

Public Policy Conflict of Interest Policy

Definitions:

The following definitions apply for purposes of this policy:

1. "Client" means a person or entity for which both the MDTC and each individual member is registered or is required to be registered under the laws of Michigan pertaining to lobbying activities.
2. "Matter" means the subject matter regarding which an MDTC member is directly communicating with a member of the Michigan legislative or executive branch on behalf of MDTC for the purpose of influencing public policy decision making.

Policy:

- A. An MDTC Member (hereafter "Member") shall not represent MDTC in a Matter if:
 - 1 Such representation will be directly adverse to a position directly or indirectly communicated by the Member to the Michigan legislative or executive branch in the same or a substantially related matter.
 - 2 Such representation will be directly adverse to the interests of a Client of either the Member or the Member's employer.
 - 3 Such representation will be directly adverse to the interests of the Member's employer.

- B. A Member shall not represent MDTC in a Matter if the Member's representation of MDTC might be materially limited by the Member's responsibilities to a Client, employer, third party or the Member's own interests, unless:
 - 1 The Member reasonably believes the representation will not be adversely affected, and
 - 2 MDTC consents after consultation.

Drafting Comments:

1. This policy is modeled after MRPC 1.7, but was revised in order to address public policy advocacy. Michigan Ethics Opinion RI-331 provides some direction on organizations addressing legal reform such as in lobbying: "MRPC 6.4 speaks to a lawyer's involvement in law reform activities, which is somewhat analogous to the situation of a lawyer/legislator. That Rule directly authorizes a lawyer to serve as a member of an organization involved in reform of the law notwithstanding that the reform may affect the interests of a client. The Comment, however, cautions: "In determining the nature and scope of participation in such activities, a lawyer should be mindful of obligations to clients under other rules, particularly Rule 1.7." This policy's original development referred to the D.C. Rules of Professional Conduct (which include lobbying activities in their scope).
2. The definitions were adapted from Texas ethical rules applicable to lobbying activities.

Adopted at Board Meeting on September 23, 2021