

華盛頓州律師職業守則（摘錄）

第七號規定：有關法律服務方面的訊息

守則 7.1 有關律師服務的訊息

律師不得就有關律師本身或其服務方面，提供虛偽或足致令人誤解的訊息。謂虛偽或足致令人誤解的訊息者，係指：

- (a) 包含對於事實或法律上有極不實之陳述，或忽略事實上必要的陳述而產生明顯致令他人誤解的情形；
- (b) 以違背職業守則或其他法律規定之方式，明示或暗示令人足致引起該律師可勝訴之不正當的期待結果；或
- (c) 此一對照係有事實根據的，否則不得與其他律師之服務相比較。

〔1985年9月1日起生效〕

Washington State Court Rules: Rules of Professional Conduct

Title 7 Information About Legal Services

RULE 7.1 COMMUNICATIONS CONCERNING A LAWYER'S SERVICES

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:

- (a) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- (b) 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; or
- (c) Compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.

[Effective September 1, 1985.]

守則 7.2 廣告

- (a) 依循守則第 7.1 與第 7.3 條為必要條件之前提下，律師可公然透過媒體進行廣告行為，例如在電話簿、法律名錄、報紙或定期出版品、戶外媒體、廣播或電視，以及其他各種文字媒體等。
- (b) 律師應自該宣傳開始後兩年內，存錄其所進行之各項廣告內容或紀錄。不論是直接登載、勸誘或產生類似效果之需求內容，凡登載於州律師協會或其他公開可查知的管道，律師必須提供複本或任何可用的紀錄給州律師協會，並提供州律師協會任何有關其執業資格及客觀與具體的廣告內容依據之聲明。美國律師協會並將針對該內容與律師之答詢進行審查。
- (c) 律師不得對任何人提供有關律師服務之評估，但該律師係依本守則規定並符合非營利律師或其他合法組織的推薦服務之常規收費標準，以支付合理的廣告成本者除外。
- (d) 通訊內容應包含所有律師的名字及其負責項目。

[1985 年 9 月 1 日起生效；1988 年 9 月 1 日修訂生效]

RULE 7.2 ADVERTISING

- (a) Subject to the requirements of rules 7.1 and 7.3, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor, radio or television, or through written communication.
- (b) A copy or recording of an advertisement or written communication shall be kept by the lawyer for 2 years after its last dissemination along with a record of when and where it was used. Upon written request by the State Bar, either instigated by the State Bar or as the result of any inquiry from the public, the lawyer shall make any such copy or recording available to the State Bar, and shall provide to the State Bar evidence of any relevant professional qualifications and of the facts upon which any factual or objective claims contained in the advertisement or communication are based. The State Bar Association may provide the lawyer's response to any person making inquiry.
- (c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written communication permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.
- (d) Any communication made pursuant to this rule shall include the name of at least one lawyer responsible for its content.

[Effective September 1, 1985; amended effective September 1, 1988.]

守則 7.3 與潛在的委託人之聯繫

- (a) 律師不得為顯著的獲利動機，經由直接接觸或透過第三人誘導之方式，以職業上之私人優勢關係或電話聯繫，與潛在的委託人建立委託關係。

- (b) 律師不得為獲致委託關係之建立，在明知該潛在的委託人僅係基於其有律師服務之需求，而非自律師通訊之資訊，為寄發書面資訊給該可能之委託人之行為。

[1985 年 9 月 1 日生效；1988 年 9 月 1 日修訂生效]

守則 7.4 律師執業範圍的訊息

律師可傳達有關其所可從事或不從事之特定法律的範圍事實。但除了以下情況之外，律師不得宣示或暗示其係律師的專門意見：

- (a) 律師係被確認曾於美國專利與商標局中，從事名為「專利律師」或實質的工作內容上為相類似的職稱。

- (b) 凡公開發布於鑑定證明書、判決、團體組織或協會的表彰、律師所稱之「有保證的」、「專家的」、「專門的」術語，或其他任何足以描述其律師資格或其他

RULE 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS

- (a) A lawyer shall not directly or through a third person solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship in person or by telephone, when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.
- (b) A lawyer shall not send a written communication to a prospective client for the purpose of obtaining professional employment if the person has made known to the lawyer a desire not to receive communications from the lawyer.

[Effective September 1, 1985; amended effective September 1, 1988.]

RULE 7.4 COMMUNICATION OF FIELDS OF PRACTICE

A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist except as follows:

- (a) 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.
- (b) Upon issuance of an identifying certificate, award, or recognition by a group, organization, or association, a lawyer may use the terms "certified" , "specialist" , "expert" , or any other similar

合於法律資格之相類似術語。而這術語是被用於識別任何執照、判決、團體組織或協會之表彰時，此證明必須符合下列要件：(1)必須是真實且可受檢驗的，並且未有因違反守則 7.1 之規定所生之誤導情事；(2)必須是經確認的團體、組織或協會；以及(3)必須經華盛頓州最高法院所正式認可於法律慣例之檢定、判決、或表彰，並係存在於華盛頓州的慣例法之中。

[1985 年 9 月 1 日生效；1992 年 9 月 18 日修訂生效]

守則 7.5 公司名稱及命名

- (a) 律師不得在違反守則第 7.1 或第 7.4 之情況下，使用公司名稱、信件抬頭稱號或其他專業的名號。假若非暗示一種與政府之代理關係或對於合法的慈善服務組織之關聯，並且也不在其他方面違反守則第 7.1 或第 7.4 之規定情況下，律師可以私下使用公司名稱。
- (b) 在兩個以上司法轄區擁有辦公場所的律師事務所，可以在各司法轄區中使用同一名稱或其他職業標誌，但是該律師事務所某辦公場所的律師身分應當表明該辦公場所所在之司法轄區對那些沒有在該司法轄區取得職業執照的人所進行的限制。
- (c) 如果律師擁有公職，則在該律師沒有積極性和經常性

term to describe his or her qualifications as a lawyer or his or her qualifications in any subspecialty of the law. If the terms are used to identify any certificate, award, or recognition by any group, organization, or association, the reference must meet the following requirements: (1) the reference must be truthful and verifiable and may not be misleading in violation of rule 7.1; (2) the reference must identify the certifying group, organization, or association; and (3) the reference must state that the Supreme Court of Washington does not recognize certification of specialties in the practice of law and that the certificate, award, or recognition is not a requirement to practice law in the state of Washington.

[Effective September 1, 1985; amended effective September 18, 1992.]

RULE 7.5 FIRM NAMES AND DESIGNATIONS

- (a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1 or Rule 7.4. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or charitable legal services organization and is not otherwise in violation of Rule 7.1 or rule 7.4.
- (b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
- (c) The name of a lawyer holding a public office shall not be used in

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地在該律師事務所執業之主要期間內，該律師的姓名不得用於律師事務所之名稱，或用於該律師事務所所進行之訊息交流中。

- (d) 律師只准許在事實屬實之情況下，陳述或暗示其與其他組織的合作關係。非律師之成員、專業公司的股東或成員者，不得共同列名其中。律師非為：(1) 合夥人，專業公司的股東，或專業有限公司之成員；(2) 受僱於該獨資或合作的專業公司，或成為該專業有限公司或其它組織成員；(3) 與獨資或合作之專家公司，或與專業有限責任公司的成員或其它組織係為辯護人之關係，且其辯護人之關係表現為在有專用之信函抬頭，並且不與其他律師共同簽署名字於所有訴訟文書或信件之結尾。

[1985 年 9 月 1 日生效；1988 年 9 月 1 日；1990 年 9 月 1 日；1996 年 9 月 1 日；1998 年 9 月 1 日修定生效。]

the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

- (d) Lawyers may state or imply that they practice in a partnership or other organization only when that is a fact. Lawyers practicing out of the same office who are not partners, shareholders of a professional corporation, or members of a professional limited liability company may not join their names together. Lawyers who are not (1) partners, shareholders of a professional corporation, or members of a professional limited liability company, or (2) employees of a sole proprietorship, partnership, professional corporation, or members of a professional limited liability company or other organization, or (3) in the relationship of being “Of Counsel” to a sole proprietorship, partnership, professional corporation, or members of a professional limited liability company or other organization, shall have separate letterheads, cards and pleading paper, and shall sign their names individually at the end of all pleadings and correspondence and not in conjunction with the names of other lawyers.

[Effective September 1, 1985; amended effective September 1, 1988; September 1, 1990; September 1, 1996; September 1, 1998.]