



State of New Jersey

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May 2, 1983

Richard K. Weinroth, Esq.
186 West State Street
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ADVISORY OPINION 07-1983

Dear Mr. Weinroth:

Your letter to the Election Law Enforcement Commission requesting an advisory opinion has been considered by the Commission and I have been directed to issue this response. You have asked whether a legal fee received by your firm must be reported as a lobbying receipt because the services provided included lobbying as well as legal representation of the client. For the reasons stated herein, you are advised that only that portion of the legal fee reasonably related to lobbying services must be disclosed pursuant to N.J.S.A. 52:13C-22.1.

You have written to the Commission that your law firm was retained to represent a client before the New Jersey Civil Service Commission. According to your inquiry, during the course of your representation your law firm determined that a clarification or other amendment of existing statutory law was necessary. Your firm apparently participated in drafting legislation on behalf of your client, and a bill was subsequently introduced. You write that your firm is currently monitoring the course of the proposed legislation, Senate Bill No. 3223, which would permit retroactive Civil Service promotional appointments and salary adjustments to employees who have been granted waivers of examination. You anticipate that the total amount of legal fees to this client for all services provided by your firm will exceed \$2,500, but you describe the portion of this amount attributable to legislative efforts as "minimal".

Having undertaken expenditures to influence legislation, the Commission is entirely satisfied that your client is a "lobbyist" within the meaning of that term as defined in Commission Regulation N.J.A.C. 19:25-8.2. Similarly, your law firm comes within the definition of "legislative agent" because it receives compensation for the purposes of lobbying. However, expenditures made for the purposes of legal representation in adjudatory proceedings do not come under the jurisdictional scope of the statute, which specifically requires reporting only of expenditures related to influencing legislation. N.J.S.A. 52:13C-22.1. Therefore, the Commission concludes that the total fee must be allocated between expenditures

that were for lobbying purposes, and expenditures that were not. See N.J.A.C. 19:25-8.6(a).

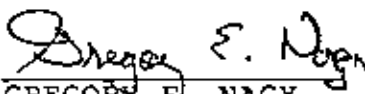
You have described the portion of the legal fee that might be attributed to lobbying activity as "minimal". The Commission believes that the most appropriate method for determining how a single fee should be attributed among services performed for a client, including lobbying, is to measure the time spent on each separate service.

The annual reporting requirements do not attach to a lobbyist or a legislative agent unless expenditures during the prior calendar year exceed a threshold of \$2,500. N.J.S.A. 52:13C-22.1. You have expressed the opinion in your inquiry that after allocating your fee to lobbying activity you anticipate that the client will not pass the threshold. However, the threshold must be applied to all lobbying expenditures made by the lobbyist, or the legislative agent. Therefore, even assuming the portion of the fee attributable to lobbying purposes does not exceed the threshold, the client may have filing obligations because of expenditures made related to lobbying for other matters. Similarly, your law firm as a legislative agent must consider whether its total receipts and expenditures on behalf of all clients for all activity related to lobbying exceed the threshold. If so, your law firm has an obligation to file an annual report as a "legislative agent" and all lobbying receipts must be disclosed including receipts from the client referred to in your inquiry.

The Commission does not have jurisdiction over the requirements for registration of legislative agents with the Attorney General, and therefore expresses no opinion as to their applicability. L. 1971, c.183. However, the Commission wishes to alert you that undertaking lobbying activity may require disclosure in quarterly reports filed pursuant to N.J.S.A. 52:13C-22.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By: 
GREGORY E. NAGY
Staff Counsel