

MAR 18 2011

MEMO



Senate of Pennsylvania

March 17, 2011

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship –Ethics Counsel

I am introducing legislation amending the Rules of the Senate to create a separate post of Ethics Counsel.

I believe that legislators and staff should have a single point of contact whose main focus is to ensure that ethical standards are being maintained. The Ethics Counsel will help make certain that legislators and staff are handling the responsibilities of public service properly. The position established by this legislation is modeled after a similar position in Maryland and New Jersey's legislatures.

At the beginning of each regular session convening in an odd-numbered year and at other times as may be necessary, the Senate shall elect an attorney to serve as Ethics Counsel to Members, officers and employees of the Senate. In addition to serving as counsel to the Committee on Ethics and Official Conduct, pursuant to Rule XXXV of the Senate Rules, the Ethics Counsel shall provide informal advice (written or oral) to Members, officers and employees regarding the requirements of applicable ethics laws, rules or standards of conduct.

Each Member would be required to meet individually with the Ethics Counsel at least once a year. The Ethics Counsel shall, upon request, provide assistance to Members, officers and employees of the Senate for preparing and filing statements of financial interests or other statements or reports required to be filed. Additionally, the Ethics Counsel may assist a Member, officer or employee of the Senate in preparing a request for a formal advisory opinion from the Committee on Ethics and Official Conduct.

Informal ethics advice from the Ethics Counsel to a Member, officer or employee of the Senate shall be confidential and subject to attorney-client privilege. If a complaint is filed against a Member, officer or employee, the Ethics Counsel may not participate in the investigation or any activities of a prosecutorial nature. The assistance provided by the Ethics Counsel is intended as a service to a Member, officer or employee of the Senate and may not be deemed to diminish a Members, officers or employee's personal responsibility for adherence to applicable laws, rules and standards of ethical conduct. No privileged information provided to the Ethics Counsel by Members, officers or employees of the Senate shall be used or admitted into evidence in any proceeding against them; but this shall not prohibit proceedings against them from evidence independently derived.

The Ethics Counsel shall also carry out the requirements of Rule V of the Ethical Conduct Rules of the Senate which requires annual training of all Senators and Senate employees on various topics including Lobbying Disclosure and the Public Official and Employee Ethics Act. In addition, the Ethics Counsel shall develop and offer continuing legal education courses on ethics for Members, officers and employees of the Senate.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.