

OEGCMJ over the concerned judge advocate; and

(7) The appropriate attorney discipline section if the complaint involves judge advocates certified by the Judge Advocates General/Chief Counsel of the other uniformed services.

(f) A copy of the report shall be provided to the concerned judge advocate and to all authorities previously provided copies of the charges who are not via addressees.

(g) The Rules Counsel shall review the report and either forward it to JAG together with his or her recommendations or return it, via the appropriate chain, to the investigating officer for further inquiry into specified areas.

§ 776.84 Action by JAG.

(a) JAG is not bound by the Rules Counsel's or investigating officer's recommendations, but will base his action on the record as a whole.

(b) JAG may, but is not required to, refer any case to the Professional Responsibility Committee for an advisory opinion on interpretation of the rules in subpart B of this part or their application to the facts of a particular case.

(c) Upon receipt of the investigation, and any requested advisory opinion, JAG will take such action, as JAG considers appropriate in JAG's sole discretion. JAG may, for example—

(1) Return the report for further inquiry into specified areas;

(2) If JAG considers the allegations to be unfounded, or that no further action is warranted, JAG will direct the Rules Counsel to make the appropriate file entries and to notify all interested parties accordingly;

(3) If JAG considers the allegations to be supported by clear and convincing evidence, JAG may take appropriate corrective action including, but not limited to:

(i) Limiting the concerned judge advocate to practice under direct supervision of a superior judge advocate;

(ii) Limiting the concerned judge advocate to practicing in certain areas or forbidding him or her from practicing in certain areas;

(iii) Suspending or revoking the concerned judge advocate's authority to provide legal assistance;

(iv) If JAG finds that the misconduct so adversely affects the judge advocate's continuing ability to practice law in the naval service that certification under article 27(b), UCMJ, 10 U.S.C. 827(b), should be suspended, JAG may direct such certification to be suspended for a prescribed period;

(v) If JAG finds that the misconduct so prejudices the reputation of the judge advocate community, the administration of military justice, the practice of law under the cognizance of JAG, or the armed services as a whole, that certification under article 27(b), UCMJ, 10 U.S.C. 827(b), is no longer appropriate, JAG may direct such certification to be removed; or

(vi) In the case of a judge, if JAG finds that the misconduct so prejudices the reputation of military trial and appellate judges that certification under article 26(b), UCMJ, 10 U.S.C. 826(b), is no longer appropriate, direct such certification to be removed; and

(vii) Direct the Rules Counsel to contact appropriate authorities such as the Chief of Naval Personnel or the Commandant of the Marine Corps so that pertinent entries in appropriate DON records may be made; to make entries in and to close the file; to notify the individual concerned as well as any officials previously provided copies of the complaint; and notify appropriate tribunals and authorities of any action taken to suspend, decertify, or limit the practice of an attorney as counsel before courts-martial or the Navy-Marine Corps Court of Military Review, administrative boards, or as a legal assistance attorney.

§ 776.85 Finality.

Any action taken by JAG is final subject to any remedies afforded by Navy Regulations to the concerned counsel.

§ 776.86 Report to bar.

Upon determination by JAG that a violation of subpart B of this part or the Code of Judicial Conduct has occurred, JAG may cause the Rules Counsel to report that fact to the licensing authorities of the attorney concerned. If so reported, notice to the concerned attorney shall be provided by the Rules Counsel.