

the consent shall be given by an appropriate official of the Department of the Navy other than the individual who is to be represented.

(6) A judge advocate who has been duly assigned to represent an individual who is subject to disciplinary action or administrative proceedings, or to provide legal assistance to an individual, has, for those purposes, an attorney-client relationship with that individual.

(b) [Reserved]

§ 776.33 Client under a disability.

(a) *Client under a disability.* (1) When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability, or for some other reason, the judge advocate shall, as far as reasonably possible, maintain a normal attorney-client relationship with the client.

(2) A judge advocate may seek the appointment of a guardian or take other protective action with respect to a client only when the judge advocate reasonably believes that the client cannot adequately act in the client's own interest.

(b) [Reserved]

§ 776.34 Safekeeping property.

Judge advocates shall not normally hold or safeguard property of a client or third persons in connection with representational duties under § 776.27(a)(1)(iii).

§ 776.35 Declining or terminating representation.

(a) *Declining or terminating representation.* (1) Except as stated in paragraph (a)(3) of this section, a judge advocate shall not represent a client or, when representation has commenced, shall seek to withdraw from the representation of a client, if:

(i) The representation will result in violation of this subpart B or other law or regulation;

(ii) The judge advocate's physical or mental condition materially impairs his or her ability to represent the client; or

(iii) The judge advocate is dismissed by the client.

(2) Except as stated in paragraph (a)(3) of this section, a judge advocate may seek to withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(i) The client persists in a course of action involving the judge advocate's services that the judge advocate reasonably believes is criminal or fraudulent;

(ii) The client has used the judge advocate's services to perpetrate a crime or fraud;

(iii) The client insists upon pursuing an objective that the judge advocate considers repugnant or imprudent; or,

(iv) Other good cause for withdrawal exists.

(3) When ordered to do so by a tribunal or other competent authority, a judge advocate shall continue representation notwithstanding good cause for terminating the representation.

(4) Upon termination of representation, a judge advocate shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for assignment or employment of other counsel and surrendering papers and property to which the client is entitled and, if a civilian lawyer is involved, refunding any advance payment of fee that has not been earned. The judge advocate may retain papers relating to the client to the extent permitted by law.

(b) [Reserved]

§ 776.36 Advisor.

In representing a client, a judge advocate shall exercise independent professional judgment and render candid advice. In rendering advice, a judge advocate should refer not only to law but to other considerations such as moral, economic, social, and political factors that may be relevant to the client's situation.

§ 776.37 Mediation.

(a) *Mediation.* (1) A judge advocate may act as a mediator between individuals or clients if:

(i) The judge advocate consults with each individual concerning the implications of the mediation, including the