



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 454

May 7, 2004

Whether the laws under the jurisdiction of the Texas Ethics Commission limit the circumstances in which a lawyer who is a member of the legislature may refer to his legislative service in connection with his private legal practice. (AOR-509)

The Texas Ethics Commission has been asked whether the laws under the jurisdiction of the Ethics Commission limit the circumstances in which a lawyer who is a member of the legislature may refer to his legislative service in connection with his private legal practice.

The requestor asks whether a legislator who is a lawyer may “list his service in the legislature in specialized legal directories that request a biography from the attorney” and whether he may list his legislative service on legal letterhead or business cards. In addition, he asks whether firm advertising may include “more subjective representations” such as “as a member of [the legislature], I have established myself as an important lawyer at my firm” or “as a member of an important legislative committee, he has become the go-to-guy for the law firm.”

There is nothing in the laws under the jurisdiction of the Ethics Commission that specifically addresses the issues of whether and when a legislator may mention his legislative service. The Ethics Commission does have jurisdiction to issue opinions about various provisions in chapter 36 of the Penal Code that prohibit a legislator from accepting things of value in exchange for work performed in his capacity as a member of the legislature. Penal Code §§ 36.02, 36.07, 36.08(f). Although it is conceivable that a legislator might refer to his legislative service in a context that raised questions about one of those provisions, a reference to legislative service, without more, would not constitute a violation of one of those provisions.

SUMMARY

There is nothing in the laws under the jurisdiction of the Ethics Commission that specifically addresses the issues of whether and when a legislator may mention his legislative service. Although it is conceivable that a legislator might refer to his legislative service in a context that raised questions about section 36.02, 36.07, or 36.08(f) of the Penal Code, a reference to legislative service, without more, would not constitute a violation of one of those provisions.