

## 德克薩斯州律師職業守則（摘錄）

（德州最高法院 05-9013-A 號命令，修正第七部份，自 2005 年 6 月 1 日起生效）

### 守則 7.04 公眾媒體中的廣告行為

(a) 律師在不違反守則 7.04 (b) 或符合下列情況下，可於廣告中公然宣稱其為專家之訊息：

- (1) 律師於美國專利局所准許之期間內，可使用「專利律師」或任何實質相類似之頭銜。從事商標業務之律師，於有效期間內可使用「商標律師」或任何實質相類似之頭銜。律師從事專利和商標業務期間，可使自己專攻於研究「知識產權法律」、「專利、商標、版權法」和「不公平競爭」。
- (2) 律師依據經修定的職業法標題 5, B 項副標題，第 952 章節之要件，允許列名在法定區域中的辦公場所。
- (3) 律師可利用合法的目錄、報紙或電子交流等方式，對其專業的執業範圍或所分派之律師進行廣告。不

## **Texas Disciplinary Rules of Professional Conduct**

### Rule 7.04 Advertisements in the Public Media

- (a) A lawyer shall not advertise in the public media by stating that the lawyer is a specialist, except as permitted under Rule 7.04(b) or as follows:
- (1) A lawyer admitted to practice before the United States Patent Office may use the designation “Patents,” “Patent Attorney,” or “Patent Lawyer,” or any combination of those terms. A lawyer engaged in the trademark practice may use the designation “Trademark,” “Trademark Attorney,” or “Trademark Lawyer,” or any combination of those terms. A lawyer engaged in patent and trademark practice may hold himself or herself out as specializing in “Intellectual Property Law,” “Patent, Trademark, Copyright Law and Unfair Competition,” or any of those terms.
  - (2) A lawyer may permit his or her name to be listed in lawyer referral service offices that meet the requirements of Occupational Code Title 5, Subtitle B, Chapter 952, according to the areas of law in which the lawyer will accept referrals.
  - (3) A lawyer available to practice in a particular area of law or legal service may distribute to other lawyers and publish in legal di-

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得包含虛偽或足以令人致生誤會之訊息，但傳統出版品中常見之訊息則被容許。

(b) 在公眾媒體製作廣告的律師：

- (1) 在即將出版或將播放的廣告內容之中，至少應有一位律師的名字；並且
- (2) 不得由組織證明所宣傳之律師具備專業能力或是以暗示組織的成員名字方式來暗示該律師具備專業能力，除了：

(i) 經由合法且專業化之德州委員會授予該名律師相關證明，並聲明該專業之執業範疇係經德州專業委員會認可，並且：

(ii) 經藉由組織中成員之名字，以暗示該律師具備特別資格，或由組織來證明其具有特別資格，可以經某〔專業領域之組織擔保〕之方式，以正式聲明其真實與精確的會員關係；而所經認可之聲明，僅限經由德州專業法律委員會所認可之真實的會員關係或具誠信基礎的組織所作之聲明。該組織須具備嚴格且公開可行的的標準（包括高標準之個人道德、領導力、聲譽）及養成律師之通常及必要條件之合理相關的特

rectories and legal newspapers (whether written or electronic) a listing or an announcement of such availability. The listing shall not contain a false or misleading representation of special competence or experience, but may contain the kind of information that traditionally has been included in such publications.

(b) A lawyer who advertises in the public media:

- (1) shall publish or broadcast the name of at least one lawyer who is responsible for the content of such advertisement; and
- (2) shall not include a statement that the lawyer has been certified or designated by an organization as possessing special competence or a statement that the lawyer is a member of an organization the name of which implies that its members possess special competence, except that:
  - (i) a lawyer who has been awarded a Certificate of Special Competence by the Texas Board of Legal Specialization in the area so advertised, may state with respect to each such area, “Board Certified, [ area of specialization ] -Texas Board of Legal Specialization;” and
  - (ii) a lawyer who is a member of an organization the name of which implies that its members possess special competence, or who has been certified or designated by an organization as possessing special competence, may include a factually accurate statement of such membership or may include a factually accurate statement, “Certified [area of specialization] [name of certifying organization],” but such statements may be made only if that organization has been accredited by the Texas Board of Legal Specialization as a

別訓練或超越相關資格之訓練標準；並且

- (3) 以名人導購方式之節目或以對比介紹之方式之廣告，必須：
- (i) 在其最初之時、節目中或結論時，須以口頭或書面之方式；俾以
  - (ii) 文字說明如何與該律師或律師事務所聯繫。
- (c) 在其他聲明訊息之外，須以顯著及消費者容易了解之方式，說明並提醒有關守則(b)項之規定。
- (d) 於不違反守則 7.02 和 7.03 與(a)、(b)及(c)項之規定之下，律師可以直接地透過公共關係或廣告代表，利用公眾媒體進行廣告行為，例如電話簿、法律名錄、報紙或其它期刊、戶外媒體、廣播、電視、網際網路、或各式電子、數位媒體。
- (e) 有關出現在公眾媒體之律師或律師事務所之廣告，必須以書面方式獲致該律師或律師事務所之檢視與批准。
- (f) 有關出現在公眾媒體廣告中之內容複本或錄音資料，

bona fide organization that admits to membership or grants certification only on the basis of objective, exacting, publicly available standards (including high standards of individual character, conduct, and reputation) that are reasonably relevant to the special training or special competence that is implied and that are in excess of the level of training and competence generally required for admission to the Bar; and

- (3) shall, in the case of infomercial or comparable presentation, state that the presentation is an advertisement:
- (i) both verbally and in writing at its outset, after any commercial interruption, and at its conclusion; and
  - (ii) in writing during any portion of the presentation that explains how to contact a lawyer or law firm.
- (c) Separate and apart from any other statements, the statements referred to in paragraph (b) shall be displayed conspicuously and in language easily understood by an ordinary consumer.
- (d) Subject to the requirements of Rules 7.02 and 7.03 and of paragraphs (a), (b), and (c) of this Rule, a lawyer may, either directly or through a public relations or advertising representative, advertise services in the public media, such as (but not limited to) a telephone directory, legal directory, newspaper or other periodical, outdoor display, radio, television, the internet, or electronic or digital media.
- (e) All advertisements in the public media for a lawyer or firm must be reviewed and approved in writing by the lawyer or a lawyer in the firm.
- (f) A copy or recording of each advertisement in the public media and

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以及(e)項規定中之資料，應由該律師或律師事務所自其播送日起四年內，進行保存，並應紀錄播送期日。

(g) 出現於公眾媒體之廣告中，任何被宣傳為服務於律師事務所之中或具備如律師資格之人，皆將被視為律師。

(h) 凡律師或律師事務所於廣告之中，揭示將願依額外之費用以提供服務時，廣告中應先說明委託人是否將會被任何法院或所有法院要求強制支付其他費用。廣告中應說明具體之收費比例及範圍，並應說明該費用於扣除前後之計算方式與結果。

(i) 除非係於廣告中指定更短之適用收費方式或內容之期間；否則，凡是於廣告之中以特定之收費方式或內容來吸引顧客之廣告，在其廣告期間內須以其所廣告之收費方式及內容進行計費，俾符客戶之期待。但在資訊揭露一年之後，律師之收費將不受該廣告內容限制。

(j) 律師或律師事務所必須於廣告中揭示其所在之地理位置，包含其位在城市或鄉鎮之主要辦公室。律師或律

relevant approval referred to in paragraph (e), and a record of when and where the advertisement was used, shall be kept by the lawyer or firm for four years after its last dissemination.

- (g) In advertisements in the public media, any person who portrays a lawyer whose services or whose firm's services are being advertised, or who narrates an advertisement as if he or she were such a lawyer, shall be one or more of the lawyers whose services are being advertised.
- (h) If an advertisement in the public media by a lawyer or firm discloses the willingness or potential willingness of the lawyer or firm to render services on a contingent fee basis, the advertisement must state whether the client will be obligated to pay all or any portion of the court costs and, if a client may be liable for other expenses, this fact must be disclosed. If specific percentage fees or fee ranges of contingent fee work are disclosed in such advertisement, it must also disclose whether the percentage is computed before or after expenses are deducted from the recovery.
- (i) A lawyer who advertises in the public media a specific fee or range of fees for a particular service shall conform to the advertised fee or range of fees for the period during which the advertisement is reasonably expected to be in circulation or otherwise expected to be effective in attracting clients, unless the advertisement specifies a shorter period; but in no instance is the lawyer bound to conform to the advertised fee or range of fees for a period of more than one year after the date of publication.
- (j) A lawyer or firm who advertises in the public media must disclose the geographic location, by city or town, of the lawyer's or firm's

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師事務所於以下情形之外，毋須給非主要辦公室進行廣告：

(1) 非主要辦公室之職員係由律師雇用，且工作時間至少每週三天；或

(2) 其廣告涉及：

(i) 律師於該辦公室之工作時段；或

(ii) 相關會議將係由特定律師所主持。

(k) 律師不得直接或間接支付全部或一部之廣告的費用，以宣傳非同屬一法律事務所之律師。除非該廣告係告知該律師事務所與其財務律師之關係及相關地址、聯絡電話，並且該廣告係為財務律師所接受。

(l) 若廣告涉及其他律師或律師事務所，提供廣告之律師應以顯著之方式，事先聲明之。

(m) 任何廣告中禁止使用虛偽或致令人生誤會之座右銘、口號或短句。

(n) 律師不得在廣告中媒介有關律師協會的律師推薦服務，除非該律師知道或合理地相信該律師推薦服務係符合職業法標題 5，B 項副標題，第 952 章節之規範。

(o) 律師不得在廣告中，為非屬同一律師事務所之律師提

principal office. A lawyer or firm shall not advertise the existence of any office other than the principal office unless:

(1) that other office is staffed by a lawyer at least three days a week;

or

(2) the advertisement states:

(i) the days and times during which a lawyer will be present at that office, or

(ii) that meetings with lawyers will be by appointment only.

(k) A lawyer may not, directly or indirectly, pay all or a part of the cost of an advertisement in the public media for a lawyer not in the same firm unless such advertisement discloses the name and address of the financing lawyer, the relationship between the advertising lawyer and the financing lawyer, and whether the advertising lawyer is likely to refer cases received through the advertisement to the financing lawyer.

(l) If an advertising lawyer knows or should know at the time of an advertisement in the public media that a case or matter will likely be referred to another lawyer or firm, a statement of such fact shall be conspicuously included in such advertisement.

(m) No motto, slogan or jingle that is false or misleading may be used in any advertisement in the public media.

(n) A lawyer shall not include in any advertisement in the public media the lawyer's association with a lawyer referral service unless the lawyer knows or reasonably believes that the lawyer referral service meets the requirements of Occupational Code Title 5, Subtitle B, Chapter 952.

(o) A lawyer may not advertise in the public media as part of an adver-

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供廣告宣傳，除非：

- (1) 須說明該廣告之費用是經由合作之律師所支付；
  - (2) 明列每位合作之律師姓名；
  - (3) 廣告中明顯揭示符合守則 7.04(b)之規定的專業律師；
  - (4) 除非該廣告符合守則 7.04(b)(2)之規定，否則不得以公開聲明或暗示之方式，描述廣告中之律師或律師事務所具有特殊能力，能以優越方式進行服務，或在任一司法轄區中具有特殊資格；並應符合：
    - (5) 不得違反德州律師職業守則規定。
- (p) 凡出現在公眾媒體的廣告中之各個律師均須負起下列規定之責任：
- (1) 保證各個廣告不違反本守則之規定；並且
  - (2) 符合守則 7.07 的申請要求。
- (q) 提供律師服務時，必須依規定呈現具體資格、否認聲明或資訊揭露。
- (r) 經由網路廣告的律師需依守則 7.04 規定為陳述與揭露。

tising cooperative or venture of two or more lawyers not in the same firm unless each such advertisement:

- (1) states that the advertisement is paid for by the cooperating lawyers;
  - (2) names each of the cooperating lawyers
  - (3) sets forth conspicuously the special competency requirements required by Rule 7.04(b) of lawyers who advertise in the public media;
  - (4) does not state or imply that the lawyers participating in the advertising cooperative or venture possess professional superiority, are able to perform services in a superior manner, or possess special competence in any area of law advertised, except that the advertisement may contain the information permitted by Rule 7.04(b)(2); and
  - (5) does not otherwise violate the Texas Disciplinary Rules of Professional Conduct.
- (p) Each lawyer who advertises in the public media as part of an advertising cooperative or venture shall be individually responsible for:
- (1) ensuring that each advertisement does not violate this Rule; and
  - (2) complying with the filing requirements of Rule 7.07.
- (q) If these rules require that specific qualifications, disclaimers, or disclosures of information accompany communications concerning a lawyer's services, the required qualifications, disclaimers, or disclosures must be presented in the same manner as the communication and with equal prominence.
- (r) A lawyer who advertises on the internet must display the statements and disclosures required by Rule 7.04.