

Transitioning from State Regulator to Private Practitioner

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- I. Looking for a job in the private sector. A LOT OF THIS IS COMMON SENSE.
 - A. Are you ready to leave your job as a regulator, or attorney for the Commission?
 1. Does your state have a buffer statute or rule?
 2. Know your state's rules on what happens to your retirement account
 - B. Do you have any conflict issues?
 1. Are you substantially involved in any cases in which your prospective employer is a party or represents a party?
 2. Model Code of Professional Responsibility. *See* Rules 1.7, Conflict of Interest – Current Clients; 1.9, Duties to Former Clients; 1.11, Special Conflicts of Interest for Former Government Officers & Employees; 1.12, Former Judge, Arbitrator, Mediator, or Other Third-Party Neutral.
 3. Make a list of all matters in which you have substantial involvement – even if you only consulted on the case or are not lead counsel. *See* Rule 1.6(b)(7), Confidentiality of Information.
 - C. As a regulator or attorney for your Commission you have a lot to offer. Be selective in picking your job in the private sector.
 - D. Know your value as a former regulator when negotiating salary and benefits.
- II. Now that you have your new job in the private sector, what next?
 - A. You will be looking at cases from the utility side, or from your intervenor clients' side. Your ability to see both sides objectively is a big part of your value.
 1. Can you push the envelope in your arguments?
 - a. Consider your credibility and reputation as a former regulator or attorney for the Commission.
 - b. Avoid making marginal (or doubtful) arguments.
 - c. Always maintain your credibility as an expert in utility regulation.
 2. You will need to manage expectations of your client. Give the same professional, realistic advice you gave your former client.
 3. Will you have to work more, or less, than before? It depends on workload expectations at your new job (*e.g.*, billable hour requirements) and your work ethic.
 - B. Can you maintain relationship with friends at the Commission?
 1. Yes, but be professional and careful. Respect your former colleague's position.
 2. Schmoozing at conferences is OK, but be aware of your commission's *ex parte* rules