

## **Part-Time Government Official's Receipt of Compensation for Representational Work Before the Government**

As a special government employee, part-time Commissioner of Foreign Claims Settlement Commission is barred by 18 U.S.C. § 203 from representing anyone before a component of the Justice Department for compensation.

Part-time government official who is not a partner of his law firm may continue to receive compensation from his firm which is attributable to representational work before the Justice Department.

Part-time government official's law firm may represent clients before any component of the Justice Department except the Commission.

May 2, 1980

### **MEMORANDUM OPINION FOR THE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION**

This confirms the information we gave to Mr. A by telephone concerning the effect of 18 U.S.C. § 203 on him and the law firm he is affiliated with during his contemplated service as a part-time Commissioner of your agency.

Section 203(a) in general prohibits an individual from receiving compensation for representational services performed before a government department or agency by "himself or another . . . at a time when he is an officer or employee" of the government. Section 203(c) narrows to two situations the prohibition of subsection (a) in relation to a person serving as a special government employee (SGE) as defined in 18 U.S.C. § 202(a), a category in which we understand Mr. A will be placed when he assumes his office. First, § 203(c) bars an SGE from receipt of the described compensation if it is derived from a matter in which he has participated for the government. Second, it bars him from the receipt of such compensation derived from a matter in which he has not so participated, but only (1) if it is pending in the department or agency where he is employed and (2) if the activity giving rise to the compensation occurred at a time when he has served there more than 60 days during the immediately preceding 365 days.

As applied to Mr. A while he holds the position of Commissioner of your agency, § 203 would preclude him from representing anyone before a component of the Justice Department for compensation whenever the 60-day provision came into play against him. On the

other hand, since, as Mr. A informed us, he is not a partner of his firm and is not compensated like one, § 203 will not during the continuation of those circumstances preclude his receipt of any payment from the firm which is attributable to its earnings from representational work before this Department. In short, the prohibition of § 203 against an individual's receipt of compensation for services rendered by another does not extend to an individual employed in a law partnership who does not share in its profits.

Mr. A's contemplated occupancy of office as Commissioner will not restrict his firm from representing clients before any component of the Justice Department except the Commission. See 18 U.S.C. § 207(g).

LEON ULMAN  
*Deputy Assistant Attorney General*  
*Office of Legal Counsel*