

consistent with the terms of the assignment to perform specific representational or advisory duties. A judge advocate shall inform clients at the earliest opportunity of any limitations of representation and professional responsibilities of the judge advocate towards the client.

(3) A judge advocate shall follow the client's well-informed and lawful decisions concerning case objectives, choice of counsel, forum, pleas, whether to testify, and settlements.

(4) A judge advocate's representation of a client does not constitute an endorsement of the client's political, economic, social, or moral views or activities.

(5) A judge advocate shall not counsel or assist a client to engage in conduct that the judge advocate knows is criminal or fraudulent, but a judge advocate may discuss the legal and moral consequences of any proposed course of conduct with a client, and may counsel or assist a client in making a good faith effort to determine the validity, scope, meaning, or application of the law.

(b) [Reserved]

§ 776.22 Diligence.

(a) *Diligence.* A judge advocate shall act with reasonable diligence and promptness in representing a client, and in every case shall consult with a client as soon as practicable and as often as necessary upon being assigned to the case or issue.

(b) [Reserved]

§ 776.23 Communication.

(a) *Communication.* (1) A judge advocate shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(2) A judge advocate shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(b) [Reserved]

§ 776.24 Fees.

In this section, the term "judge advocate" refers only to judge advocates and other attorneys employed by the Department of the Navy. The term

"lawyer" refers to all other lawyers subject to this subpart B.

(a) *Fees.* (1) A judge advocate shall not accept any salary, fee, compensation, or other payments or benefits, directly or indirectly, other than government compensation, for services provided in the course of the judge advocate's government duties or employment.

(2) A judge advocate shall not accept any salary or other payments as compensation for legal services rendered, by that judge advocate in a private capacity, to a client who is eligible for assistance under the Department of the Navy Legal Assistance Program, unless so authorized by the Judge Advocate General. This paragraph (a)(2) does not apply to Reserve judge advocates not serving on extended active duty.

(3) A Reserve judge advocate, whether or not serving on extended active duty, who has initially represented or interviewed a client or prospective client concerning a matter as part of the judge advocate's official Navy or Marine Corps duties, shall not accept any salary or other payments as compensation for services rendered to that client in a private capacity concerning the same general matter for which the client was seen in an official capacity, unless authorized by the Judge Advocate General to do so.

(4) A judge advocate shall not accept any payments or benefits, actual or constructive, directly or indirectly, for making a referral of a client.

(5) Lawyers not employed by the Federal Government may charge fees. Fees shall be reasonable. Factors considered in determining the reasonableness of a fee include the following:

(i) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(ii) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(iii) The fee customarily charged in the locality for similar legal services;

(iv) The amount involved and the results obtained;

(v) The time limitations imposed by the client or by the circumstances;