

## 哥倫比亞特區（D. C.）律師職業 守則（摘錄）

此一守則規範哥倫比亞特區的法律慣例，為 1990 年三月一日由特區上訴法院下令採用，於 1991 年一月一日起生效。此守則係根據美國律師協會的「律師職業典範守則」為基礎，經由法院及律師審慎審議之後定案。

### 守則 7.1 關於律師提供服務之訊息

- (a) 一名律師不該就有關律師本身或所提供之服務事項，產生虛偽或足以誤導他人之資訊。而所謂虛偽或足以誤導他人之資訊，係指：
  - (1) 有關於事實或法律上的資訊有不實之傳達，或遺漏必要的事實而導致即便係經由審慎思考後的陳述，仍因此產生實質上的誤解；或是
  - (2) 有關於律師或其服務係一項不能實現的權利主張。
  
- (b) 律師於下列情形時，不得透過私與聯繫或仲介之方式，與未經徵詢律師意見之非律師人士，成立受雇（或成為合夥人）之關係：
  - (1) 對於(a)段之情形，有虛偽之介入要求或足以誤導之聲明；

## **D. C. Rules of Professional Conduct**

Adopted by order of the D.C. Court of Appeals on March 1, 1990, with an effective date of January 1, 1991, the rules govern the practice of law in the District of Columbia. The rules are presented in a three-ring binder with a preface describing the court and the Bar deliberations on the document, which was based on the ABA Model Rules of Professional Conduct.

### **Rule 7.1 Communications Concerning a Lawyer's Services**

- (a) A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:
  - (1) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; or
  - (2) Contains an assertion about the lawyer or the lawyer's services that cannot be substantiated.
- (b) A lawyer shall not seek by in-person contact, or through an intermediary, employment (or employment of a partner or associate) by a nonlawyer who has not sought the lawyer's advice regarding employment of a lawyer, if:
  - (1) The solicitation involves use of a statement or claim that is false or misleading, within the meaning of paragraph (a);

### 外國消費者保護法（十三）

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- (2) 其介入之要求將造成過當之影響；
  - (3) 可能的委託人之物理或精神狀態，明顯地對於律師之評斷上，係處於無法合理行使判斷之狀態；
  
  - (4) 律師能明顯地了解或合理地察知該要求介入之仲介行為係違反仲介契約或其他法律責任；或是
  
  - (5) 此種要求意味著仲介上的受益以及律師沒有採取所有合理的步驟去確信委託人已充分了解並考慮了(a)項的規定；若有，經由律師支付或被支給予仲介，及(b)項規定之效果，或在總費用之中含有對仲介之索價。
- (c) 律師不應故意協助那種對需要提供法律上協助之他人或介入律師的同事或合夥人或任何其他相關附屬於該律師事務所或個人開業者為對象，而以束縛、強迫、威逼、威脅等令人困擾或擾亂他人之手段，藉以提供或推銷以牟利之有關律師服務的組織。
- (d) 任何人或將來在哥倫比亞特區法院的案子中，不論是在法院大樓北邊、南邊、西邊的人行道或距大樓東牆五十英尺的範圍內，依據特區的刑法法規彙編§11-2601et seq，不會有律師或任何人會基於讓委託人授與代理並支付費用為目的之利益，而以誘導、邀請或探詢任何人的活動。

- (2) The solicitation involves the use of undue influence;
  - (3) The potential client is apparently in a physical or mental condition which would make it unlikely that the potential client could exercise reasonable, considered judgment as to the selection of a lawyer;
  - (4) The solicitation involves use of an intermediary and the lawyer knows or could reasonably ascertain that such conduct violates the intermediary's contractual or other legal obligations; or
  - (5) The solicitation involves the use of an intermediary and the lawyer has not taken all reasonable steps to ensure that the potential client is informed of (a) the consideration, if any, paid or to be paid by the lawyer to the intermediary, and (b) the effect, if any, of the payment to the intermediary on the total fee to be charged.
- (c) A lawyer shall not knowingly assist an organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner or associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, as a private practitioner, if the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, or vexatious or harassing conduct.
- (d) No lawyer or any person acting on behalf of a lawyer shall solicit or invite or seek to solicit any person for purposes of representing that person for a fee paid by or on behalf of a client or under the Criminal Justice Act, D.C. Code Ann. § 11-2601 et seq., in any present or future case in the District of Columbia Courthouse, on the sidewalks on the north, south, and west sides of the courthouse, or within 50 feet of the building on the east side.