§ 10.24 Disclosure of information to authorities.

(a) A practitioner possessing unprivileged knowledge of a violation of a Disciplinary Rule shall report such knowledge to the Director.

(b) A practitioner possessing unprivileged knowledge or evidence concerning another practitioner, employee of the Office, or a judge shall reveal fully such knowledge or evidence upon proper request of a tribunal or other authority empowered to investigate or act upon the conduct of practitioners, employees of the Office, or judges.

(Approved by the Office of Management and Budget under control number 0651–0017)

§§ 10.25–10.29 [Reserved]

§ 10.30 Canon 2.

A practitioner should assist the legal profession in fulfilling its duty to make legal counsel available.

§ 10.31 Communications concerning a practitioner’s services.

(a) No practitioner shall with respect to any prospective business before the Office, by word, circular, letter, or advertising, with intent to defraud in any manner, deceive, mislead, or threaten any prospective applicant or other person having immediate or prospective business before the Office.

(b) A practitioner may not use the name of a Member of either House of Congress or of an individual in the service of the United States in advertising the practitioner’s practice before the Office.

(c) Unless authorized under § 11.14(b), a non-lawyer practitioner shall not hold himself or herself out as authorized to practice before the Office in trademark cases.

(d) Unless a practitioner is an attorney, the practitioner shall not hold himself or herself out:

(1) To be an attorney or lawyer or

(2) As authorized to practice before the Office in non-patent and trademark cases.

§ 10.32 Advertising.

(a) Subject to § 10.31, a practitioner may advertise services through public media, including a telephone directory, legal directory, newspaper, or other periodical, radio, or television, or through written communications not involving solicitation as defined by § 10.33.
(b) A practitioner shall not give any-
thing of value to a person for recom-
mending the practitioner's services, ex-
cept that a practitioner may pay the
reasonable cost of advertising or writ-
ten communication permitted by this
section and may pay the usual charges
of a not-for-profit lawyer referral serv-
vice or other legal service organization.
(c) Any communication made pursu-
ant to this section shall include the
name of at least one practitioner re-
sponsible for its content.

§ 10.33 Direct contact with prospective
clients.
A practitioner may not solicit profes-
sional employment from a prospective
client with whom the practitioner has
no family or prior professional rela-
tionship, by mail, in-person or other-
wise, when a significant motive for the
practitioner’s doing so is the practi-
tioner’s pecuniary gain under cir-
cumstances evidencing undue influ-
ence, intimidation, or overreaching.
The term “solicit” includes contact in
person, by telephone or telegraph, by
letter or other writing, or by other
communication directed to a specific
recipient, but does not include letters
addressed or advertising circulars dis-
tributed generally to persons not spe-
cifically known to need legal services
of the kind provided by the practi-
tioner in a particular matter, but who
are so situated that they might in gen-
eral find such services useful.

§ 10.34 Communication of fields of
practice.
A registered practitioner may state
or imply that the practitioner is a spe-
cialist as follows:
(a) A registered practitioner who is
an attorney may use the designation
“Patents,” “Patent Attorney,” “Pat-
ent Lawyer,” “Registered Patent At-
torney,” or a substantially similar des-
ignation.
(b) A registered practitioner who is
not an attorney may use the designation
“Patents,” “Patent Agent,” “Regis-
tered Patent Agent,” or a sub-
stantially similar designation, except
that any practitioner who was reg-
istered prior to November 15, 1938, may
refer to himself or herself as a “patent
attorney.”

§ 10.35 Firm names and letterheads.
(a) A practitioner shall not use a firm
name, letterhead, or other professional
designation that violates §10.31. A
trade name may be used by a practi-
tioner in private practice if it does not
imply a current connection with a gov-
ernment agency or with a public or
charitable legal services organization
and is not otherwise in violation of
§10.31.
(b) Practitioners may state or imply
that they practice in a partnership or
other organization only when that is
the fact.

§ 10.36 Fees for legal services.
(a) A practitioner shall not enter into
an agreement for, charge, or collect an
illegal or clearly excessive fee.
(b) A fee is clearly excessive when,
after a review of the facts, a practi-
tioner of ordinary prudence would be
left with a definite and firm conviction
that the fee is in excess of a reasonable
fee. Factors to be considered as guides
in determining the reasonableness of a
fee include the following:
(1) The time and labor required, the
novelty and difficulty of the questions
involved, and the skill requisite to per-
form the legal service properly.
(2) The likelihood, if apparent to the
client, that the acceptance of the par-
ticular employment will preclude other
employment by the practitioner.
(3) The fee customarily charged for
similar legal services.
(4) The amount involved and the re-
results obtained.
(5) The time limitations imposed by
the client or by the circumstances.
(6) The nature and length of the pro-
fessional relationship with the client.
(7) The experience, reputation, and
ability of the practitioner or practi-
tioners performing the services.
(8) Whether the fee is fixed or contin-
gent.

§ 10.37 Division of fees among practi-
tioners.
(a) A practitioner shall not divide a
fee for legal services with another
practitioner who is not a partner in or
associate of the practitioner’s law firm
or law office, unless:
(1) The client consents to employ-
ment of the other practitioner after a