

Gardner Pate

Consultant

Gardner Pate is a former Locke Lord partner who left the firm in early 2018. While a solo practitioner now, Gardner maintains a strategic alliance with Locke Lord, and continues to work in close contact with Locke Lord's attorneys and government affairs professionals, and would be an integral part of any representation of NAIFA – Texas by Locke Lord.

Gardner is a registered lobbyist, and represents clients before the Texas legislature and Texas administrative agencies. Capitol Inside has repeatedly named Gardner one of the top contract lobbyists in the state. In 2017, the publication named him as the #21 hired gun lobbyist, following his being named the #24 hired gun lobbyist in 2015 and the #5 Texas rising star lobbyist in 2013. In addition to his lobbying practice, Gardner maintains an active practice advising clients on Texas campaign finance laws and Texas lobbyist regulations, and has been described by Capitol Inside as "one of the foremost experts on campaign law and ethics compliance in Texas." His clients include Fortune 500 companies, local and state-wide political campaigns and political committees, political consultants, and trade associations.

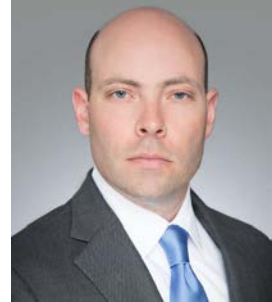
Gardner previously served as the operations manager of Texans for Greg Abbott, a position he held since 2001. During that time, Gardner assisted other political campaigns with compliance with campaign finance laws, including several state representative and state senator candidates and officeholders.

Representative Experience

Lobbying

As a licensed attorney, Mr. Pate is particularly qualified to perform many tasks needed for a lobbying effort. Mr. Pate reviews all legislation filed during a legislative session, including amendments to that legislation, to help determine whether any particular bill or amendment will have an adverse impact on any clients. Mr. Pate has extensive experience drafting legislation and amendments. In addition to that drafting, Mr. Pate develops plain-language explanations of what particular legislation does, with an emphasis on making complicated legislation easily comprehensible and understandable to key individuals, including elected officials and their staff, who may not have prior experience in that particular area of law.

Mr. Pate, along with the rest of the Texas Public Law team, leverages his



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Practices

Public Law & Policy

Education

J.D., with honors, The University of
Texas School of Law, 2007

B.B.A., Finance, McCombs School of
Business, The University of Texas at
Austin, 2004

Bar Admissions

Texas, 2007

contacts with various legislators and their staff to advocate on behalf of a client. In addition to the traditional role of a lobbyist, who advocates for a client's interests in one on one settings with members or their staff, Mr. Pate has testified on behalf of clients before Texas legislative committees.

Campaign Finance Law

Mr. Pate advises a wide range of clients on Texas campaign finance laws. These clients range from candidates and officeholders, to corporations and political committees, to professional political operatives. Mr. Pate focuses his advice on helping ensure his clients comply with the law while allowing them to achieve their goals. Below are some examples of the type of advice Mr. Pate provides to his campaign clients.

- Creating political entities. There are several steps required to create a new political entity, whether that is a candidate's campaign or a company's political committee. Mr. Pate can advise those looking to create such an entity on the steps required to create it; the restrictions on the entity once it is formed; and the proper filing procedures for the entity on a going-forward basis.
- Reviewing political activities. Political activities by campaigns, political committees, and other persons frequently involve various types of laws, including not just campaign finance law but also Federal Communication Commission (FCC) regulations, issues of trademark and copyright law, the Digital Millennium Copyright Act (DMCA), and issues of libel and slander. Mr. Pate has experience advising clients on potential issues with these other, non-campaign finance issues, and helping to create customized solutions to avoid problems.
- Reviewing campaign finance reports. In the recent past, the Texas Ethics Commission, the administrative body that regulates Texas campaign finance laws, has seen a spike in complaints filed against officeholders and candidates for alleged violations of campaign finance laws. These complaints are almost all generated based on information contained in campaign finance reports. Mr. Pate has developed a practice of reviewing those campaign finance reports for facial compliance with the law, with an eye towards helping ensure the information contained in the reports is reported correctly to minimize the risk of a complaint being filed.

- Responding to Texas Ethics Commission complaints. The spike in

complaints filed with the Texas Ethics Commission means more filers are being required to respond to these complaints. Mr. Pate has experience representing those filers before the Texas Ethics Commission, including assisting them in determining whether a problem exists, helping them fix the past problem, and respond to the complaint. Mr. Pate then helps those filers to proactively fix those issues on a prospective basis to lower the risk of additional complaints being filed.

- Campaign finance litigation. In recent years, many campaigns, political committees, corporations, and individuals have found themselves entangled in litigation based on campaign finance laws. Mr. Pate has experience working on a litigation team representing clients in such matters.
- Actively monitoring the Texas Ethics Commission. As part of his practice, Mr. Pate actively monitors the Texas Ethics Commission's activities. This includes his attendance at their bi-monthly meetings and commenting on proposed administrative rules and advisory opinions. During the legislative session, Mr. Pate monitors legislation related to Texas campaign finance laws, and has drafted and helped pass campaign finance legislation himself.

Texas Lobby Laws

Mr. Pate advises a wide variety of clients on Texas lobbyist regulations. These clients include Fortune 500 companies, trade associations, contract lobbyists, and officeholders. Mr. Pate focuses his advice on helping his clients achieve their objectives while maintaining full compliance with the relevant laws and reporting requirements. Below are some examples of the type of advice Mr. Pate provides to his lobby law clients:

- Registering as a lobbyist. Mr. Pate advises his clients on when the law requires a particular individual or entity to register as a lobbyist. This advice includes helping the client complete and register as a lobbyist, and helping the client in keeping its lobby registration form up-to-date.
- Complying with lobby laws. Mr. Pate helps his clients understand the Dos and Don'ts of Texas lobby laws, including specific prohibitions on certain activities.
- Reporting lobby activities. The Texas lobby laws require lobbyists to report their lobby activities, such as spending money on

entertainment or gifts. Mr. Pate helps his clients determine both what expenditures must be reported and how those expenditures should be reported.

- Actively monitoring the Texas Ethics Commission. As part of his practice, Mr. Pate actively monitors the Texas Ethics Commission's activities. This includes his attendance at their bi-monthly meetings and commenting on proposed administrative rules and advisory opinions. During the legislative session, Mr. Pate monitors legislation related to Texas lobby laws.

Professional History

- Partner, Locke Lord LLP (2016–2018)
- Associate, Locke Lord LLP (2007–2015)
- Operations Manager, Texans for Greg Abbott (2001-2007)

Professional Affiliations and Recognitions

- Member, State Bar of Texas
- Member, Texas Conservative Coalition Research Institute's Board of Directors
- Member, Austin Young Men's Business League
- Rookie Fundraiser of the Year, 2010
- Chair of Lunches, 2012
- AV® Preeminent™, Peer Review Rated by Martindale-Hubbell

Publications and Presentations

- Panelist, "Ethics of Advocacy – PAC & Campaign Finance," Professional Advocacy Association of Texas 2017 Institute, November 28, 2017
- Panelist, "Ethics of Advocacy - Lobbying," Professional Advocacy Association of Texas 2017 Institute, November 28, 2017
- Author, "Locke Lord QuickStudy: Update on Texas Campaign Regulations"
- Presenter, "Avoiding the Complaint," 10th Annual PAAT Ethics Compliance Institute (Austin, Texas), November 19, 2014
- Presenter, "Walk the Line: Why can't we figure this stuff out?," 10th Annual PAAT Ethics Compliance Institute (Austin, Texas), September 18, 2014

- Author, "Locke Lord QuickStudy: Update on Campaign Regulations," Locke Lord LLP, September 3, 2014
- Presenter, "Ethics - Lobbying Rules," State Bar of Texas, Public

Utility Law Section Conference, August 12, 2013

- Co-Author, "Locke Lord QuickStudy: Update on Texas Campaign Regulations," June 19, 2013
- "Texas Public Law Group: The Number One Choice," March 1, 2013
- Panelist, "Preview of the 83rd Texas Legislature," Locke Lord LLP Austin CLE, January 7, 2013
- Presenter, "Overview of Political Action Committees," PAAT PAC Compliance Seminar, September 24, 2012
- Presenter, "Texas Campaign Finance and Lobby Laws – What You Need to Know," Locke Lord LLP, August 2, 2012
- Presenter, "Texas Lobby Laws and Campaign Finance Laws," Texas Mutual Insurance Legal Department, July 9, 2012
- Co-Author, "Locke Lord QuickStudy: Update on Texas Campaign Regulations," August 29, 2011