



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 461

*March 11, 2005*

*Whether a legislator who is a lawyer may be employed by a law firm that represents clients before a state agency. (AOR-522)*

The Texas Ethics Commission has been asked to consider whether a legislator who is a lawyer may be employed by a law firm that represents clients before a state agency.

In a 1993 opinion, we stated that the laws subject to interpretation by the Ethics Commission did not prohibit a legislator from being employed by a firm simply because other members of the firm represented clients before state agencies. [Ethics Advisory Opinion No. 117](#) (1993). The requestor asks whether certain changes to the law that took effect in 2003 invalidated our 1993 opinion. We conclude that they do not.

In our 1993 opinion, we pointed out that a lawyer who *personally* represented a client before a state agency was subject to certain restrictions in section 572.052 of the Government Code.<sup>1</sup> Under the provision in effect before the 2003 changes, section 572.052 provided that a legislator could not represent a person for compensation before a state agency in the executive branch unless the representation (1) was made in a proceeding that is adversary in nature or in another public hearing that is a matter of record or (2) involved only ministerial acts on the part of the agency.<sup>2</sup> In 2003, the legislature amended section 572.052 to limit the circumstances in which a legislator could represent a client before a state agency. Under the amended law, a legislator may not represent a person for compensation before a state agency in the executive branch unless the representation (1) is pursuant to an attorney-client relationship in a criminal law matter or (2) involves only ministerial acts on the part of the agency.

Although the circumstances under which a legislator may personally represent a client before a state agency are now more limited, the 2003 amendment to section 572.052 did not expand the scope of the prohibition to apply to any person other than a legislator. In other words, the 2003 changes to section 572.052 of the Government Code did not invalidate Ethics Advisory Opinion No. 117. There is nothing in the laws subject to interpretation by the Ethics Commission that prohibits a legislator from being employed by a firm simply because other members of the firm represent clients before state agencies.

### SUMMARY

There is nothing in the laws subject to interpretation by the Ethics Commission that prohibits a legislator from being employed by a firm simply because other members of the firm represent clients before state agencies.

<sup>1</sup>At the time Ethics Advisory Opinion No. 117 was issued, the restrictions were set out in article 6252-9b, section 4(g), of the Texas Civil Statutes. In 1993, the restrictions were recodified as section 572.052 of the Government Code. Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

<sup>2</sup>Beginning on September 1, 1997, a legislator representing a person for compensation before a state agency was required to disclose to the agency the fact that the legislator is receiving compensation for the representation. Act of June 1, 1997, H.B. 3207, § 15, 75th Leg.,