

permission to engage in the part-time outside practice of law, and will contain the request, complaint, reports of investigation, related correspondence, and allied papers.

(b) Requests for access to such records should be referred to DAJAG (Administrative Law Division), Office of the Judge Advocate General, 200 Stovall Street, Alexandria, Virginia 22332-2400.

(c) Local command files regarding complaints will not be maintained. Commanding officers and other supervisory personnel may, however, maintain their own personal files but must not share their contents with others.

**§ 776.13 Preamble.**

(a) *Rules of Professional Conduct.* (1) A judge advocate in the naval service is a representative of clients, an officer of the legal system, a commissioned officer, and a public citizen who has a special responsibility for the quality of justice and legal services provided to the Department of the Navy and to individual clients. The Rules of Professional Conduct set out in subpart B of this part govern the ethical conduct of naval judge advocates practicing under the Uniform Code of Military Justice, the Manual for Courts-Martial, 10 U.S.C. 1044 (Legal Assistance), other laws of the United States, and regulations of the Department of the Navy.

(2) The rules in subpart B of this part are specifically addressed to the conduct of judge advocates but apply to all other lawyers who practice under the supervision of the Judge Advocate General of the Navy. (Use of the term “judge advocate” in subpart B applies to all lawyers unless otherwise indicated.)

(b) [Reserved]

**§ 776.14 Premises.**

(a) The rules in subpart B of this part are based on the premises that follow. The interpretation of subpart B of this part should flow from their common meaning and the comments. To the extent that any ambiguity or conflict exists, subpart B of this part should be interpreted consistent with this hierarchy of premises.

(1) Judge advocates must obey the law and military regulations, and counsel clients to do so.

(2) Ethical rules must be followed.

(3) Ethical rules should be consistent with law. If law and ethics conflict, the law prevails unless an ethical rule is constitutionally based.

(4) A judge advocate must protect the legal rights and interests of clients, organizational and individual.

(5) The military criminal justice system is a truth-finding process consistent with constitutional law.

(6) A judge advocate must be honest and truthful in all dealings.

(7) A judge advocate shall not derive personal gain, other than from the U.S. Government, from the performance of official duties.

(8) A judge advocate shall maintain the integrity of the legal and military professions.

(b) [Reserved]

**Subpart B—Rules**

**§ 776.20 Competence.**

(a) *Competence.* A judge advocate shall provide competent, diligent, and prompt representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and expeditious preparation reasonably necessary for representation. Initial determinations as to competence of a judge advocate for a particular assignment shall be made by a supervising judge advocate before case or issue assignments; however, assigned judge advocates may consult with supervisors concerning competence in a particular case.

(b) [Reserved]

**§ 776.21 Establishment and scope of representation.**

(a) *Establishment and scope of representation.* (1) Formation of attorney-client relationships by judge advocates with, and representation of, clients is permissible only when the judge advocate is authorized to do so by competent authority.

(2) The subject matter scope of a judge advocate’s representation will be