

NATIONAL GOVERNMENT ETHICS
SUMMIT
MARCH 8-10 2016

**The Criminal Prohibitions on Representing Private Interests
before the Government: 18 U.S.C. 203 and 205**

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18 U.S.C. § 205

(a)(1) Clause 1	Bars employees, other than in the discharge of their official duties, from acting as agent or attorney for another for prosecuting any claims against the U.S.
(a)(1) Clause 2	Bars employees, other than in the discharge of their official duties, from receiving any compensation in consideration of assistance in the prosecution of a claim against the U.S.
(a)(2)	Bars employees, other than in the discharge of their official duties, from acting as agent or attorney for another before any department, agency, or court in connection with a covered matter in which the U.S. is a party or has a direct and substantial interest.
(b)	Prohibitions applicable to employees of D.C. in connection with claims against D.C. and matters in which D.C. is a party of has a direct and substantial interest
(c)	Provides that all SGEs are subject to section 205(a) and (b) only in relation to certain covered matters involving specific parties
(d)-(g); (i)	Exceptions
(h)	Definition of “covered matter”

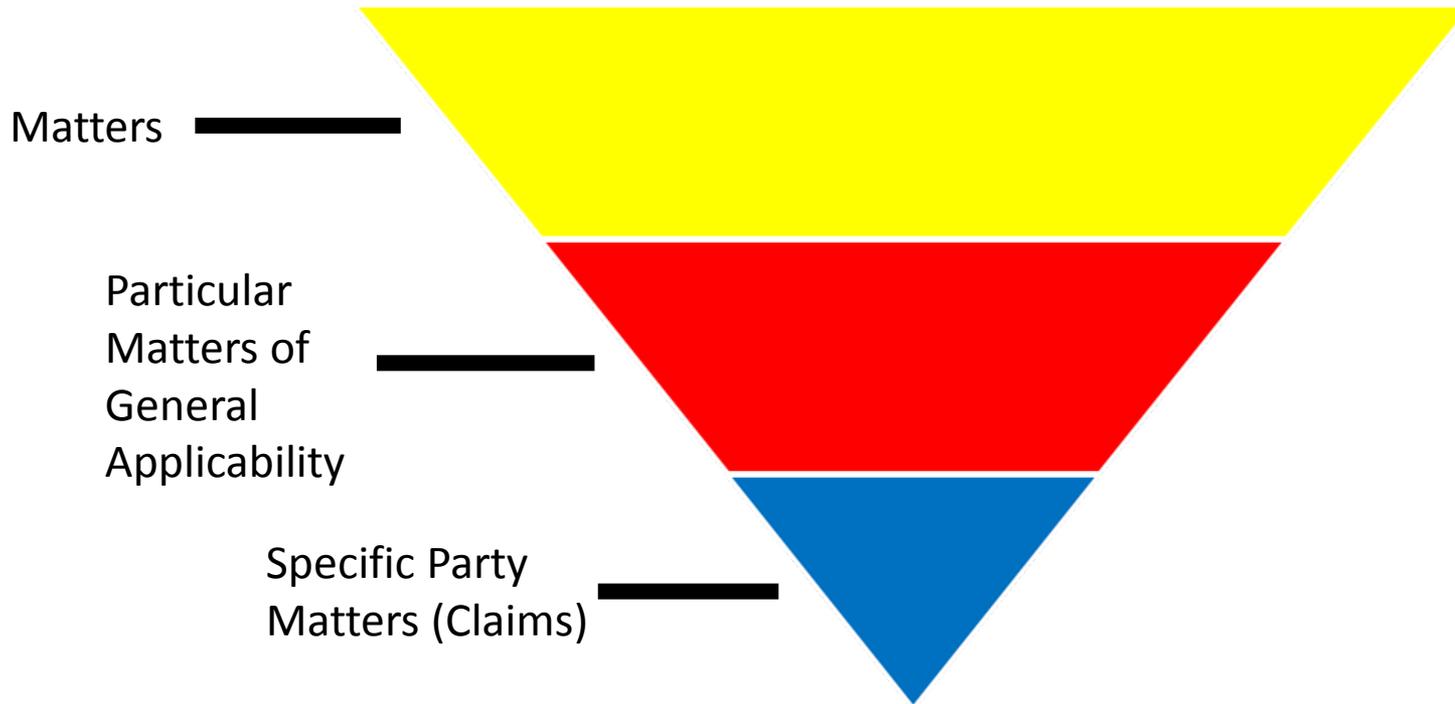
18 U.S.C. § 205(a): Three Distinct Offenses

(a)(1) Clause 1	Bars employees, other than in the discharge of their official duties, from acting as agent or attorney for another for prosecuting any <u>claim</u> against the U.S.
(a)(1) Clause 2	Bars employees, other than in the discharge of their official duties, from receiving any compensation in consideration of assistance in the prosecution of a <u>claim</u> against the U.S.
(a)(2)	Bars employees, other than in the discharge of their official duties, from acting as agent or attorney for another before any department, agency, or court in connection with a <u>covered matter</u> in which the U.S. is a party or has a direct and substantial interest.

18 U.S.C. § 205(a)(1)

An officer or employee [may not]		
[Clause 1]		[Clause 2]
Act as agent or attorney	OR	Receive any gratuity or any share of / interest in the claim [i.e., compensation]
For another		In consideration of assistance
For prosecuting		In the prosecution of
A <u>claim</u> against the United States		
Other than in the discharge of official duties		

Matters, Particular Matters, Specific Party Matters, Claims?



Application

George, an employee of a federal agency, attends law school at night. One of his law professors is seeking damages on behalf of a landowner from the EPA, alleging that an environmental regulation that precludes him from developing his property as he wishes amounts to a “taking” of his land without just compensation. George’s professor wants him to do some background research on the case, for which he will pay him on an hourly basis.

Elements of 205(a)(1)(A)

- Officer or employee
- Clause 1**
 - Act as agent or attorney
 - For another
 - For Prosecuting
 - A claim against the U.S.**
 - Other than in the discharge of official duties
- Clause 2**
 - Receive any gratuity or share of / interest in the claim
 - In consideration of assistance
 - In the prosecution of
 - A claim against the U.S.**
 - Other than in the discharge of official duties

Application

Instead, the landowner seeks injunctive relief, requesting that the court rule that the EPA regulation does not prevent her from developing the land into a commercial property. The landowner does not seek money/damages under a “takings” theory.

Elements of 205(a)(1)(A)

- Officer or employee
- Clause 1**
 - Act as agent or attorney
 - For another
 - For Prosecuting
 - A claim against the U.S.**
 - Other than in the discharge of official duties
- Clause 2**
 - Receive any gratuity or share of / interest in the claim
 - In consideration of assistance
 - In the prosecution of
 - A claim against the U.S.**
 - Other than in the discharge of official duties

18 U.S.C. § 205(a)(2)

An officer or employee [may not]		
Act as agent or attorney [which requires:]		
1) Actual or apparent authority	2) Direct communication	3) Intent to influence
For another		
Before a Department, Agency, or Court		
In connection with a <u>covered matter</u>		
In which the United States is a party or has a direct and substantial interest		
Other than in the discharge of official duties		

Three Routes: Acting as Agent

1. Agency Relationship + Acting within Scope of Authority

- Definition of Agency- A.) The principal has agreed that the agent should act on the principal's behalf and subject to the principal's control; and 2) The agent agreed to so act. (Restatement 3d on Agency)
- **Actual Authority**

2. Agency Relationship + Acting Outside Scope of Authority + Principal's Action or Acquiescence

- **Apparent Authority**

3. No Agency Relationship + Principal's Action or Acquiescence

- **Apparent Authority**

Application

Gov't Employee, Andy, works part-time for Fortune 500 company as financial analyst, and in that capacity writes and sends correspondence to the SEC regarding an ongoing investigation of the company.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority**
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties

Application

Same example, but Andy works for Fortune 500 company as an IT specialist, and on his own initiative, he calls the SEC, advocating for the dismissal of the investigation.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority**
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties

Application

Andy, the same IT specialist, is serving as a contractor for the Fortune 500 company, providing tech. support for a teleconference with Sr. Executives, Attorneys and SEC employees. Andy makes a statement about the investigation. The company likes statement, so the Sr. Executives say nothing.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority**
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties

Three Routes: Acting as Agent

1. Agency Relationship + Acting within Scope of Authority

- Definition of Agency- A.) The principal has agreed that the agent should act on the principal's behalf and subject to the principal's control; and 2) The agent agreed to so act. (Restatement 3d on Agency)
- **Actual Authority**

2. Agency Relationship + Acting Outside Scope of Authority + Principal's Action or Acquiescence

- **Apparent Authority**

3. No Agency Relationship + Principal's Action or Acquiescence

- **Apparent Authority**

18 U.S.C. § 205(a)(2)

An officer or employee [may not]		
Act as agent or attorney [which requires:]		
1) Actual or apparent authority	2) Direct communication	3) Intent to influence
For another		
Before a Department, Agency, or Court		
In connection with a <u>covered matter</u>		
In which the United States is a party of has a direct and substantial interest		
Other than in the discharge of official duties		

Application

Julia is a CPA and investigator who works on tax fraud cases at DOJ. Her stepfather asks Julia to prepare his tax return this year.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication**
 - Intent to influence**
- For another
- Before a Department, Agency, or Court
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties

Application

Julia's stepfather's tax return is audited.
Julia would like to defend the tax return in meetings with IRS officials.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication
 - Intent to influence**
- For another
- Before a Department, Agency, or Court
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties

18 U.S.C. § 205(a)(2)

An officer or employee [may not]		
Act as agent or attorney [which requires:]		
1) Actual or apparent authority	2) Direct communication	3) Intent to influence
For another		
Before a Department, Agency, or Court		
In connection with a <u>covered matter</u>		
In which the United States is a party of has a direct and substantial interest		
Other than in the discharge of official duties		

Application

Stephanie is a scientist at the National Science Foundation. At her previous private sector job, she supervised Jim, another scientist. Jim is now applying for a position at NIH and asks Stephanie to submit a reference for him to the NIH hiring officials.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication
 - Intent to influence
- For another**
 - Before a Department, Agency, or Court
 - In connection with a covered matter
 - In which the U.S. is a party or has a direct and substantial interest
 - Other than in the discharge of official duties

Application

Henry, an attorney at the NRC, volunteers at the nonprofit Youth Athletics and Arts, Inc. (YAA) in his spare time. YAA is seeking leases for a variety of facilities owned by states and local governments in the D.C. metropolitan area.

May Henry represent YAA in lease negotiations with Maryland state agencies?

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court**
 - In connection with a covered matter
 - In which the U.S. is a party or has a direct and substantial interest
 - Other than in the discharge of official duties

Application

Henry, an attorney at the NRC, volunteers at the nonprofit Youth Athletics and Arts, Inc. (YAA) in his spare time. YAA is seeking leases for a variety of facilities owned by states and local governments in the D.C. metropolitan area.

May Henry represent YAA in lease negotiations with D.C. agencies?

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court**
 - In connection with a covered matter
 - In which the U.S. is a party or has a direct and substantial interest
 - Other than in the discharge of official duties

Application

If disagreements arise about the terms of the leases, may Henry represent YAA in Maryland and D.C. courts?

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court**
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties

Application

Henry has been granted administrative leave to represent YAA in the lease dispute during office hours, consistent with the agency's pro bono policy.

Elements of 205(a)(2)

- Officer or employee
- Act as agent or attorney
 - Actual or apparent authority
 - Direct communication
 - Intent to influence
- For another
- Before a Department, Agency, or Court
- In connection with a covered matter
- In which the U.S. is a party or has a direct and substantial interest
- Other than in the discharge of official duties**

Special Government Employees

- (c) An SGE shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—
 - (1) In which he/she has at any time participated personally and substantially as a Government Employee or SGE through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise; or
 - (2) Which is pending in the Department or agency of the Government in which he/she is serving.

Paragraph (2) shall not apply in the case of an SGE who has served in such Department or agency no more than 60 days during the immediately preceding period of 365 days.

Exceptions

(d)(1)(A)	Permitting employees to represent other employees in connection with certain disciplinary, loyalty, or other personnel administration proceedings
(d)(1)(B)	Permitting employees to represent nonprofit employee organizations in certain circumstances
(e)	Permitting the representation of an employee's parents, spouse, child, and certain other persons with whom the employee has a unique relationship
(f)	Permitting SGEs performing work under a Government grant or contract to represent in certain situations
(g)	Permitting the giving of testimony under oath and the making of statements required under penalty of perjury or contempt
(i)	Permitting representation pursuant to certain statutes that deal with labor-management relations

18 U.S.C. § 203

18 U.S.C. § 203

(a)(1)(B)	Bars individuals, other than in the discharge of their official duties, from directly or indirectly receiving compensation for any representational services, rendered personally or by another when such person is/was an employee, before any department, agency, or court in connection with a covered matter in which the U.S. is a party or has a direct and substantial interest
(a)(2)	Bars giving, promising, or offering such compensation as described above
(b)	Prohibitions applicable to employees of D.C. in connection with covered matters in which D.C. is a party of has a direct and substantial interest
(c)	Provides that all SGEs are subject to section 205(a) and (b) only in relation to certain covered matters involving specific parties
(d)-(f)	Exceptions

18 U.S.C. § 203: Elements

An individual, who is an employee when representational services are rendered or to be rendered [may not]
Directly or indirectly
Receive/accept/seek/demand/agree to receive or accept
Compensation
In exchange for provision of representational services to a 3 rd party
Rendered personally or by another
Before a Department, Agency, or Court
In connection with a <u>covered matter</u>
In which the U.S. is a party or has a direct and substantial interest
Other than in the discharge of official duties

Difference: Compensation

Receive/accept/seek/demand/agree to receive or accept

Compensation

Could include: Salary from an employer for providing representational services, hourly legal fees from a client, contingency fee for helping someone win a legal case against the government, or a commission for helping someone obtain a government contract.

Generally does not include reimbursement of expenses separately billed as actual costs (*but discuss with an ethics official*).

Difference: Rep. services by others

Directly or indirectly
Receive/accept/seek/demand/agree to receive or accept
Compensation
In exchange for provision of representational services to a 3 rd party

Example: An employee who is a partner at a law firm may not share in any fees received by the partnership for representational work performed by other firm members before the government.

This includes any kind of share in the profits of a firm engaged in providing such representational services, *even bonuses tied to firm profitability.*

Application

Valerie, an employee of the Department of Energy (DOE), maintains an outside law practice with two other partners. One partner represents a client before the IRS in connection with an investigation. She is not involved in this case, and does no tax work, but instead works on real estate matters that do not involve the federal government.

Her partnership share is calculated based on a percentage of the fees generated from all matters in which she or her partners are involved, including the IRS case. May she accept this partnership share?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

Application

Valerie, an employee of the Department of Energy (DOE), maintains an outside law practice with two other partners. One partner represents a client before the IRS in connection with an investigation. She is not involved in this case, and does no tax work, but instead works on real estate matters that do not involve the federal government.

She declines to take any share of fees from the IRS case, but her partners then offer her a larger-than-usual share of fees expected to be paid by another client in the near future. May she accept?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

Application

Valerie, an employee of the Department of Energy (DOE), maintains an outside law practice with two other partners. One partner represents a client before the IRS in connection with an investigation. She is not involved in this case, and does no tax work, but instead works on real estate matters that do not involve the federal government.

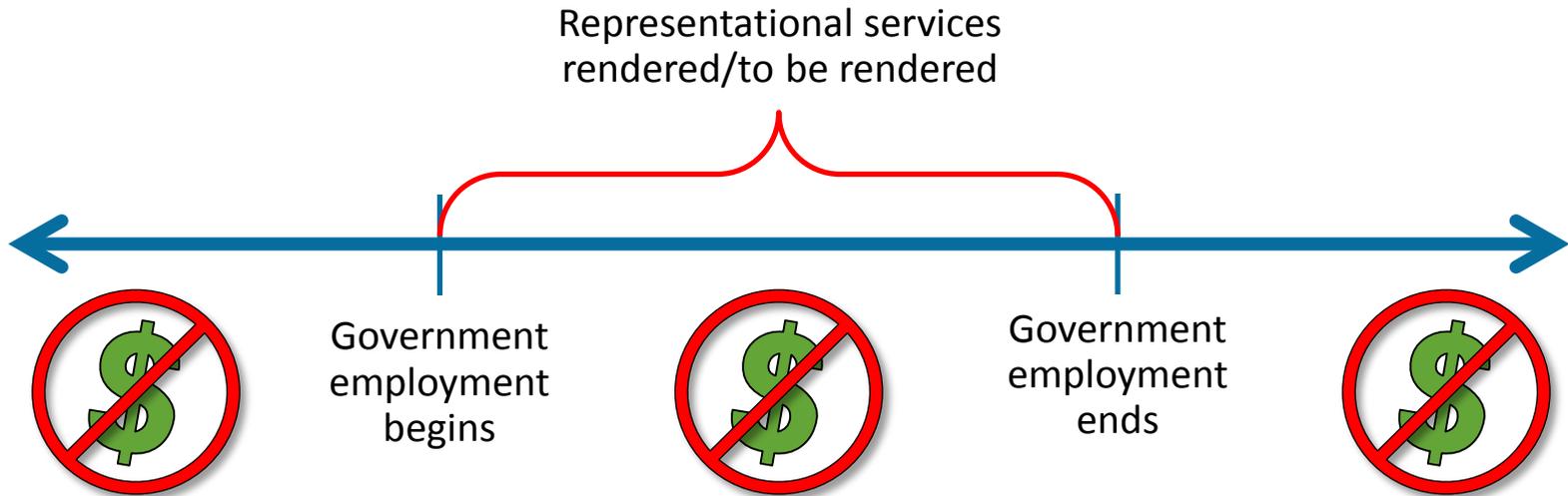
What if Valerie were an associate or “of counsel,” rather than a partner, and received a salary, rather than a partnership share. Would this arrangement be acceptable?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

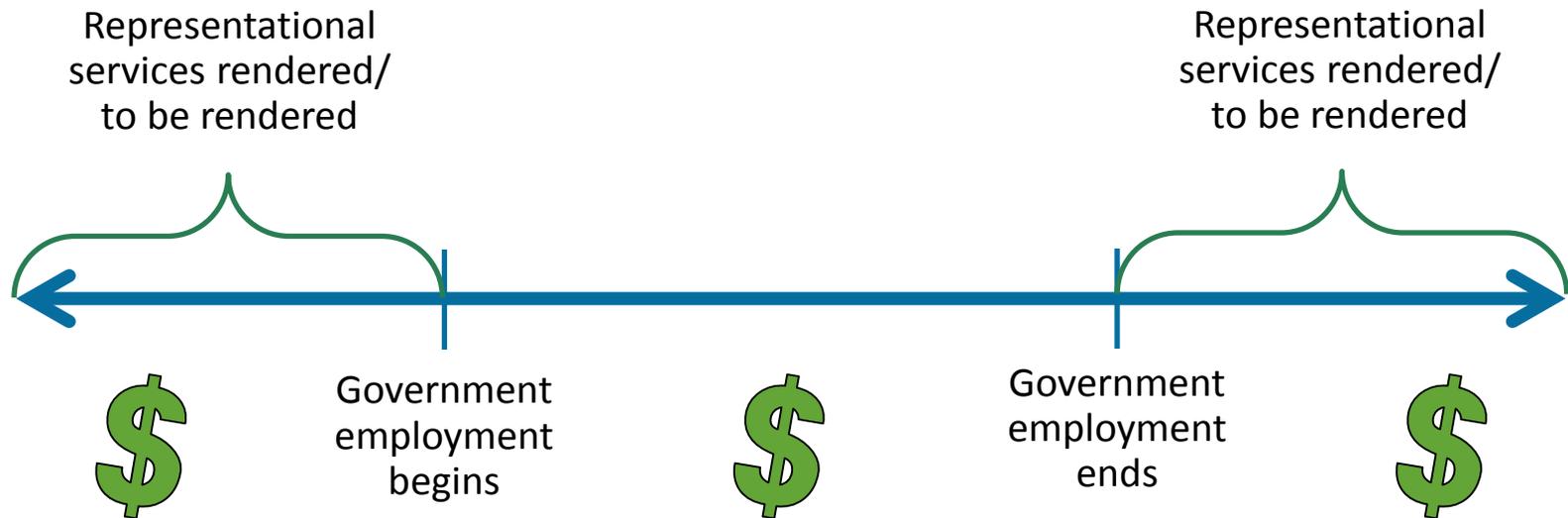
Difference: timing

Compensation prohibited:



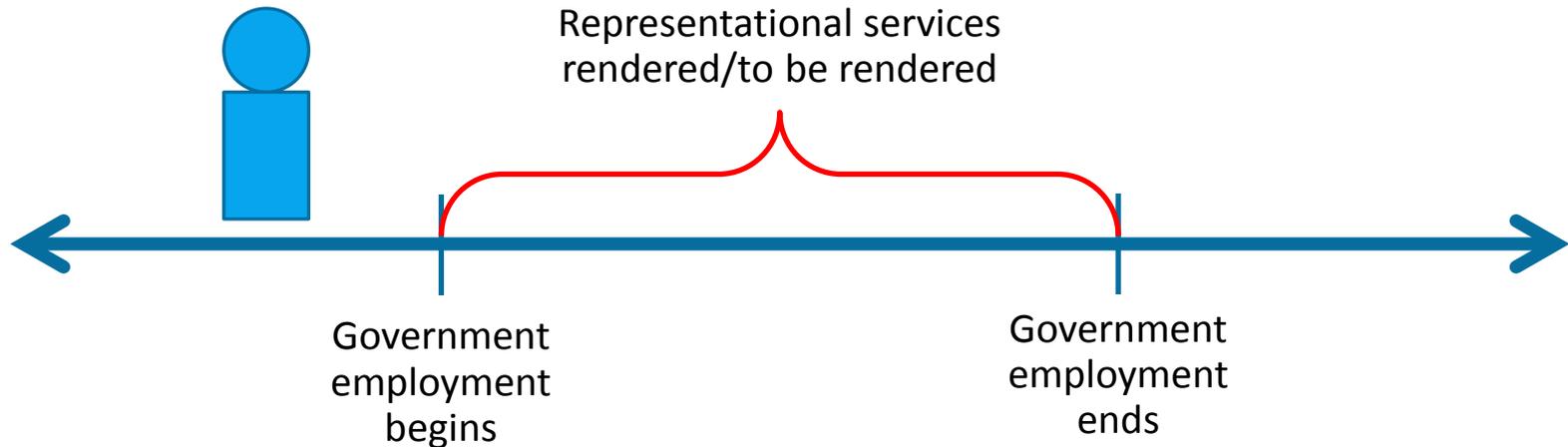
Difference: timing

Compensation permissible:



Employees entering government

Crime to receive/agree to receive compensation if in exchange for later representational services rendered when individual becomes a federal employee.



Prior to assuming office, attorneys must dispose of all interests in contingency fee cases involving the government.

Possible options for disposing of contingency fee arrangements

- Liquidate employee's share and converting to a sum certain not contingent upon the outcome.
- Assign interest in a contingency fee to another person, when the following conditions are met:
 - Must be executed and effective prior to entering government service;
 - Must be complete, unconditional, and irrevocable;
 - Must not be made to the employee's spouse, minor child, legal dependent, or household member; and
 - Must not permit the employee's involvement, after entering government service, in determining the amount of the fee.

Application

Jacob, an attorney, is leaving his personal injury practice to join DOJ. In his private practice, he has one Federal Tort Claims Act case against the VA. His retainer agreement calls for him to receive a 30% contingency fee, in addition to reimbursement for his litigation expenses, if his client is successful. All depositions and other pretrial discovery and motions are concluded, but settlement negotiations are ongoing, with the possibility of a trial in the future.

May Jacob continue to handle this case after he joins the government?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

Application

Jacob, an attorney, is leaving his personal injury practice to join DOJ. In his private practice, he has one Federal Tort Claims Act case against the VA. His retainer agreement calls for him to receive a 30% contingency fee, in addition to reimbursement for his litigation expenses, if his client is successful. All depositions and other pretrial discovery and motions are concluded, but settlement negotiations are ongoing, with the possibility of a trial in the future.

May he hand the case over to another attorney while reserving the right to a *pro rata* share of any contingency fees ultimately received?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

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May he assign his right to receive his share of the contingency fee to his spouse?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

Application

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May he settle on a specific, non-contingent sum in lieu of a contingency fee, prior to joining the government?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
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Application

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If he is owed outstanding fees from another client for past representational services rendered on an hourly-fee basis in a different federal case (now concluded), may he collect after beginning government employment?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
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Application

Jacob, an attorney, is leaving his personal injury practice to join DOJ. In his private practice, he has one Federal Tort Claims Act case against the VA. His retainer agreement calls for him to receive a 30% contingency fee, in addition to reimbursement for his litigation expenses, if his client is successful. All depositions and other pretrial discovery and motions are concluded, but settlement negotiations are ongoing, with the possibility of a trial in the future.

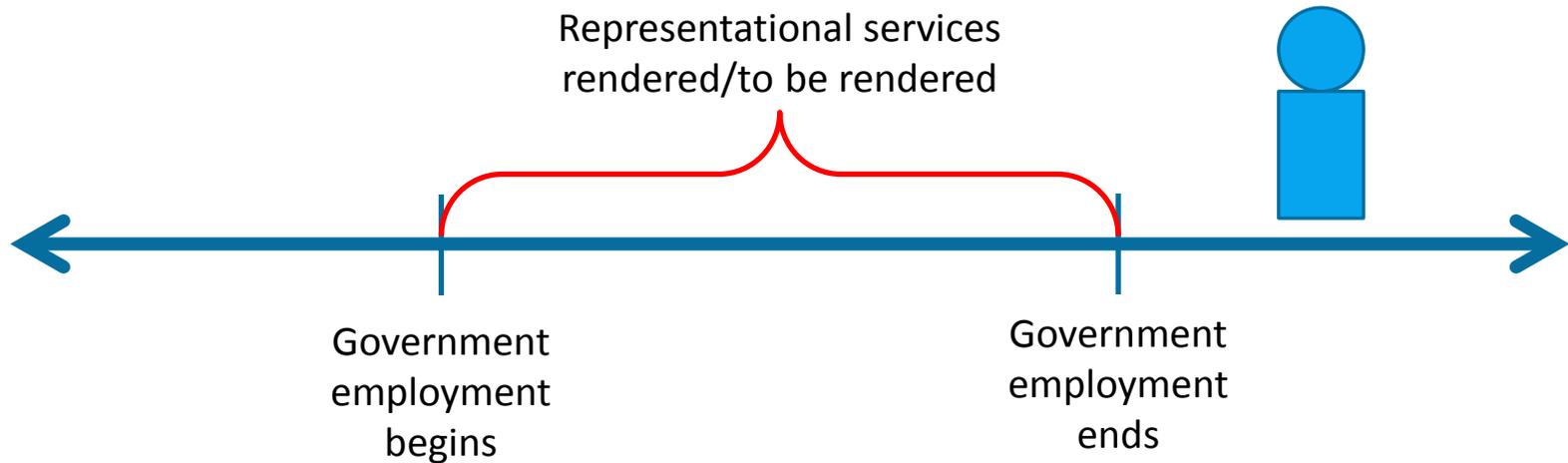
May he retain a contingent interest in the recovery of litigation expenses advanced prior to entering gov't service (*i.e.* filing fees, costs of medical examinations, phone charges, etc.)?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
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- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
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- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

Employees leaving government

Crime to receive/agree to receive compensation if it is in exchange for representational services rendered **while** the individual was a federal employee.



Often arises with attorneys who join law firms that compensate based on fees received for past representational services. Cannot share in prohibited compensation. Options include receiving a fixed salary for a period of time.

Application

Jane left the HHS to become part owner of Government Strategies, LLC, a government relations and consulting firm. While she was still in government, the firm began representing a coalition of state gov't in their efforts to persuade HUD to modify its requirements for community development grants. Shortly after she joined the firm, the coalition paid its first bill for these services.

May Jane share in the fees generated by the HUD work?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
- Compensation
- In exchange for provision of representational services to a third party
- Rendered personally or by another
- Before a department, agency, or court
- In relation to a particular matter
- In which the U.S. is a party or has a direct and substantial interest

Application

Jane left the HHS to become part owner of Government Strategies, LLC, a government relations and consulting firm. While she was still in government, the firm began representing a coalition of state gov't in their efforts to persuade HUD to modify its requirements for community development grants. Shortly after she joined the firm, the coalition paid its first bill for these services.

If she were a salaried employee, could she receive a bonus that was based on the firm's profitability for the calendar year in which those fees were received?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
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Application

Jane left the HHS to become part owner of Government Strategies, LLC, a government relations and consulting firm. While she was still in government, the firm began representing a coalition of state gov't in their efforts to persuade HUD to modify its requirements for community development grants. Shortly after she joined the firm, the coalition paid its first bill for these services.

May Jane share in any future fees for additional services rendered in connection with this matter?

Elements of 203(a)(1)(A)

- Officer or employee when representational services were or are to be rendered
- Other than provided by law for proper discharge of official duties
- Directly or indirectly
- Receives/accepts/seeks/demands/agrees to receive or accept
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Other key differences

Section 205	Section 203
No payor offense	Section 203(a)(2) covers anyone who “knowingly” gives, promises, or even offers any compensation for services rendered or to be rendered at a time when the recipient is or was an employee.
Section 205(a)(2) covers acting as an agent or attorney for another person	Section 203 covers “ <u>any</u> representational services, as agent or attorney <u>or otherwise</u> ” Might possibly cover representational services that do not amount to acting as someone’s agent within the common-law meaning
Does not apply to members of Congress	Applies to members of Congress

Special Government Employees

- (c) An SGE shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—
 - (1) In which he/she has at any time participated personally and substantially as a Government Employee or SGE through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise; or
 - (2) Which is pending in the Department or agency of the Government in which he/she is serving, except that paragraph (2) shall not apply in the case of an SGE who has served in such Department or agency no more than 60 days during the immediately preceding period of 365 days.

Application

Valerie, an employee of the Department of Energy (DOE), maintains an outside law practice with two other partners. One partner represents a client before the IRS in connection with an investigation. She is not involved in this case, and does no tax work, but instead works on real estate matters that do not involve the federal government.

What if Valerie were an SGE, instead?

(c) An SGE shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

(1) In which he/she has at any time participated personally and substantially as a Government Employee or SGE through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise; or

(2) Which is pending in the Department or agency of the Government in which he/she is serving, except that paragraph (2) shall not apply in the case of an SGE who has served in such Department or agency no more than 60 days during the immediately preceding period of 365 days.

Application

Valerie, an employee of the Department of Energy (DOE), maintains an outside law practice with two other partners. One partner represents a client before the IRS in connection with an investigation. She is not involved in this case, and does no tax work, but instead works on real estate matters that do not involve the federal government.

What if Valerie were an SGE at the IRS?

(c) An SGE shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

(1) In which he/she has at any time participated personally and substantially as a Government Employee or SGE through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise; or

(2) Which is pending in the Department or agency of the Government in which he/she is serving, except that paragraph (2) shall not apply in the case of an SGE who has served in such Department or agency no more than 60 days during the immediately preceding period of 365 days.

Exceptions: 18 U.S.C. § 203

(d)	Permitting the representation of an employee's parents, spouse, child, and certain other persons with whom the employee has a unique relationship <i>Similar exception at 18 U.S.C. § 205(e)</i>
(e)	Permitting SGEs performing work under a Government grant or contract to represent in certain situations <i>Similar exception at 18 U.S.C. § 205(f)</i>
(f)	Permitting the giving of testimony under oath and the making of statements required under penalty of perjury or contempt <i>Similar exception at 18 U.S.C. § 205(g)</i>

THANK YOU
