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**THE JOINT LEGISLATIVE ETHICS COMMITTEE**

Advisory Opinion 95-012  
September 27, 1995

**Syllabus by the Committee:**

- (1) There are no provisions contained in Chapter 102., or otherwise, prohibiting a member of the General Assembly from using his name in the title of his law firm;
- (2) A member of the General Assembly may not represent a client or act in a representative capacity on any matter in which the member personally participated through the member's duties as a member of the General Assembly; and
- (3) A member of the General Assembly is prohibited from personally rendering any service, for compensation, in any matter before the General Assembly or any other governmental entity of the state, excluding the courts.

Pursuant to sections 101.34 and 102.08 of the Revised Code that direct the Joint Legislative Ethics Committee to act as an advisory body to the members and employees of the General Assembly on questions relating to ethics, conflicts of interest, and financial disclosure, the Joint Legislative Ethics Committee advises the members of the General Assembly on the following questions: (1) Can a member of the General Assembly maintain a full general partnership in an Ohio law firm which bears his name in its title; (2) Can a member of the General Assembly, or the member's law partners, represent county, local city and exempted village, and JVS school districts; villages, cities, townships, counties, libraries, library districts, joint fire and/or ambulance districts; and (3) Can a member of the General Assembly continue to

practice law by providing legal opinions to clients, representing clients in court or other proceedings, being involved in labor negotiations, and obtaining new clients?

First, you have asked whether a member of the General Assembly may maintain a full general partnership in an Ohio law firm which bears his name in its title. There are no provisions contained in Chapter 102., or otherwise, prohibiting a member from using his name in the title of his law firm. The only such prohibition that exists pertains to elected judges.

Next, you have asked if a member of the General Assembly, or the member's law partners, can represent county, local city and exempted village, and JVS school districts; villages, cities, townships, counties, libraries, library districts, joint fire and/or ambulance districts. Initially, it must be noted nothing in the Ethics Law is applicable to the work performed by the partners in your law firm; the prohibitions, if any, are applicable only to you, as a member of the General Assembly. A member of the General Assembly is not prohibited from representing local entities such as those listed above.

Lastly, you have asked if you can perform services such as rendering legal opinions, representing clients in court or other proceedings, or being involved in labor negotiations. These issues have recently been addressed in JLEC Advisory Opinion No. 95-006. The Committee directs your attention to that opinion since you are "similarly situated" and the opinion provides equal immunity to you. See R.C. 102.08. As stated in Advisory Op. 95-006, generally, a member is not limited in the *type* of services he may perform for his clients; however, there are two issues that should be reiterated. First, pursuant to R.C. 102.03(A)(1), members are prohibited from representing clients on certain *matters* and second, pursuant to R.C. 102.04(A), members are prohibited from *appearing before* certain governmental agencies.

R.C. 102.03(A)(1) provides:

No present or former public official or employee shall, during his public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which he personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

Therefore, you may not represent a client or act in a representative capacity on any matter in which you personally participated through your duties as a member of the General Assembly. However, for purposes of R.C. 102.03(A)(1), "matter" includes any case, proceeding, application, determination, issue, or question, *but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments.*


The second restriction which limits the entities before whom you may practice is found in R.C. 102.04(A) which provides:

Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

Pursuant to R.C. 102.04(A), courts are specifically excluded from the prohibition. However, you are prohibited from personally rendering any service, *for compensation*, in any matter before the General Assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state. "Department" means the several departments of state administration enumerated in section 121.02 of the Revised Code. R.C. 121.01(A). "Division" means a part of a department established as provided in section 121.07 of the Revised Code for the convenient performance of one or more functions committed to a department. R.C. 121.01(B). "Institutions" include every organized body, office, and agency established by the constitution and laws of the state for the exercise of any function of the state government, and every institution or organization which receives any support from the state. R.C. 121.01(C). "Board, commission, or bureau of the state" mean any board, commission, or bureau created and authorized by statute. A school district or local board of education is not a department, division, institution, instrumentality, board, commission, or bureau of the state.

This Advisory Opinion is based on the facts presented. It is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code and does not purport to interpret other laws or rules.

Accordingly, the Committee finds, and the members are so advised: (1) There are no provisions contained in Chapter 102., or otherwise, prohibiting a member from using his name in the title of his law firm; (2) A member of the General Assembly may not represent a client or act in a representative capacity on any matter in which the member personally participated through the member's duties as a member of the General Assembly; and (3) A member of the General Assembly is prohibited from personally rendering any service, *for compensation*, in any matter before the General Assembly or any other governmental entity of the state.

  
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William G. Batchelder, Chairman  
Joint Legislative Ethics Committee