



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2889

Introduced 1/20/2006, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

25 ILCS 170/9.5 new
25 ILCS 170/9.10 new
25 ILCS 170/9.15 new

Amends the Lobbyist Registration Act. Sets forth prohibitions and restrictions relating to the activities of a person required to register under the Act with respect to the person's clients and former clients and conflicts of interest with respect to clients.

LRB094 19053 JAM 54551 b

1 AN ACT concerning lobbying.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lobbyist Registration Act is amended by
5 adding Sections 9.5, 9.10, and 9.15 as follows:

6 (25 ILCS 170/9.5 new)

7 Sec. 9.5. Conflict of interest; multiple clients.

8 (a) A person required to register under this Act shall not
9 represent a client if the representation of that client will be
10 directly adverse to another client, unless:

11 (1) the person required to register under this Act
12 reasonably believes the representation will not adversely
13 affect the relationship with the other client; and

14 (2) each client consents after disclosure.

15 (b) A person required to register under this Act shall not
16 represent a client if the representation of that client may be
17 materially limited by the person's responsibilities to another
18 client or to a third person, or by the person's own interests,
19 unless:

20 (1) the person required to register under this Act
21 reasonably believes the representation will not be
22 adversely affected; and

23 (2) the client consents after disclosure.

24 (c) When representation of multiple clients in a single
25 matter is undertaken, the disclosure shall include explanation
26 of the implications of the common representation and the
27 advantages and risks involved.

28 (25 ILCS 170/9.10 new)

29 Sec. 9.10. Conflict of interest; prohibited transactions.

30 (a) Unless the client has consented after disclosure, a
31 person required to register under this Act shall not enter into

1 a business transaction with the client if:

2 (1) the person required to register under this Act
3 knows or reasonably should know that he or she and the
4 client have or may have conflicting interests therein; or

5 (2) the client expects the person required to register
6 under this Act to exercise the person's professional
7 judgment therein for the protection of the client.

8 (b) Unless all aspects of the matter giving rise to the
9 employment have been concluded, a person required to register
10 under this Act shall not enter into any arrangement or
11 understanding with a client or a prospective client by which
12 the person required to register under this Act acquires an
13 interest in publication, media, or other literary rights with
14 respect to the subject matter of employment or proposed
15 employment.

16 (c) A person required to register under this Act or a
17 person related as his or her parent, child, sibling, or spouse
18 shall not solicit or accept any substantial gift from a client,
19 including a testamentary gift, except where the client is
20 related to the donee or the person required to register under
21 this Act has advised the client to seek independent advice
22 concerning the gift.

23 (d) While representing a client in connection with
24 contemplated or pending lobbying activities, a person required
25 to register under this Act shall not advance or guarantee
26 financial assistance to the client, except that a person
27 required to register under this Act may advance or guarantee
28 the expenses of lobbying activities if:

29 (1) the client remains ultimately liable for such
30 expenses; or

31 (2) the client is indigent.

32 (e) A person required to register under this Act who
33 represents 2 or more clients shall not participate in making an
34 aggregate agreement for the clients, unless each client
35 consents after disclosure, including disclosure of the
36 existence and nature of the interests of all clients involved.

1 (f) A person required to register under this Act shall not
2 make an agreement with a client prospectively limiting the
3 person's liability to the client unless such an agreement is
4 permitted by law and the client is independently represented in
5 making the agreement.

6 (g) A person required to register under this Act shall not
7 settle a claim against himself or herself made by an
8 unrepresented client or former client without first advising
9 that client in writing that independent representation is
10 appropriate in connection therewith.

11 (h) A person required to register under this Act shall not
12 enter into an agreement with a client or former client limiting
13 or purporting to limit the right of the client or former client
14 to file or pursue any complaint or claim against the person.

15 (i) A person required to register under this Act shall not
16 acquire a proprietary interest in the subject matter of
17 lobbying activity that is being conducted for a client except
18 by acquiring a lien granted by law to secure fees or expenses.

19 (25 ILCS 170/9.15 new)

20 Sec. 9.15. Conflict of interest; former client.

21 (a) A person required to register under this Act who has
22 formerly represented a client in a matter shall not thereafter:

23 (1) represent another person in the same or a
24 substantially related matter in which that person's
25 interests are materially adverse to the interests of the
26 former client, unless the former client consents after
27 disclosure; or

28 (2) use information relating to the representation to
29 the disadvantage of the former client unless the
30 information has become generally known.