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| CECC-ZA<br><br>Engineer<br>Regulation<br>27-2-2 | Department of the Army<br>U.S. Army Corps of Engineers<br>Washington, DC 20314-1000   | ER 27-2-2<br><br>29 February 1996 |
|   | Legal Services<br><br>PROCEDURES FOR IMPLEMENTATION<br>AND ENFORCEMENT OF THE RULES OF<br>PROFESSIONAL CONDUCT FOR<br>ATTORNEYS |                                   |
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CECC-ZA

Regulation  
No. 27-2-2

29 February 1996

Legal Services  
PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT OF THE RULES OF  
PROFESSIONAL CONDUCT FOR ATTORNEYS

Supplementation of this regulation is prohibited except upon the proponent's approval. USACE Commanders will submit their request for approval to HQUSACE (CECC-ZA), WASH, D.C. 20314-1000 through chain of command channels.

1. Purpose. This regulation establishes responsibilities for advancing and enforcing the Rules of Professional Conduct for Lawyers (AR 27-26) (Rules) and the procedures for reporting, processing, investigating and taking appropriate action on reports or allegations of violations of the Rules in the U.S. Army Corps of Engineers (USACE), as required by Rule 10.1. This regulation implements sub-paragraphs (d) and (e) of Rule 9.1 by identifying the duties of the USACE Professional Conduct Committee which will assist the Chief Counsel and the Deputy Chief Counsel in their assigned duties.
2. Applicability. This regulation applies to all attorneys appointed under the qualifying authority of the Chief Counsel, USACE. Judge advocates assigned or detailed to the USACE are under the jurisdiction of The Judge Advocate General.
3. References.
  - a. AR 27-26
  - b. AR 672-20
4. Responsibilities.
  - a. The Chief Counsel will:
    - (1) refer requests for opinions on the interpretation of the Rules to the Department of Army Professional Conduct Council as deemed necessary by the Chief Counsel and
    - (2) render decisions and take appropriate action on reports and allegations of violations of the Rules against USACE attorneys.

b. USACE supervisory attorneys will:

(1) make reasonable efforts to ensure that all attorneys under their supervision have been advised of their responsibilities under the Rules, and are required to conduct themselves in conformance with the Rules;

(2) annually review the requirements of AR 27-26 with all attorneys under their supervision. This can be accomplished in conjunction with annual ethics training, annual performance evaluation reviews; or at any other appropriate opportunity;

(3) recognize attorneys who consistently demonstrate the highest standards of professional conduct. This can be accomplished with positive reflections on performance evaluation reports, nominations for awards pursuant to AR 672-20 and other appropriate public recognition;

(4) immediately report violations or allegations of violations of the Rules by a USACE attorney to the Deputy Chief Counsel; and

(5) exercise the responsibilities of supervisory lawyers required by Rule 5.1.

c. All USACE attorneys will read the Rules and conform their conduct to the Rules.

5. The USACE Professional Conduct Committee.

a. The USACE Professional Conduct Committee will be chaired by the Assistant Chief Counsel for Legal Services Policy, Information and Programs. Additional membership will be determined by the Deputy Chief Counsel on an ad hoc basis and may include other HQUSACE counsel and/or field counsel.

b. The USACE Professional Conduct Committee will:

(1) assist the Chief Counsel with questions before the DA Professional Conduct Council;

(2) review requests for interpretations of Rules submitted for opinions pursuant to Rule 9.1;  
and

(3) upon request of the Deputy Chief Counsel, review reports or allegations of misconduct against USACE attorneys, and prepare recommendations for appropriate action for the Chief Counsel.

6. Interpretation.

a. As provided in Rule 9.1, Army lawyers are encouraged to seek interpretation of the Rules from their supervisory chain. Any lawyer subject to the Rules may request an opinion from the DA Professional Conduct Council.

b. Attorneys requesting an interpretation of the Rules from their supervisory chain or the DA Professional Conduct Council must submit:

(1) a complete description of the factual situation generating the request for interpretation, subject to Rules 1.6 and 8.5(f);

(2) a discussion of the relevant law; and

(3) the requester's opinion of the correct interpretation.

c. Requests to the DA Professional Conduct Council must be submitted through the USACE legal supervisory chain to the USACE Professional Conduct Committee (ATTN: CECC-T).

d. Requests to the USACE Professional Conduct Committee must be submitted through the requester's legal supervisory chain.

7. Enforcement.

a. Any report or allegation of violation(s) of the Rules by a USACE attorney will immediately be forwarded to the Deputy Chief Counsel.

b. The Deputy Chief Counsel will conduct an appropriate inquiry into all reports or allegations of violations of the Rules. The Deputy Chief Counsel may direct the USACE Professional Conduct Committee to conduct an investigation into the report or allegation; enlist the aid of the Engineer Inspector General (or another individual or investigating activity) to conduct an investigation; or rely upon reports of investigations conducted by others.

c. The Deputy Chief Counsel will insure that the attorney who is the subject of a report or allegation of a violation of the Rules is afforded the opportunity to provide a written response to the report or allegation.

d. Anyone appointed by the Deputy Chief Counsel to conduct an investigation will be of equal or superior grade to the attorney who is the subject of the investigation.

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e. The scope of an inquiry or investigation will be limited to consideration of ethical and professional questions relating to the responsibilities prescribed by the Rules. Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process and/or withdrawing the Chief Counsel's approval of an attorney's qualifications for appointment. The Rules and the enforcement provisions established herein do not supplant, or affect in any way, normal administrative methods or channels for dealing with other employment problems, general misconduct or grievances.

f. Upon completion of the inquiry, the Deputy Chief Counsel will recommend appropriate action to the Chief Counsel.

g. The final decision on any action taken on the basis of an inquiry or investigation conducted in accordance with this regulation will be made by the Chief Counsel.

FOR THE COMMANDER:



ROBERT H. GRIFFIN  
Colonel, Corps of Engineers  
Chief of Staff