likely to be assigned responsibility for your bill and the potential the authorship might present for building a beneficial future relationship with the legislator.

It is only after applying such a checklist (mine includes 14 factors), that you are ready to approach the right person to introduce your legislation.

III - STRATEGIST

A keen knowledge of legislative processes, procedures and rules is necessary but not sufficient for success. Looking at the totality of forces potentially at play and how they all interrelate, you must create your "game plan". In the case of a sponsored bill, the game plan is essentially a road map that will guide you from introduction to gubernatorial signature. It includes such things as: strategies for dealing with allies and opponents; developing your best arguments in favor of, and rebuttals to arguments against, your bill; identifying your best witnesses for the various committee hearings; how and when to get positive media coverage.

Even with the best game plan (including planning for foreseeable contingencies), you are still likely to encounter twists and turns in your path toward success, occasioned by unforeseeable factors, forces and events not in your control. You must have the flexibility and nimbleness to re-assess and redraw your strategy as often as warranted.

IV - TACTICIAN

A strategist is someone who sees the whole picture, and can visualize the end-game. A tactician is the one who gets you there.

Or an Sun Tzu (Chinese General, 500 BC) said : Strategy without tactics is the slowest route to victory. Tactics without strategy is the noise before defeat.

The last part of being an effective legislative advocate is the ability to implement that wonderful game plan that you drew up in your role as strategist. This can involve a wide range of skills as you perform the day-to-day activities necessary and appropriate for attaining your goal.