

From: Nicole Tarmon
To: ALLCOUNSEL
Date: 11/14/95 10:06am
Subject: Outside Practice of Law During Furlough

CECC-T

14 November 1995

MEMORANDUM FOR ALL USACE ATTORNEYS

SUBJECT: Outside Practice of Law During Furlough

1. Reference: USACE Supplement 1 to AR 690-300, 302, paragraph D-14.
2. The Chief Counsel has approved a temporary exception, for civilian attorneys under his qualifying authority, from the prohibition against engaging in the outside practice of law without first obtaining Chief Counsel approval. 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 The exception is subject to being rescinded at any time, for an individual case, an individual attorney or on a blanket basis.
3. 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.
4. Please direct any questions concerning this temporary exception to me at (202) 761-0023.

/s/

CRAIG R. SCHMAUDER
Assistant Chief Counsel for Legal Services
Policy, Information and Programs