

(b) [Reserved]

§ 776.47 Advocate in nonadjudicative proceedings.

A judge advocate representing a client before a legislative or administrative tribunal in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of § 776.41, § 776.42, and § 776.43.

§ 776.48 Truthfulness in statements to others.

(a) *Truthfulness in statements to others.* In the course of representing a client a judge advocate shall not knowingly:

- (1) Make a false statement of material fact or law to a third person; or
- (2) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by § 776.25.

(b) [Reserved]

§ 776.49 Communication with person represented by counsel.

In representing a client, a judge advocate shall not communicate about the subject of the representation with a party the judge advocate knows to be represented by another judge advocate in the matter, unless the judge advocate has the consent of the other judge advocate or is authorized by law to do so.

§ 776.50 Dealing with an unrepresented person.

When dealing on behalf of a client with a person who is not represented by counsel, a judge advocate shall not state or imply that the judge advocate is disinterested. When the judge advocate knows or reasonably should know that the unrepresented person misunderstands the judge advocate's role in the matter, the judge advocate shall make reasonable efforts to correct the misunderstanding.

§ 776.51 Respect for rights of third persons.

In representing a client, a judge advocate shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining

evidence that violate the legal rights of such a person.

§ 776.52 Responsibilities of the Judge Advocate General and supervisory judge advocates.

(a) *Responsibilities of the Judge Advocate General and supervisory judge advocates.* (1) The Judge Advocate General and supervisory judge advocates shall make reasonable efforts to ensure that all judge advocates conform to this subpart.

(2) A judge advocate having direct supervisory authority over another judge advocate shall make reasonable efforts to ensure that the other judge advocate conforms to this subpart.

(3) A supervisory judge advocate shall be responsible for another subordinate judge advocate's violation of this subpart if:

(i) The supervisory judge advocate orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(ii) The supervisory judge advocate has direct supervisory authority over the other judge advocate and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(4) A supervisory judge advocate is responsible for ensuring that the subordinate judge advocate is properly trained and is competent to perform the duties to which the subordinate judge advocate is assigned.

(b) [Reserved]

§ 776.53 Responsibilities of a subordinate judge advocate.

(a) *Responsibilities of a subordinate judge advocate.* (1) A judge advocate is bound by this subpart notwithstanding that the judge advocate acted at the direction of another person.

(2) In recognition of a judge advocate's unique dual role as a commissioned officer and lawyer, subordinate judge advocates shall obey lawful directives and regulations of supervisory judge advocates when not inconsistent with this subpart or the duty of a judge advocate to exercise independent professional judgment as to the best interest of an individual client.

(3) A subordinate judge advocate does not violate this subpart if that judge advocate acts in accordance with a supervisory judge advocate's written and reasonable resolution of an arguable question of professional duty.

(b) [Reserved]

§ 776.54 Responsibilities regarding nonlawyer assistants.

(a) *Responsibilities regarding nonlawyer assistants*

(1) With respect to a nonlawyer under the authority, supervision, or direction of a judge advocate:

(i) The senior supervisory judge advocate in an office shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the judge advocate;

(ii) A judge advocate having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the judge advocate; and

(iii) A judge advocate shall be responsible for conduct of such a person that would be a violation of this subpart B if engaged in by a judge advocate if:

(A) The judge advocate orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(B) The judge advocate has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(2) [Reserved]

(b) [Reserved]

§ 776.55 Professional independence of a judge advocate.

(a) *Professional independence of a judge advocate.* (1) Notwithstanding a judge advocate's status as a commissioned officer subject, generally, to the authority of superiors, a judge advocate detailed or assigned to represent an individual member or employee of the Department of the Navy is expected to exercise unfettered loyalty and professional independence during the representation consistent with this subpart and remains ultimately responsible for acting in the best interest of the individual client.

(2) The exercise of professional judgment in accordance with paragraph (a)(1) of this section shall not, standing alone, be a basis for an adverse evaluation or other prejudicial action.

(b) [Reserved]

§ 776.56 Unauthorized practice of law.

(a) *Unauthorized practice of law.* (1) A judge advocate shall not:

(i) Except as authorized by an appropriate military department, practice law in a jurisdiction where doing so is prohibited by the regulations of the legal profession in that jurisdiction; or

(ii) Assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(2) [Reserved]

(b) [Reserved]

§§ 776.57–776.65 [Reserved]

§ 776.66 Bar admission and disciplinary matters.

(a) *Bar admission and disciplinary matters.* (1) A judge advocate in connection with a bar admission application, application for appointment or for active duty as a judge advocate, certification by the Judge Advocate General, or a disciplinary matter, shall not:

(i) Knowingly make a false statement of fact; or

(ii) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this section does not require disclosure of information otherwise protected by § 776.25.

(2) [Reserved]

(b) [Reserved]

§ 776.67 Judicial and legal officials.

A judge advocate shall not make a statement that the judge advocate knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, investigating officer, hearing officer, adjudicatory officer, or public legal officer, or of a candidate for election or appointment to judicial or legal office.