

President's Message

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Government Relations Programming Gives Us the Edge

AT ITS SUMMER meeting in San Francisco this month, the Federal Bar Association's Board of Directors will consider, among other matters, the association's priorities for federal public policy advocacy activities for the coming year. Since the inception of the

FBA's government relations program in 1996, the association has used an Issues Agenda to identify, catalog, and prioritize the federal issues the FBA wishes to support or oppose in Congress or before federal departments and agencies. The Issues Agenda—essentially the FBA's road map as well as a script for public policy advocacy—is carefully prepared and reviewed before it is adopted.

The goals of the FBA government relations program are to monitor vital public policy issues, to engage federal decision-makers on issues that matter to the association, to be a respected and credible source for lawmakers and regulators, and to be an effective advocate for the profession and for our membership in federal public policy processes. In the first decade of the FBA's official foray into the government relations and public policy arenas, the association has met those goals continually and, consequently, has experienced both success in policy advocacy and increased visibility within Washington circles and among its peers in the bar world.

To provide structure and organization to this enterprise of the bar, the FBA established a Government Relations Committee, which meets regularly to review current issues and developments and is charged with implementing the Issues Agenda throughout the year. This committee includes many distinguished and hardworking FBA volunteers from around the country who are themselves engaged in or knowledgeable about government relations. In addition, the FBA engages the services of a professional government relations counsel, Bruce Moyer, who assists the committee with its work and serves as a hands-on lobbyist for the FBA. You will find Bruce's excellent summary of key issues and a legislative update in his column, "Washington Watch," which appears just a few pages from this message in each issue of *The Federal Lawyer*.

Association members might want to find out how the Issues Agenda is developed and adopted. (To view the FBA's government relations Issues Agenda, go to www.fedbar.org, and click on Government Relations and on Issues Agenda.) In May of each year,

the FBA Government Relations Committee invites all FBA constituencies to nominate issues for consideration for the Issues Agenda. Individual members, chapters, sections, divisions, committees, and volunteer leaders are encouraged to submit suggestions, especially in their respective area of expertise. Issues included in the prior year's agenda roll over to the current year and are automatically nominated and considered for the new cycle.

The Government Relations Committee then reviews all nominated issues, and proposes recommendations to the Board of Directors. Upon adoption by the board, the new Issues Agenda becomes association policy and is implemented by the Government Relations Committee and staff. Through this multi-step process, all FBA stakeholders have an opportunity to propose issues, which, in turn, are thoroughly reviewed and vetted prior to adoption.

With the newly adopted Issues Agenda in place each year, the Board of Directors, headquarters staff, and the Government Relations Committee then have their marching orders for the ensuing year as the association weighs in on various policies on Capitol Hill and within the executive branch. The review and approval process provides the important opportunity for issues to be reconsidered and revisited annually in light of changing times, association priorities, and other circumstances.

Another unique feature of the Issues Agenda is its dual-track format. Issues that are deemed most important to the FBA and considered timely, topical, and likely to be considered by decision-makers in the near term are included in Part 1 of the Issues Agenda: Issues To Be Actively Pursued. Other important issues that arise episodically or are not likely to be considered or concluded in the immediate future are cataloged in Part 2 of the Issues Agenda: Issues To Be Monitored. With the two-tier system of identifying and cataloging various issues, the association



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maintains a constant blueprint that identifies its highest priorities that require action as well as a listing of other issues that are not on the front burner and basically require only monitoring and vigilance.

At any time throughout the year, the Government Relations Committee can propose to the Board of Directors, which may also act on its own initiative, that any particular issue be moved from one agenda category to the other or that an issue be added or completely dropped. In this respect, the process includes a dynamic feature. But the annual process of nomination, recommendation, review, and approval allows the association to step back once a year and take a good look at all federal policy issues that are important to the FBA and that fall within the purview and mission of the association.

Why does the FBA have a government relations mission and a committee devoted on this area? The answer is simple: to engage in decision-making processes of the federal government in advocating issues that are in the best interest of the association and its members. As the only nationwide bar association that focuses exclusively on federal jurisprudence and the federal courts, the FBA insists that its Issues Agenda and the policies the association advocates necessarily adhere to a limited scope of issues that affect the federal court system, federal law and rules, constitutional matters, the federal judiciary, and lawyers both in government service and in the private sector who practice before the federal courts, agencies, and other entities that are part of all three branches of the federal government.

As I wrote in the original case statement for the FBA's government relations program more than 10 years ago, "In the FBA, we owe it to our profession and to ourselves as members to be involved with government and its decision-making, because many of those decisions affect us in some way." I make the standard case today, just as I did then, for the association's engagement with the federal government and in its processes. The FBA engages in government relations and advocates select policy issues because those issues matter to our membership and because the FBA owes to its members effective policy representation and advocacy in Washington as a part of the value of association membership itself.

Finally, I must add a special note on politics and policy, which are confluent in Washington. From the beginning of the FBA's formal engagement in government relations, the idea has been to operate in a nonpartisan manner when representing the association's interests and to advocate issues on merit and substance alone without regard to party or politics. We have succeeded in refraining from politicizing our association, and we continue to guard our nonpartisan position very carefully. It is safe to say, in fact, that the FBA's stature and credibility have been enhanced over the last decade not only because we

have been engaged in effective government relations advocacy but also because we have done so without immersing the association in politics. We do not involve ourselves with elective politics, candidates' campaigns, party organizations or politics, or political fund raising. We have no political action committee, we make no contributions to any candidate in the name of the FBA, and we offer no political endorsements or support of any kind.

Today the Federal Bar Association is proud to be involved with federal public policy processes and issues, and that enterprise certainly seems to me to be a major feather in our cap. The FBA is now a seasoned veteran in government relations circles, and we are making a difference. Time has shown that taking the high road in this endeavor has had its rewards and that the association's approach to federal government relations has given the FBA an edge of distinction and visibility that serve our members well. TFL



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