



STATE BAR OF NEVADA
STANDING COMMITTEE ON
ETHICS AND PROFESSIONAL RESPONSIBILITY

Summary of Formal Opinion No. 52
Issued on August 18, 2014

BACKGROUND

The Committee has received a request from a Nevada lawyer concerning the application of the Nevada Rules of Professional Conduct ("NRPC") to a Nevada lawyer who provides lobbying services directly or indirectly.

QUESTIONS PRESENTED AND SHORT ANSWERS

1. **"Do the Nevada Rules of Professional Conduct 1.7 and 1.9 apply to a Nevada attorney retained to provide lobbying, but not legal, services?"** A lawyer hired to act as a lobbyist is likely subject to the NRPC. The fact that a lay person can perform those same services free from the strictures of the NRPC does not matter.

2. **"Do the rules apply to a non-attorney employed by a law firm or a subsidiary of that law firm?"** To the extent that the NRPC applies to a lawyer or law firm as discussed in question 1, those same rules would apply to a non-lawyer employee or to a subsidiary.

3. **"How do the rules apply, if at all, where a law firm retains a non-lawyer with an existing client to assist the law firm's lawyers and non-lawyers in providing lobbying efforts on behalf [of] a law firm client with a legislative objective adverse to the non-lawyer lobbyist's client?"** If the non-lawyer lobbyist is truly an independent contractor not otherwise owned or controlled by the law firm, it does not appear that the NRPC would apply.

4. **"Similarly, how do the rules apply, if at all, where Alpha, Inc., retains a law firm's lobbyists--lawyers and non-lawyers--to promote defeat of the widget tax abatement bill, then retains as well non-lawyer lobbyist Smith who already represents Omega, Inc., to promote passage of the bill?"** Assuming that the NRPC applies as described in question 1, this fact pattern does not appear to create a conflict of interest on the part of the law firm. Alpha, Inc., would have a conflict of interest but, on these facts, that conflict would not be imputed to the law firm.

5. **"Do the rules apply to an attorney retained by a lobbying firm with no attorneys where the attorney's client is the lobbying firm but not the client retained by the lobbying firm, even though the lobbying firm's objective, with the lobbying assistance of the lawyer,**

is to promote or oppose specific legislation on behalf of the lobbying firm's client?" The NRPC applies to the attorney as discussed in question 1.

This opinion is issued by the Standing Committee on Ethics and Professional Responsibility of the State Bar of Nevada pursuant to S.C.R. 225. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, its Board of Directors, any persons or tribunal charged with regulatory responsibilities or any member of the State Bar.