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## 25. Solicitors' Practice Promotion Code

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Code effective 20 March 1992 promulgated by the Council with the prior approval of the Chief Justice under Rule 2AA of the Solicitors' Practice Rules.

### Definitions

1. In this Code "practice promotion" in relation to a solicitor means the marketing by whatever method of that solicitor, his practice or his firm or the professional legal services offered by him or it, and includes
  - (a) any exposure, whether or not paid for, in any public medium,
  - (b) the issue of any publication or communication (including orally) in any medium to any client, prospective client or the public generally which has the character of an advertisement or promotional material,
  - (c) any public appearance, and
  - (d) any contact with a prospective client initiated by or on behalf of the solicitor.

### Scope of this Code

2. This Code relates to all forms of practice promotion by or with the permission of a solicitor.
3. Subject to this Code a solicitor may engage in practice promotion in any way he thinks fit.
4. All practice promotion must have regard to the Solicitors' Practice Rules and other professional obligations and requirements, and nothing in this Code shall be construed as authority for any breach of those Rules, obligations or requirements.
5. It is the responsibility of each solicitor to ensure that his practice promotion, whether conducted by himself or by other persons, complies with the provisions of this Code. The responsibility cannot be delegated. Where a solicitor becomes aware of any impropriety in or in relation to any practice promotion on his behalf, he must use his best endeavours to have it rectified or withdrawn as appropriate. Any practice promotion activity relating to a solicitor shall be presumed, subject to proof by the solicitor to the contrary, to have been issued (in the form in which it was issued) with his authority.

## **General Principles**

6. Practice promotion shall be decent, legal, honest and truthful and shall not:
- (a) be likely to mislead or deceive, whether by inclusion or omission;
  - (b) contain any adverse remark or implication concerning any other solicitor or solicitors, in particular in any comparison of services, practice or fees;
  - (c) make any claim or imply that the solicitor is, or that his practice is or includes an expert in any field of practice or generally. It is permissible, however, to refer to his knowledge, qualifications, experience or area(s) of practice provided that such a claim can be justified;
  - (d) identify any client or any item of any client's business without the prior written consent of the client;
  - (e) be defamatory;
  - (f) refer to the solicitor's success rate;
  - (g) imply that a solicitor can obtain results by improper means;
  - (h) be intrusive, offensive or otherwise inappropriate having regard, among other things, to the manner, medium or frequency of approach, or surrounding circumstances;
  - (i) be calculated or likely to take advantage of the weak or weakened mental, physical or emotional state of the recipient or intended recipient;
  - (j) take place in or in the immediate vicinity of a court, police station or place of detention in relation to a person who has been or may be charged with, or has been convicted of, any offence;
  - (k) be directed at a person who has made known a desire not to be contacted;
  - (l) be in any manner which may reasonably be regarded as having the effect of bringing the solicitors' profession into disrepute;
  - (m) be inappropriate having regard to the best interests of the public;
  - (n) breach any other code of advertising practice for the time being in force which applies to solicitors.

## **Prohibited Media**

7. [Deleted by resolution of the Council on 8 October 1996 and approved by the Chief Justice, with effect from 25 November 1996.]

### **Extraterritorial practice promotion**

8. (1) Any practice promotion outside Hong Kong shall comply with any relevant regulations applicable to legal practitioners admitted to practise in the jurisdiction in which the promotional activity is undertaken.
- (2) This Code does not apply to practice promotion outside Hong Kong unless the practice promotion relates to a solicitor's practice in Hong Kong and the practice promotion is received in Hong Kong.

### **Records**

9. A solicitor shall retain a copy or record of each item of promotional material authorized by him for not less than one year after publication.

### **Interpretation and Variation**

10. The Council may from time to time by resolution published to the profession draw attention to examples of practice promotion which in the opinion of the Council constitute breaches of the general principles and intent of this Code. Any practice promotion effected or continued after the promulgation of such advice would be regarded by the Council as a breach of this Code.
11. The Council shall have power to waive a breach, or to condone a prospective breach, of any of the provisions of this Code in any particular case.