

From: CECC-T (CECC-T)
To: ALLCOUNSEL
Date: 11/14/95 10:04am
Subject: Furlough

TEMPORARY EXCEPTION FROM THE PROHIBITION AGAINST ENGAGING IN THE OUTSIDE PRACTICE OF LAW WITHOUT FIRST OBTAINING CHIEF COUNSEL'S APPROVAL

I hereby approve a temporary exception, for USACE civilian attorneys under my qualifying authority, from the prohibition against engaging in the outside practice of law without first obtaining my approval, in accordance with USACE Supplement1 to AR 690-300, 302, paragraph D-14. This exception will remain in effect only for the period of time the attorney is on furlough from his or her USACE position. The exception is subject to being rescinded at any time, for an individual case, an individual attorney or on a blanket basis.

This temporary exception is subject to the following conditions:

(a) The Army Rules of Professional Conduct for Lawyers, contained in AR 27-26, continue to apply.

(b) Attorneys must understand that their fiduciary and attorney-client relationships with USACE will continue notwithstanding any furlough, and they must ensure that their practice of law during any furlough period does not compromise, in any manner, these relationships.

(c) Attorneys must limit their off-duty practice of law to matters that will not interfere with, or be incompatible with, the requirements of their USACE position or their USACE legal duties.

(d) Changes from furlough status to full-duty status can occur at any time. Therefore, USACE attorneys should limit any outside employment accordingly.

(e) All USACE attorneys undertaking outside legal employment must be licensed by the jurisdiction in which they are temporarily practicing, and should seriously review any requirement or possible need for various types of attorney malpractice insurance to cover their outside employment activities.

/s/

LESTER EDELMAN

Chief Counsel

Date: 14 November 1995