

# Daily Journal

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## Political Necessity

*Miller Olson LLP aims to keep its clients — candidates and office-holders — out of trouble.*

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**S**ACRAMENTO — When potential clients ask why they might need a political law firm, the attorneys at Miller Olson LLP sometimes tell the story of two city councilmembers.

Both received a gift from an outside group. Both later were hit with a \$300 fine from the state Fair Political Practices Commission after it determined the gift violated campaign finance laws. One councilmember paid up.

The other, a Miller Olson client, did not. The firm determined the gift fit into an exception to the state Political Reform Act. They challenged the ruling and won. Months later, the councilmember who paid up ran for judge — and lost.

“It became a huge issue in the election,” said partner Rebecca J. Olson. “He hadn’t broken the law, but he signed a stipulation that he had.”

Olson added, “When we’re doing our job, we’re very boring.”

It’s a sentiment that could function both as the moral of the story and a motto for the firm.

Miller Olson works with candidates, lobbyists and other politically active entities to advise on potential conflicts and make sure they file paperwork correctly. While the two-attorney firm does sometimes challenge an FPPC determination, it doesn’t engage in litigation.

The tiny firm also embodies many of the changes that have happened in the culture and politics of California over the last half-century.

Partner Russell H. Miller and chief operating officer Kirk A. Pessner grew up in the Bay Area — Miller in Burlingame, Pessner in Marin County. Their families, the area and the state were all predominantly Republican at the time.

They also lived for many years in a state that saw their relationship



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From left, Russell H. Miller, Rebecca J. Olson, and Kirk A. Pessner of Miller Olson LLP.

as a crime. The two men have been a couple for 33 years, and married since 2008.

After the state Supreme Court decision legalizing same sex marriage, friends told them to take their time and plan a fancy wedding. Instead, they quickly got themselves to a courthouse.

“When marriage became legal in California, Kirk and I were both sophisticated enough to know it probably wouldn’t last,” Miller said.

Not surprisingly, the firm is a big supporter of LGBT causes, sometimes contributing pro bono work. The firm filed an amicus brief in the U.S. Supreme Court case that legalized same-sex marriage.

It was Pessner who led Miller into political law. Both had “good jobs” when they met. Pessner spent 18 years at Nielsen Merksamer Parrinello Gross & Leoni LLP, rising to become senior paralegal.

“Kirk used to be our senior political law specialist here for many years and did an outstanding job,” said partner Vigo G. “Chip” Nielsen, Jr. He added that he and his wife still get together with Pessner and Miller at least once a year for breakfast.

Miller and Pessner opened their firm in 1995 in Burlingame.

“Primarily because my mother was in her final years then and I wanted to be near her,” Miller said. “We did something very brilliant by accident. We were halfway between San Francisco tech and Silicon Valley tech.”

The firm’s early work fit into the Venn diagram of politics and technology. The trade industry group Tech-Net was an early client, and remains one today.

“We worked with a lot of tech companies that were just getting involved in politics,” Miller added. “They had viewed themselves as outside of political for a long time.”

Olson was in law school at the time. After graduating, she went to work for Ellen Tauscher’s campaign for Congress, which had hired Miller to be its attorney.

After Tauscher’s insurgent campaign unseated incumbent Republican Bill Baker, Olson went to work for the firm as a paralegal.

“I suddenly realized you didn’t have to choose between politics and the law. You could do both,” Olson said.

“I used to tell people what I did for a living and they were like, ‘Wait, what?’ They had no concept of what political law could be,” she added. “Then the election of 2000 happened

and the hanging chads and people were like, ‘Oh, that’s why people need election lawyers.’”

After four years, Olson went to work for another political law firm, Olson Hagel & Fishburn LLP in Sacramento. She is not related to partner Lance H. Olson, as people often ask.

The small world of California political law firms has a generation split, with an older generation in the process of handing off the reins to attorneys in their 30s and 40s. Current Olson Hagel partner Lacey E. Keys said Rebecca Olson mentored her during her time at the firm.

“I would say one of the greatest things I learned from Rebecca was remembering to stay calm under pressure,” Keys said. “Generally, when you get into election time and [campaign finance] reporting periods, everything is high pressure. Remaining calm is the only way to get the job done and help the clients.”

It’s a lesson Olson said many are learning. She joined the newly-minted Miller Olson in 2011 as a partner, opening a full-time Sacramento office.

The political law field is small but rapidly growing. The few firms regularly refer clients to each other because many have conflicts — such as representing a competing candidate. In fact, Olson said, with so many prominent Democrats running for governor next year, it’s been hard for some candidates to find a political law firm.

Meanwhile, many local politicians — like the city councilmember who got in trouble with the FPPC — are going to have to start hiring attorneys, Olson added. While most firms focus on legislators and statewide offices, changes to political laws can also affect people running for local offices.

“The law keeps getting more and more complicated,” Olson said. “It’s becoming harder and harder for someone just running for school board to figure it out on their own.”