

# Lobbying Handbook

## Florida Chapter of the American College of Surgeons



### *The Role of Lobbying in American Government*

The argument for self-representation, or representation of an interest, first appeared before the Constitution was ratified, in James Madison's Federalist Papers #10. The right to represent an interest to the government is also reflected in the First Amendment to the Constitution:

"Congress shall make no law...abridging the freedom speech...or the right of the people peacefully to assemble, and to petition the government for redress of grievances."

The term "lobbying" itself is thought to be from the early 1800s, where it could have come from the then-common circumstance of petitioners waiting in the lobby of Washington's Willard Hotel for Members of Congress to emerge from their rooms on their way to the Capitol. It is also thought to have originated from the New York State Legislature's lobby, where petitioners would wait for state representatives to leave the floor of their legislative chamber. Some people trace the term further back to people gathering outside in the halls before and after debates of the Houses of Parliament. Regardless of the origin of the term, by 1835 the term had been shortened to "lobbyist" and was in wide usage in the U.S. Capitol and many statehouses across the new nation. In modern day government, lobbyists function as conduits of information to policymakers. In essence, all American citizens are, in effect, lobbyists.

Because the lobbying profession is so little understood, it is often viewed as a sinister function, yet every interest from "apple pie to automobile manufacturers" in the United States uses lobbyists – a fact little known by the general public.

Simply put, lobbying is advocacy of a point of view, either by groups or individuals. A special interest is nothing more than an identified group expressing a point of view – be it associations of businesses, colleges and universities, churches, charities or a group of like-minded surgeons. Do you know that even states, local and foreign governments have lobbyists working everyday to represent their clients? While many people think of lobbyists only as paid professionals, there are many independent, volunteer lobbyists – all of whom are protected by the same First Amendment.

Lobbying involves much more than persuading legislators. Its principal elements include researching and analyzing legislation or regulatory proposals; monitoring and reporting on developments; attending legislative or regulatory hearings; working with coalitions interested in the same issues; and then educating not only government officials but also employees and corporate officers as to the implications of various changes. What most people regard as lobbying – the actual communication with government officials – generally represents the smallest portion of a lobbyist's time; a far greater proportion is devoted to the other aspects of preparation, information and communication. The most effective lobbying is often done by professionals who know and understand complex political processes.

Basic fact: Lobbying is a legitimate and necessary part of our democratic political process. Government decisions affect both people and organizations and information must be provided in order to produce informed decisions. Public officials cannot make fair and informed decisions without considering information from a broad range of interested parties who can advise them as

experts in the field. Think of it this way, how are public officials expected to make decisions about complex medical decisions that affect the practice of surgery if there are no surgeons “lobbying” their elected officials?

### ***Florida Chapter, ACS Lobbying***

The Florida Chapter works very hard to make lobbying easy for you. We provide you with all the tools necessary to convey your message to your elected leader.

- **One Voice.** We try to speak with our elected leaders using one voice – surgeons making similar points at the same time to legislators. This helps to maximize our message’s impact.
- **Position of the Florida Chapter.** It is important that you inform legislators of the Chapter position on an issue. We will provide you talking points to convey this united message to elected leaders. Credibility of both the Chapter and individual doctor’s voice being heard is paramount.
- **Scheduling meetings.** The Florida Chapter and our lobbying team are eager to assist you in planning your meeting with legislators. Knowing that you have a meeting scheduled can help us assist you with necessary collateral materials to help you make your case.
- **Following up with the Florida Chapter on meeting results.** This critical aspect of the meeting allows the Chapter to know how to follow up with the elected leader. If you promised to get back to them with materials or to provide the Chapter position on an issue, we need to know so that we can follow through. The more information that you can provide back to the Chapter lobbying team, the more effective we can be at shaping the legislative landscape for you!

### ***How Does One Lobby?***

Any effort to influence policy, legislation, or regulation must be focused and incorporate the following elements. The Florida Chapter can assist with:

- **Identify your goal.** What is it you want? If you haven’t precisely identified this, you have no business talking to a policymaker about your issue or conducting a discussion about an undefined outcome.
- **Plan.** Planning is paramount and the Chapter Executive Office and our legislative agents can assist. Issues like knowing the legislative calendar – and how it affects your goal – are critical. Remember, lobbying is a year-round activity. Do not wait for a legislative session to cultivate your relationship or to begin your education on important issues.
- **Precise communication in politics is critical.** Just like your medical charts or journal articles, precise language is important. This means using specific language; and the principle of listening. A policymaker may say to you, “I will do what I can,” or “I share your concerns.” These statements mean exactly what they say. These are not commitments, and you need to be aware of that.
- **Ask for what you want,** and be sure the right person is asking and being asked.
- **Know the context** of the policymakers decision making process. Know how much a legislator can, or will do, for a cause based upon their political party, committee assignments, past efforts and votes and personal interests.
- **Distribute your “asks.”** Never overburden any one legislator, policymaker, or staff

person. This requires planning and prioritization. Again, the Chapter Executive Office and our legislative agents would be happy to assist with these efforts.

- **Don't create your own problems.** If you brief a policymaker on a program where you don't have a problem, you may have one when you come out of the meeting. Remember, legislator's job is to fix things by proposing legislation. You bringing up issues often times sparks thoughts that may cause actions you never meant. This is why using talking points to keep you on track is beneficial.
- **Understand the policy process (executive or legislative).**
- **Know your policymakers.** Know what committees your legislator/policymaker serves on. As much as possible, try to tie in how your proposal fits within their goals as an elected leader.
- **Make your request early.** Few things irritate legislators or staff more than last minute requests or changes.
- **Enlist the support of your stakeholder base.** Develop and provide communications (letters and calls) of support from the stakeholders (hospital department heads, administrators, or other executives).

### ***What to Expect: A Typical Lobbying Meeting***

Preparation, consideration, and clarity are required for a successful lobbying experience. A typical sequence of events follows. A similar, but not exact, approach applies at various levels of government.

#### ***Planning and Preparation: Making the Appointment***

Before requesting a meeting, you must be clear that your meeting is more than a gathering to exchange information – as a member of the Florida Chapter, ACS and the American College of Surgeons, any such meeting is an attempt to establish a relationship with a policymaker who has an interest in and potential impact on issues you care about. It should be sought, planned for, and conducted as such.

- The Chapter Executive Office and the Legislative Agent can assist you with scheduling a meeting. Make sure that you don't do all of the work...let us help!
- Request a meeting with the policymaker in writing with the office you wish to meet (i.e. the statehouse office versus the district office).
- Elected officials typically ask for meeting requests in writing. Do not be surprised if this is the case. You should keep in mind that, due to security procedures, postal mail can be delayed for weeks if mailing is to your federal representatives. When requesting a meeting in writing, it is strongly advised that you either fax or e-mail the request.
- You will work with the member's scheduler to confirm the appointment, but be sure to ask for the name of the staff member who will attend the meeting.
- Generally speaking, congressional offices require two to three weeks to schedule, especially with the member. State Senators and Representatives are typically scheduled much more quickly. Meetings with staff can be scheduled much more flexibility.
- When scheduling a meeting, make sure that you are aware of the legislative calendar. If you are requesting to meet with an elected official during a scheduled recess, it may be difficult because they are working in their home districts. Typically, meeting fall on

Tuesdays, Wednesdays and Thursdays as this is when members are in session.

- Ask for, and plan on a 15-30 minute meeting, but be aware that the meeting could be as short as five minutes in a hallway. This is especially true in Washington where space is much more limited than is typically found in statehouse offices.
- Come prepared with written briefing materials, no more than a few pages. Take a colleague or assistant with you to the meeting – no more. Again, meeting space is extremely limited and effective communication requires fewer, not more, people in a meeting.
- When scheduling multiple meetings, be sure to allow plenty of time to get to your next appointment – especially in Washington. Group meetings with multiple Senate offices together and likewise, group House visits together. This will potentially save you a lot of walking!

### *The Meeting*

If the member can attend the meeting, then you will be ushered into his/her office, and in nearly every case, a staff member will also attend. Your principal advocate should sit closest to the member, for best communication. Do not be afraid to mention any family connections or past interactions which may register, and provide the meeting a level of ease. Just like with your patients, the more at ease they are with the situation, the better chance of everything going smoothly. The member will also be curious to know about your connection to his/her state or community. However, get to the point quickly; outline the issue, the players involved, the pros and cons of the issue as you see them, a proposed solution, and the specific request you have for the member.

A quick word of advice and caution: In all legislative interactions, you must remember that this is a peer-to-peer interaction. You are not a supplicant. Your information will help legislators make more informed decisions, which will help their constituents, and thus, their career. You should guard against viewing legislators as adversaries in your discussions. When this happens, the psychology of the interaction changes and your conversation tone changes as well. The information you are supplying is a service to your legislators and they should appreciate the time you are spending with them.

There are many circumstances where an elected official may be called away from a previously planned meeting. Votes may be called, legislative negotiations may require attendance, or a meeting with legislative leadership may arise. Warning: Do not be offended at this happening. Staff members are responsible for communicating your issues to the elected official and working the issue, so treat them as you would the member.

While we are talking about elected official's staff members, there is another thing to keep in mind. You may be surprised and shocked at how young most of the staff members are on Capitol Hill or in the Statehouse. It is very important to show respect to these staffers, despite their youth. They hold a tremendous amount of power in determining your future relationship with the office and the member and will be responsible for working your issue day in and day out. Building a relationship with staff is just as important as building a relationship with elected officials or policymakers.

If the elected official is called away before your meeting, you may meet with staff in the lobby or even the hallway outside the main office. This is not a sign of disrespect, but a reflection upon the limited space available.

- Try to arrive a few minutes early. Remember, you only have 15 minutes or less to communicate the issue and desired response. Keep your presentation short and to the point. Be prepared to brief an elected official as they walk to the floor for a vote or another meeting. Again, there is no disrespect meant, but simply a lack of time to get all meetings scheduled each day.
- Have two sets of materials for each visit: one for the elected official or policymaker and one for the staff member. Any materials that you hand out should be brief and easily discernable to the novice reader. Dazzling staff with complex medical terms could inhibit them from knowing how to address your request.
- Credibility is everything. It is important to be informed and accurate. If you don't know something, offer to find out and get back to the office regarding the answer. An important corollary to this principle is: Tell the whole truth. As surgeons, policymakers and elected officials rely on you as a credible source of expertise and information on your issues. Be prepared to candidly tell both the pros and cons of a given policy or piece of legislation.
- Don't just provide requests, provide solutions when possible. If you are requesting specific legislative change, then provide the necessary language or amendment that would resolve your issue.
- Work at relationships, not just quick achievement. Think long-term. Be courteous and patient, and establish long-term relationships with legislators and staff. The legislative process is extensive for a reason and it takes time to achieve many legislative goals.
- Little things matter greatly. Avoid the tendency to pursue lobbying aggressively or wear out your welcome. Never forget the impact of "thank you."
- Listen. Policymakers and legislators may tell you how you can help them. Meetings with policymakers, legislators and staff should never be in "transmit" mode exclusively – you must be prepared to be in "receive" mode as well.
- Explain what your goal means to them. The best policy or product is meaningless unless the legislator knows what specifically he or she can do for them to solve the problem. Be sure to personalize it in a way so that they realize solving this problem will be for the betterment of their constituents, community, state or entire country.
- Follow-up. Possibly is the most important step of the process and is consistently overlooked. Do what you promise or agree to do following a meeting or discussion. This is a prerequisite for the legislator to do what they can on your behalf. If nothing else, everyone appreciates a short thank you note for taking the meeting – remember, it is all about relationship building!

### *Meeting Wrap-Up*

Ask if there is anything that you can be of assistance on, or any upcoming agenda issues that the legislator is particularly involved in. In the age of healthcare reform, most legislators have questions and few people to answer them. As surgeons, you are particularly experienced and have an expertise that can, and should, be shared. Be sure to get a business card from all staff present; the staff will be your key point of contact.

Remember to leave behind written materials and contact information. Agree to a follow up plan of action: i.e., you will call the legislator or staff member in a week, or submit detailed proposal in two weeks. Finally, thank the elected leader, staff member, or policymaker for their time.

***After the Meeting: Follow-Up***

Send a thank you note to the policymaker for his or her time. Take the opportunity to foster goodwill toward your elected leader. Make a decision to get your name and issue in front of the legislator and staff member again.

Follow up as agreed during the meeting. Again, remember that this is the beginning of what you hope will be an extended relationship with the elected leader, policymaker, and/or staff member, so follow-up is as important as the preparation.

***Florida Chapter, American College of Surgeons Lobbying Team***

**Christopher L. Nuland, Esq**, has served as the Florida Chapter's General Counsel for more than a decade, having previously served as legal counsel to the Florida Medical Association and Blue Cross and Blue Shield of Florida. He regularly lobbies medical issues before the legislature and Florida Board of Medicine.

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