

should consider obtaining personal malpractice insurance coverage.

§ 776.93 Action.

(a) DON attorneys to whom this enclosure applies who contemplate engaging in an outside part-time law practice must first obtain approval from JAG. Requests should be forwarded in the form provided in Judge Advocate General Instruction 5803.1A [the form is available on request from the Administrative Law Division] to the Administrative Law Division, via the attorney's chain of command. Marine Corps attorneys will also include Commandant of the Marine Corps (JAR) as a via addressee.

(b) The requesting attorney's commanding officer may—

(1) Disapprove and return the request if he or she perceives actual or apparent conflicts of interests; or

(2) Forward the request recommending approval and providing such other information as may be relevant.

(c) JAG will review the request and advise applicants in writing of the decision, and of any conditions and limitations under which a particular practice may be undertaken. Until permission is granted, applicants will not commence any outside law practice.

§ 776.94 Revalidation.

(a) Attorneys to whom permission is given to engage in the outside part-time practice of law will notify JAG in writing, via their chain of command, within 30 days of any material change in:

(1) The nature or scope of the outside practice described in their requests, including termination; or

(2) Their DON assignment or responsibilities.

(b) Attorneys to whom permission is given to engage in the outside practice of law will annually resubmit an appli-

cation to continue the practice with current information by 1 October each year.

§ 776.95 Relations with non-DON civilian counsel.

Employment of non-DON civilian counsel by an individual client alters no responsibilities of a DON attorney to that client.

(a) When civilian counsel is retained by an individual client, the DON attorney assigned to that client shall inform civilian counsel—

(1) Of the contents of this part;

(2) That subpart B of this part applies to civilian counsel practicing before military tribunals, courts, or boards as a condition of such practice; and

(3) That subpart B of this part takes precedence over other rules of professional conduct that might otherwise apply.

(b) If an individual client designates civilian counsel as chief counsel, the detailed DON attorney must defer to civilian counsel in any conflict over trial tactics. If, however, counsel have "co-counsel" status, then conflict in proposed trial tactics requires the client to be consulted to resolve the conflict.

(c) If civilian counsel has, in the opinion of the DON attorney, acted contrary to the requirements of subpart B of this part, the matter should first be discussed with civilian counsel. If not resolved between counsel, the client must be informed of the matter by the DON attorney. If, after being apprised of possible misconduct, the client approves of the questioned conduct, the judge advocate shall attempt to withdraw from the case in accordance with § 776.35. The client shall be informed of such intent to withdraw prior to action by the judge advocate.

PARTS 777-799 [RESERVED]