



District of Columbia Court of Appeals
Committee on Unauthorized Practice of Law
500 Indiana Avenue, N.W.
Washington, D. C. 20001
202/879-2777

September 9, 2009

RE: Committee on Unauthorized Practice of Law Opinion No. 19-07

Dear

Our Opinion No. 19-07 concluded that persons who work in the District of Columbia who are not members of the bar of this jurisdiction may engage in "U.S. legislative lobbying," as that term is defined in the Opinion, without violating Court of Appeals Rule 49. The opinion defined "U.S. legislative lobbying" to involve activities before and relating to the legislative activities of the Congress of the United States.

Your letter of August 1, 2008 to the Committee inquires whether activities similar to those which constitute "U.S. legislative lobbying" but performed before or relating to an Executive branch agency could also be performed by persons who work in the District of Columbia who are not members of the bar of this jurisdiction without violating Court of Appeals Rule 49. You describe such activities as follows:

contacts -- written, oral and/or electronic -- with Executive branch officials and employees designed to influence such persons in matters of public policy, including the formulation, modification or adoption of policies, programs and rules implementing legislation within their purview. In aid of such efforts, such activities may include the preparation of position papers and the provision of strategic advice and tactical recommendations for achieving specified legislative or policy goals.

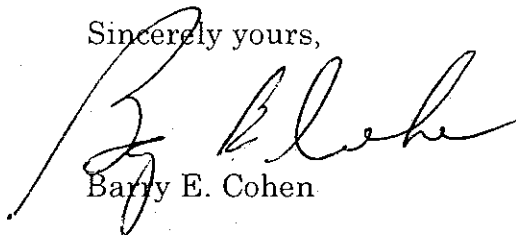
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For reasons similar to those expressed in Opinion No. 19-07, the Committee believes that the activities described above, so long as they concern only the quasi-legislative activities of the government agency, could be performed by persons who work in the District of Columbia who are not members of the bar of this jurisdiction or who are not lawyers without violating Court of Appeals Rule 49.

Please note that the Committee's views are limited to the activities described above. Unlike the activities of Congress, whose dominant function is that of a legislative body, Executive branch departments and agencies routinely and extensively perform significant non-legislative functions, such as the investigation of compliance with law, the enforcement of alleged violations of law, the issuance of licenses and the adjudication of private and public rights and obligations. Such activities are not an extension to the Executive branch of "U.S. legislative lobbying" as defined in Opinion No. 19-07, and we express no opinion herein on whether such activities if performed by persons who work in the District of Columbia who are not members of the bar of this jurisdiction or who are not lawyers would violate Court of Appeals Rule 49.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Barry E. Cohen". The signature is fluid and cursive, with a large initial "B" and "E".

Barry E. Cohen