

新澤西州律師職業守則（摘錄）

〔1984年9月10日生效；2004年9月1日修正生效〕

守則 7.1 律師服務訊息

(a) 律師不得以虛偽或致令人陷於錯誤之方式，提供有關律師本身、所提供之服務或其他相關之專業事項之訊息。謂虛偽或致令他人陷於錯誤之方式者，係指：

- (1) 對於相關事實或法律上之重要內容，有錯誤傳述、省略或隱匿之情事；
- (2) 以違反職業守則或其他相關法律規定之方式，明示或暗示他人對其執業之內容或結果，產生不正當的期待。
- (3) 與其它的律師服務進行比較；或
- (4) 涉及法定費用方面比較：
 - (i) 首度諮詢時之費用聲明；
 - (ii) 有關特殊法律服務之固定費用或額外費用之收費聲明，不應有錯誤或詐欺性的說明；
 - (iii) 有關法律服務之收費範圍的說明，應具體考慮

RULES OF PROFESSIONAL CONDUCT (New Jersey State)

Adopted Effective September 10, 1984

Includes amendments through those effective September 1, 2004

RPC 7.1. Communications Concerning a Lawyer's Service

- (a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. 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;
 - (2) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;
 - (3) compares the lawyer's services with other lawyers' services; or
 - (4) relates to legal fees other than:
 - (i) a statement of the fee for an initial consultation;
 - (ii) a statement of the fixed or contingent fee charged for a specific legal service, the description of which would not be misunderstood or be deceptive;
 - (iii) a statement of the range of fees for specifically described

並合理說明各項可能之影響因素，以避免錯誤或詐欺之情事；

(iv)應詳細說明鐘點費用之相關事項，應詳細說明鐘點費用之計算相關要件，及針對各種不同服務所提供之計費方式；

(v) 有效的信用協議；並且

(vi)律師為符合資格且合法之組織提供特殊法律服務之援助，不得有虛偽或致人陷於錯誤的收費說明。

(b) 律師違規使用已經由律師廣告委員會所否決之廣告或其他訊息交流內容，或未依循該委員會依守則 1：19-3

(d)之相關修正事項內容而進行廣告活動者，皆是極端不道德之行為。

註：1984 年 7 月 12 日採行，1984 年 9 月 10 日生效；1987 年 6 月 26 日增修(b)項規定，1987 年 7 月 1 日生效；1990 年 6 月 29 日修正(a)項規定，1990 年 9 月 4 日生效。

守則 7.2 廣告

(a) 在符合守則 7.1 之規定下，律師得於公眾媒體中進行廣告活動，例如：電話簿名錄、法律名錄、報紙或其

legal services, provided there is a reasonable disclosure of all relevant variables and considerations so that the statement would not be misunderstood or be deceptive;

(iv) a statement of specified hourly rates, provided the statement makes clear that the total charge will vary according to the number of hours devoted to the matter, and in relation to the varying hourly rates charged for the services of different individuals who may be assigned to the matter;

(v) the availability of credit arrangements; and

(vi) a statement of the fees charged by a qualified legal assistance organization in which the lawyer participates for specific legal services the description of which would not be misunderstood or be deceptive

(b) It shall be unethical for a lawyer to use an advertisement or other related communication known to have been disapproved by the Committee on Attorney Advertising, or one substantially the same as the one disapproved, until or unless modified or reversed by the Advertising Committee or as provided by Rule 1:19-3(d).

Note: Adopted July 12, 1984, to be effective September 10, 1984; new paragraph (b) added June 26, 1987, to be effective July 1, 1987; paragraph (a) amended June 29, 1990, to be effective September 4, 1990.

RPC 7.2. Advertising

(a) Subject to the requirements of RPC 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal

它期刊、收音機或電視、網際網路或其它電子媒介，或書面之郵件。廣告必須提供顯著之訊息；不得出現圖畫、動畫、戲劇化、音樂、或抒情詩之相關訊息。在任何情況之下，廣告不得以荒唐且明顯故意缺乏選擇之提示以獲致注意，包含對法律能力無關的特徵描述之廣告。

- (b) 廣告或書面郵件須自發出後三年內妥善保存，並須存錄其刊載紀錄。
- (c) 律師不支付費用給推薦律師之服務，除了：(1) 律師在符合本規則之情形下，支付合理之廣告與郵件費用；(2) 律師依照守則 1.17 之規定，合理支付廣告費用、郵件費用或其它與所從事之業務相關之通信費用；並且(3) 支付非營利的律師參考服務或其它法律協助組織之常規費用。

註：1984 年 7 月 12 日採用，1984 年 9 月 10 日生效；1986 年 12 月 10 日修正(a)項，1986 年 12 月 10 日生效；1992 年 10 月 16 日修正(c)項並立即生效；2003 年 11 月 17 日修正(a)項，2004 年 1 月 1 日生效。

directory, newspaper or other periodical, radio or television, internet or other electronic media, or through mailed written communication. All advertisements shall be predominantly informational. No drawings, animations, dramatizations, music, or lyrics shall be used in connection with televised advertising. No advertisement shall rely in any way on techniques to obtain attention that depend upon absurdity and that demonstrate a clear and intentional lack of relevance to the selection of counsel; included in this category are all advertisements that contain any extreme portrayal of counsel exhibiting characteristics clearly unrelated to legal competence.

- (b) A copy or recording of an advertisement or written communication shall be kept for three years after its dissemination along with a record of when and where it was used.
- (c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that: (1) a lawyer may pay the reasonable cost of advertising or written communication permitted by this Rule; (2) a lawyer may pay the reasonable cost of advertising, written communication or other notification required in connection with the sale of a law practice as permitted by RPC 1.17; and (3) a lawyer may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraph (a) amended December 10, 1986, to be effective December 10, 1986; paragraph (c) amended October 16, 1992, to be effective immediately; paragraph (a) amended November 17, 2003 to be effective January 1, 2004.

守則 7.3 與潛在委託人之聯繫

- (a) 律師須在遵守(b)項之規定下，始能基於為獲致委託代理關係之目的，與潛在之委託人進行聯繫。
- (b) 在下列情況下，律師不得與所預期之委託人，以聯繫或寄送書面資料之方式，建立委託代理關係：
 - (1) 律師在明知或合理地應當知道之情況下，知道該潛在委託人之生理或心理狀況，無法合理與正常地進行判斷及選擇律師之行為；或
 - (2) 該名潛在委託人已表達拒絕之意；或
 - (3) 該訊息聯繫令人感到強制、束縛或騷擾之性質；或
 - (4) 當得知潛在之委託人係因其在三十天之內遭受重大災難事故，並可從此一事故中獲致潛在之利益，在未經邀約之情形下，逕行聯繫；或
 - (5) 除本守則第(4)節所述之情形外，基於獲致金錢之主要動機，律師在未經受邀約之情況下，律師可以下列形式之書信與潛在之委託人聯繫：
 - (i) 於本文首頁之上端，以明顯之大寫字母表示為

RPC 7.3. Personal Contact with Prospective Clients

- (a) A lawyer may initiate personal contact with a prospective client for the purpose of obtaining professional employment, subject to the requirements of paragraph (b).
- (b) A lawyer shall not contact, or send a written communication to, a prospective client for the purpose of obtaining professional employment if:
 - (1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer; or
 - (2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or
 - (3) the communication involves coercion, duress or harassment; or
 - (4) the communication involves unsolicited direct contact with a prospective client within thirty days after a specific mass-disaster event, when such contact concerns potential compensation arising from the event; or
 - (5) the communication involves unsolicited direct contact with a prospective client concerning a specific event not covered by section (4) of this Rule when such contact has pecuniary gain as a significant motive except that a lawyer may send a letter by mail to a prospective client in such circumstances provided the letter:
 - (i) bears the word “ADVERTISEMENT” prominently dis-

廣告者；且

(ii) 在文件最末頁之底端，須加註：「選擇一名律師是一項相當重要之決定，在作出決定之前，請先謹慎思考。」之警語；及

(iii) 對於不精確或足致令人致生錯誤之廣告內容，可依文件最末頁之底端註明律師委員會之聯絡方式：Hughes Justice集團，第 037 號郵政信箱，特頓市，新澤西州，郵遞區號 08625 連絡。

(c) 律師不應對協助或付費式的法律服務給律師同業、同事、合夥人或事務所之組織，進行協助，如果：

(1) 此活動涉及或符合守則 7.1 所稱之虛偽或致令他人陷於錯誤之主張；或

(2) 以束縛、強迫、威逼、威脅、虛假的承諾、過當地、或令人生氣或困擾的行為，強加於人。

(d) 律師不支付任何費用給仲介律師服務為業或以回扣方式謀取仲介利益之個人或團體，但該律師係支付符合守則 7.1 所規定之合理費用或應得利益及經由律師協會批准、指示之相關收費。

- played in capital letters at the top of the first page of text; and
- (ii) contains the following notice at the bottom of the last page of text: “Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision.” ; and
 - (iii) contains an additional notice also at the bottom of the last page of text that the recipient may, if the letter is inaccurate or misleading, report same to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625.
- (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:
- (1) the promotional activity involves use of a statement or claim that is false or misleading within the meaning of RPC 7.1; or
 - (2) the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, unwarranted promises of benefits, overreaching, or vexatious or harassing conduct.
- (d) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure the lawyer’s employment by a client, or as a reward for having made a recommendation resulting in the lawyer’s employment by a client except that the lawyer may pay for public communications permitted by RPC 7.1 and the usual and reasonable fees or dues charged by a lawyer referral service operated, sponsored, or approved by a bar associ-

(e) 律師在依照守則 7.1 之規定下，不得對協助或付費式的法律服務給律師同業、同事、合夥人或事務所之組織，進行協助。但是，這不禁止律師或律師的夥伴、同事或其他律師，在沒有律師的委託人代表運用其獨立專業評斷之干涉情況下，參與下述任一提供律師或律師事務所推薦服務，俾以使用、支付或合作與促進對律師服務之用途的辦公室、或組織或那些由律師的夥伴、同事或其他律師所共同成立之律師事務所：

(1) 法律顧問辦公室或公設辯護人辦公室：

(i) 由符合資格的法學院營運或主辦。

(ii) 由公益性非營利社區組織營運或主辦。

(iii) 由政府機構營運或主辦。

(iv) 由律師協會所批准、經營、主辦

(2) 軍事法律協助辦公室。

(3) 律師推薦服務經營、主辦；或經律師協會批准。

(4) 所推薦的公益性組織，對它的成員或受益人提供了以下條件之協助或支付法律服務，係符合：

(i) 組織之組成與運作，係提供非營利的律師推薦

ation.

- (e) A lawyer shall not knowingly assist a person or 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 except as permitted by RPC 7.1. However, this does not prohibit a lawyer or the lawyer's partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm from being recommended, employed or paid by or cooperating with one of the following offices or organizations that 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 if there is no interference with the exercise of independent professional judgment in behalf of the lawyer's client:
- (1) a legal aid office or public defender office:
 - (i) operated or sponsored by a duly accredited law school.
 - (ii) operated or sponsored by a bona fide nonprofit community organization.
 - (iii) operated or sponsored by a governmental agency.
 - (iv) operated, sponsored, or approved by a bar association.
 - (2) a military legal assistance office.
 - (3) a lawyer referral service operated, sponsored, or approved by a bar association.
 - (4) any bona fide organization that recommends, furnishes or pays for legal services to its members or beneficiaries provided the following conditions are satisfied:
 - (i) such organization, including any affiliate, is so organized

與法律服務內容；若係營利組織，由非受其僱用、指揮、監督或擇定之律師所提供之法律服務，由該組織之成員或受益者負相關連帶責任。

- (ii) 非自律師或律師合夥人、同事或其他律師或非律師人員所參與組成之律師事務所的組織中，以直接或間接之方式，獲得財物或其他利益。
- (iii) 非係為達成法律工作或財物上利益之目的，而使律師如一個在法律服務計劃之外的獨立實習者的組織。
- (iv) 在案件中接受受法律服務協助之成員或受益人，及非這樣的團體，是被承認為律師的委託人。
- (v) 任何成員或受益人假若有接受法律協助或由組織支付法律協助之需求，且在其所自費的範疇內扣除組織支應此計劃之費用，可選擇各式法律服務之提供或經組織選擇或認可之個案介入之諮詢。在此計劃中，組織將提供之法律服務細項，及依此守則規定中，委託人解除律師委託之義務和責任。

and operated that no profit is derived by it from the furnishing, recommending or rendition of legal services by lawyers and that, if the organization is organized for profit, the legal services are not rendered by lawyers employed, directed, supervised or selected by it except in connection with matters when such organization bears ultimate liability of its member or beneficiary.

- (ii) neither the lawyer, nor the lawyer's partner or associate or any other lawyer or nonlawyer affiliated with the lawyer or the lawyer's firm directly or indirectly who have initiated or promoted such organization shall have received any financial or other benefit from such initiation or promotion.
- (iii) such organization is not operated for the purpose of procuring legal work or financial benefit for any lawyer as a private practitioner outside of the legal services program of the organization.
- (iv) the member or beneficiary to whom the legal services are furnished, and not such organization, is recognized as the client of the lawyer in the matter.
- (v) any member or beneficiary who is entitled to have legal services furnished or paid for by the organization may, if such member or beneficiary so desires, and at the member or beneficiary's own expense except where the organization's plan provides for assuming such expense, select counsel other than that furnished, selected or approved by the organization for the particular matter involved. Nothing contained herein, or in the plan of any organization that furnishes or

(vi) 律師不知或有起因知道，此組織係違反相關適用之法律、法院規則和其它對法律服務相關之法定要件規範。

(vii) 組織首度向最高法院提出申請後，應至少每年一次向指定的法院進行有關該法律協助計劃報告。經申請後之註冊號將被發布並使用於該計劃相關之所有書信、出版物中。及最高法院所要求之附屬於該組織之相關資訊。

(f) 在違反本守則之情形下，律師即便明知或對方有明顯之律師服務需求之時，律師仍不應接受其僱用。

註：1984 年 7 月 12 日採用，1984 年 9 月 10 日生效；1990 年 6 月 29 日修正(b)項之(4)，1990 年 9 月 4 日生效；1997 年 4 月 28 日新增(b)項之(4)且前段(b)項之(4)修正為(b)項之(5)，1997 年 5 月 5 日生效；2003 年 11 月 17 日修正(b)項之(5)，2004 年 1 月 1 日生效。

pays for legal services pursuant to this section, shall be construed to abrogate the obligations and responsibilities of a lawyer to the lawyer's client as set forth in these Rules.

(vi) the lawyer does not know or have cause to know that such organization is in violation of applicable laws, rules of court and other legal requirements that govern its legal service operations.

(vii) such organization has first filed with the Supreme Court and at least annually thereafter on the appropriate form prescribed by the Court a report with respect to its legal service plan. Upon such filing, a registration number will be issued and should be used by the operators of the plan on all correspondence and publications pertaining to the plan thereafter. Such organization shall furnish any additional information requested by the Supreme Court.

(f) A lawyer shall not accept employment when the lawyer knows or it is obvious that the person who seeks the lawyer's services does so as a result of conduct prohibited under this Rule.

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraph (b) (4) amended June 29, 1990, to be effective September 4, 1990; new paragraph (b) (4) adopted and former paragraph (b) (4) redesignated and amended as paragraph (b) (5) April 28, 1997, to be effective May 5, 1997; paragraph (b) (5) amended November 17, 2003 to be effective January 1, 2004.

守則 7.4 律師執業範圍之訊息交流

- (a) 律師應提供其作為或不作為之專業法律領域訊息。律師不應以違反守則(b)、(c)及(d)項規定之方式，明述或暗示其已取得在某特殊法律領域的專家資格之訊息。
- (b) 獲准在美國專利和商標局從事專利業務的律師，可以使用「專利律師」或實質上與其相當之職稱。
- (c) 律師從事海事業務而使用「海事律師」或「海事代訴人」等實質內容相當之職稱。
- (d) 律師就其執業範圍之訊息，不應以虛偽或致令人陷於錯誤之方式，提供使人相信其係經美國律師協會或新澤西最高法院所證明或授予之組織所認可但實際上則否之訊息；律師應提供相關清楚並可令人明辨之訊息。

註：1984 年 7 月 12 日採用，1984 年 9 月 10 日生效；1993 年 7 月 15 日修正(a)項並增修(b)項，1993 年 9 月 1 日

RPC 7.4. Communication of Fields of Practice and Certification

- (a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer may not, however, state or imply that the lawyer has been recognized or certified as a specialist in a particular field of law except as provided in paragraphs (b), (c), and (d) of this Rule.
- (b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation “Patent Attorney” or a substantially similar designation.
- (c) A lawyer engaged in admiralty practice may use the designation “Admiralty,” “Proctor in Admiralty,” or a substantially similar designation.
- (d) A lawyer may communicate that the lawyer has been certified as a specialist or certified in a field of practice only when the communication is not false or misleading, states the name of the certifying organization, and states that the certification has been granted by the Supreme Court of New Jersey or by an organization that has been approved by the American Bar Association. If the certification has been granted by an organization that has not been approved, or has been denied approval, by the Supreme Court of New Jersey or the American Bar Association, the absence or denial of such approval shall be clearly identified in each such communication by the lawyer.

Note: Adopted July 12, 1984, to be effective September 10, 1984; former rule amended and designated paragraph (a) and

生效；2003 年 11 月 17 日修正(a)項，(b)項調整條號作為(d)項，並且新增(b)和(c)項，2004 年 1 月 1 日生效。

守則 7.5 事務所名稱和書信抬頭

- (a) 律師不應在違反守則 7.1 之情形下，使用事務所之名稱或書信抬頭，但符合 R.1：21-1(d)規定之組織除外。律師或律師事務所之名稱可使用事務所中之一位或多位律師之全名或最後姓名為名稱，與事務所曾有聯帶關係但因死亡或退休之律師，其姓名之使用亦同。
- (b) 在不同之司法轄區中，律師事務所或其辦公場所可在各司法轄區中使用同一名稱。律師應在其廣告、書信中明確說明該名稱使用於其他地區之情形及管轄權之限制與內容。在新澤西州執業的事務所或律師辦公場所，在其廣告、書信或其他資訊中，至少須包含一名經批准在新澤西州職業之律師名字。
- (c) 事務所名稱不應有與事務所活動不密切或毫無關聯之人名，但自該事務所退休或死亡之人除外。

new paragraph (b) adopted July 15, 1993, to be effective September 1, 1993; paragraph (a) amended, paragraph (b) redesignated as paragraph (d), and new paragraphs (b) and (c) adopted November 17, 2003 to be effective January 1, 2004.

RPC 7.5. Firm Names and Letterheads

- (a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates RPC 7.1. Except for organizations referred to in R. 1:21-1(d), the name under which a lawyer or law firm practices shall include the full or last names of one or more of the lawyers in the firm or office or the names of a person or persons who have ceased to be associated with the firm through death or retirement.
- (b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction. In New Jersey, identification of all lawyers of the firm, in advertisements, on letterheads or anywhere else that the firm name is used, shall indicate the jurisdictional limitations on those not licensed to practice in New Jersey. Where the name of an attorney not licensed to practice in this State is used in a firm name, any advertisement, letterhead or other communication containing the firm name must include the name of at least one licensed New Jersey attorney who is responsible for the firm's New Jersey practice or the local office thereof.
- (c) A firm name shall not contain the name of any person not actively associated with the firm as an attorney, other than that of a person

- (d) 律師透過明述或暗示之方式表現其合作關係，係在其事務所名稱之表達及共同分擔事務所之法律服務責任的表現。
- (e) 律師事務所為準確描寫其事務所特點，可使用「某人與某合夥人／同事」之名稱。與潛在委託人聯繫或保留協議之情事中，事務所之名稱應包含「法律協助」或其他意義相似之文字。律師事務所非附屬於公共、準公共或慈善組織之下，不得使用該組織之名稱或該組織法律顧問協助之名稱。
- (f) 在符合(a)項之規範下，其商標上允許使用一位或更多於本州具有執照之主要負責律師之名字，並使用於所有相關之書信抬頭、標示、廣告、卡片及其他之情事。

註：1984 年 7 月 12 日採用，1984 年 9 月 10 日生效；1990 年 6 月 29 日修正(a)項和(d)項，(e)項和(f)項合併修正為(e)項，1990 年 9 月 4 日生效。

or persons who have ceased to be associated with the firm through death or retirement.

- (d) Lawyers may state or imply that they practice in a partnership only if the persons designated in the firm name and the principal members of the firm share in the responsibility and liability for the firm's performance of legal services.
- (e) A law firm name may include additional identifying language such as "& Associates" only when such language is accurate and descriptive of the firm. Any firm name including additional identifying language such as "Legal Services" or other similar phrases shall inform all prospective clients in the retainer agreement or other writing that the law firm is not affiliated or associated with a public, quasi-public or charitable organization. However, no firm shall use the phrase "legal aid" in its name or in any additional identifying language.
- (f) In any case in which an organization practices under a trade name as permitted by paragraph (a) above, the name or names of one or more of its principally responsible attorneys, licensed to practice in this State, shall be displayed on all letterheads, signs, advertisements and cards or other places where the trade name is used.

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraphs (a) and (d) amended, paragraph (e) amended and redesignated as paragraph (f) and new paragraph (e) added June 29, 1990, to be effective September 4, 1990.