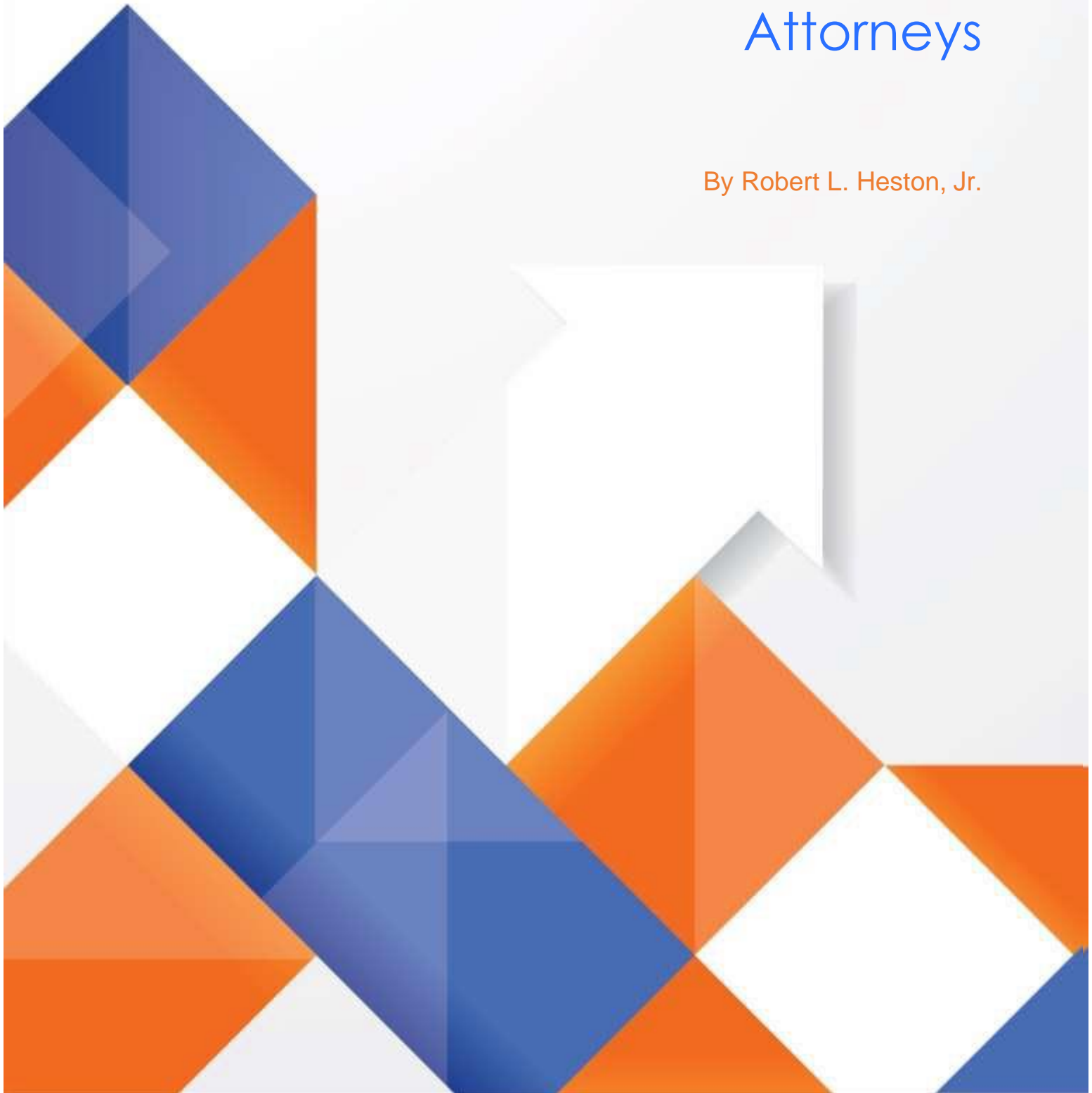


How LegalEASE Can Help Handle Negative Online Reviews for Attorneys

By Robert L. Heston, Jr.



Statement of the Problem

You have a client that you did a terrific job for in their litigation that spanned 2 ½ years. At the end, the client requests a retainer refund of \$2,000, claiming that you spent more money than you represented at the outset of the case. You are surprised at the request. You assume the client is not serious and do not respond. Two weeks later, LegalEASE refers a new client to your office. After discussing the facts of the case with you and ensuring you could handle this case, the client rejects your firm and wants us to find another firm. You are puzzled. The potential new client admitted they checked your firm's credentials online and found a negative online review from that client for whom you just did a terrific job.

Apparently, your client posted a review that indicated you overcharged them and did not get all the money for them that they expected.

Attorneys face this problem every day. LegalEASE sees a whopping resubmit rate because of negative online reviews of at least 4-8% of the total reasons for cases being re-referred to another attorney. Negative online reviews are becoming a bigger problem as clients learn the power they can wield with a negative review.

Specific Problem for Law Firms

According to an American Bar Association article on this subject, "lawyers today invest time and money online to burnish their reputations with glowing reviews and five-star ratings. Marketing experts insist that positive reviews get real results. But just one negative review can ruin a lawyer's day, or worse—that bad review may live forever on Facebook, Yelp, Google or Avvo, displayed relentlessly before thousands of potential clients.

"That is why every lawyer whose practice relies even in part on online reviews must prepare to respond intelligently and ethically. So too should many other lawyers who may be the occasional victims of a drive-by smear." ¹

According to a Modernfirm.com blog, **"There are a variety of scenarios that can generate a negative review and, unfortunately, review websites take no responsibility to vet the credibility of the reviewer until the review is flagged for a second look. Situations we've seen include:**

- Competing lawyers trying to bring down the competition.
- People who leave a review for the wrong attorney.
- Family members who are upset on behalf of the client.
- Opposing parties who are angry at their own outcomes.
- Unscrupulous marketing companies trying to discredit their client's competitors.
- People who are mad that the lawyer would not represent them or didn't think their case had merit.
- Folks who get angry that their initial phone call wasn't returned.

- Clients who stopped paying /thought the billing was too much.
- A genuinely dissatisfied client who is mad because the lawyer actually screwed up.

“Out of the listed scenarios, review websites are really only designed as a forum for the very last one — the genuinely upset customer. The sites all have policies stating that a reviewer must actually be a client of the law firm, but there is no technology or policing in place to enforce those policies before a review hits the web. It's only through a series of convoluted steps that a review can be taken down, and all the power is in the reviewer's hands.”²

What we are primarily discussing here is the genuinely upset client, whether they are in the right or not, who posts a bad review.

What can you do? Obviously, your first reaction is to want to blow up, get angry and write a scathing response to the client. There are at least two reasons why this should not be your response. First, there are ethical reasons that you cannot release attorney client-privileged information, which you might do if you provide a response to your client in a hasty manner. This will cause far more serious problems for you than whatever the negative review might cost you.

Second, a hasty, ill-conceived response might bring more bad will to you and your firm. You may want to “get even” but such a reaction may not be the best strategy. There are many more options available to you to turn this review around to a positive response for your firm.

As a first step, the ABA recommends that you **become objective**. “What you need most is objective advice, perhaps even professional advice, about how the world, including clients, will respond to both the review and what you might say in response. After all, if the review may live forever, so may your response.

The perfect advisor? Probably a savvy marketing or public relations pro. But in my experience, your law partner or spouse may be almost as good—if they'll give their honest opinion. You need someone with street sense who is brutally honest about how others might react to the review and your response.

They need to help you answer a simple question: Do you need to respond?

Very often, the answer is: Yes, a response is needed, if only to demonstrate that you care about and are willing to address complaints.”³

If you need to respond, you should consult with a trusted advisor and discuss the ethical rules to ensure that you do not create an ethical problem for yourself.

“The scope of information that ABA Model Rule of Professional Conduct 1.6(a) makes “confidential” is sweeping—all “information relating to the representation of a client,” whatever the source. Not just privileged information, and not just embarrassing information, and some information that may even be a matter of public record.

“Rule 1.6 is clear that a lawyer cannot reveal or disclose any confidential information, except in very limited circumstances, unless the client consents. Almost all lawyers have muscle memory of a “self-defense” exception. But lawyers are also badly misinformed about its scope.

“In fact, Rule 1.6(b)(5) allows us to reveal confidential information only

to the extent the lawyer reasonably believes necessary... to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client ... or to respond to allegations in any proceeding concerning the lawyer's representation of the client..."⁴

Another article suggests **(4) types of responses**.

"1. Privately Discuss with The Reviewer

If the review is legitimate, and the client is reachable and rational, then sometimes the best solution is a direct and private discussion. The business of delivering legal services can be fraught with tension and emotion. Sometimes, even the best outcome leaves the client unsatisfied. Yet, many times, people just want to be heard and their feelings validated. These can be awkward and difficult conversations but if it seems like the thing to do, suck it up and give them a call. Apologize if it is appropriate and negotiate for them to change or remove the review.

2. Do Nothing

This may be difficult to swallow, but sometimes it's best to do nothing. If the reviewer is really on edge, any response may just provoke more negative reviews on other websites under different names and email addresses. Further, if the content of the review appears kind of crazy or not truthful to a normal person, then maybe it's not having any negative impact. Further, if the review is hard to find, or if it has been posted for a while with no noticeable impact to your business, it may be best to just let it be. You can always revisit this decision down the road. You can also ask new or current clients if they saw the review when they were researching you online.

The danger in deciding to do nothing is that you'll never know who didn't call you because of the review, so you will have to weigh this against the risks of the other, more proactive options.

3. Flag the Review

There is a dispute resolution protocol that is pretty similar across the major online review websites. You can flag or tag a review as inappropriate or in violation of the site's terms of service. What follows is an automated process like this:

- The review will be temporarily taken down or hidden from the main view.
- The review website will send an automated email to the reviewer letting them know their review was flagged and asking them to consider rewriting it or reposting it, and giving them a 7-14 day period to respond.
- If the reviewer takes action by rewriting the review or reposting the original, then the review process is complete and the review stays published. If the reviewer lets the time-period lapse, then the review will come down.

The risk in flagging the review is that it could be seen as a provocation by the reviewer, especially if it was a legitimate review. This could potentially cause them to make the review worse or lead to them posting more reviews on other websites. If, however, you think that the review is fake and that the person isn't likely to dispute the flagging, then this could be a safe way to put the whole thing to bed.

There is an answer about how to go on the offense and use review websites like AVVO, Yelp and others to your advantage. But here is a step by step guide on how to handle the situation should you get a bad review.

4. Publicly Respond

All major review platforms allow the business owner an opportunity to respond publicly to the review. This is often the preferred action because it gives you an opportunity to show off your character, creativity, commitment to service and legal mind. Believe it or not, a well-crafted response to a negative lawyer review can actually turn into a marketing piece for you. A public response presents the opportunity to make readers think ‘Wow, they handled that really well, I want that lawyer handling my problems.’”⁵

Specific Problem for LegalEASE

The problem of negative online reviews for attorneys is also a problem for LegalEASE when we make referrals to our Network Attorneys. When we make referrals to Network Attorneys, we are trying to be as helpful and efficient as we can be for each member. Getting them the best attorney for their legal matter as fast as we can is our corporate focus. LegalEASE is different from other legal plans in that it matches based on the preferences of each Member the best suited attorney to each Member. As a result, we expend a number of resources to assess each Member’s needs and then match the best attorney to that Member based on the needs assessment.

If we cannot connect the Member to the matched Attorney because the Member feels uncomfortable finding a negative review on the attorney’s website, we have to resubmit the case to matching and expend that effort over again. This of course then also delays the time we take to match the Member to a Network Attorney.

The problem is further compounded because LegalEASE secures the direct consent of the Network Attorney in most cases to handle the facts of the case being referred. That is the Network Attorney takes their time to discuss the matter with LegalEASE to ensure the Attorney can handle the case as presented.

While we could also incorporate a web search of that attorney into each search, we are depriving our Members the services of excellent attorneys in cases where we would pass on them for a referral because of a negative online review.

The better solution is to assist the Network Attorney in overcoming or responding to the negative review where appropriate. The attorney of course has a vested interest in getting the new case. And, most importantly, the Member is not deprived of what could be an excellent attorney with excellent representation in many cases.

The Solution

LegalEASE has created a Special Quality Assurance (QA) department to work with its Network Attorneys both before this situation arises by virtue of a potential referral and when the situation arises in the midst of a referral. This service is offered at no charge.



Here's how it works:

Proactively:

- I In our periodic re-credentialing with our Network of Attorneys, we can examine the Attorney's and the firm's website presence and find any negative online reviews. This would help in most cases since the pressure of making a referral and cementing the connection between the client and the attorney is non-existent.

In addition, LegalEASE compiles all the comments of Members, including comments about attorneys in the case notes. Any dissatisfaction assuming permission is obtained can be shared with an attorney to help them proactively remedy the issue a Member described.

We have great success in this mode since we are constantly talking to our Members during their litigation. We curate a great deal of information that can be reviewed to ensure that the Member remains satisfied with their Attorney and their services throughout the legal matter. Any hiccup can be immediately investigated and the issue discerned much earlier by our Member Service Specialists.

Mid Referral:

A Member Service Specialist at LegalEASE might learn about a negative online review from a Member after the Member is referred to the Attorney. At that time, as long as the Member is not under an emergency time constraint, the Member Service Specialist informs the Member that this Attorney was the best attorney based on the assessment submitted and that we have referred X number of cases to this Attorney in the past 6 months and all the reviews have come back excellent. The Member Service Specialist asks the Member for permission to investigate the negative review with the Attorney and see if the Attorney can provide some clarity.

Some Members will be receptive to this approach. A few will not and will want an immediate resubmit referral. Assuming the Member permits the Member Service Specialist to investigate, and assuming this is done in a timely manner, the Member Service Specialist will contact the firm and request some clarity. In this manner, responses to the negative review may not have to be posted by the Attorney, at least for LegalEASE purposes.


Once the facts surrounding that negative review are learned (with no disclosure of confidential information) the Member Service Specialist will convey to the Member the original work done in matching the member to the best Attorney available for their matter.

In some cases, the QA manager at LegalEASE will work with the Member Service Specialist and offer to help the Attorney to post the requisite response, again being careful to assume the ethical rules applicable are followed.

Types of Responses to Negative Reviews

One of the above-referenced articles provides some excellent advice and references on how to respond to a negative review, if that is the approach the Attorney decides to take.

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creativity, commitment to service and legal mind. Believe it or not, a well-crafted response to a negative lawyer review can actually turn into a marketing piece for you. A public response presents the opportunity to make readers think "Wow, they handled that really well, I want that lawyer handling my problems."

A response to a fraudulent review is pretty simple. You just call it out and prove it's fraudulent. Since review sites include names or initials, you can simply say that you have no client by that name or initials, or that you have no record of handling a matter like they describe. Just be totally sure it is a fraud.

A response to a person you actually represented or talked to requires much more care and consideration. Consider these key points in a response:

- Show care. Whether your fault or not, their life is in a rough spot if they've resorted to blasting you online. Show empathy for their situation and apologize if you think it is appropriate.
- Respect privacy. Unlike other businesses, lawyers are bound by a code of conduct and binding agreements about privacy. Do not forget that here.
- Encourage them to seek counsel. If you think their legal issues are ongoing, encourage them to seek counsel and, if you can, show some of your expertise in explaining why.
- Make yourself available to talk. If you think it would be productive, offer to speak with them about their complaint.
- Explain how you've adapted. If you've identified a problem with the way you deliver service that is relevant to their complaint, explain how you have rectified that.
- Throw some shade. This can be risky, but if there is a way for you to diminish the reviewer's relationship to you, it is worth considering. If the person never became a client, see if you can work that in. If the person stopped paying their bill, explain how continued representation requires payment, etc.

Before posting your response it's important to have at least two people you trust read it and give you their feedback. You're the one being attacked, so you're naturally very close to the issue. People who are removed will be more dispassionate and probably offer points of view and advice you wouldn't think of on your own.

You can find excellent examples of real responses to negative reviews:

- [Reviewing the wrong lawyer](#)
- [Why should I have to pay](#)
- [Fake client](#)
- [Initial Consultations Aren't Open Ended](#)⁷



Conclusion

It is in LegalEASE's DNA to help each attorney resolve negative online reviews. We believe many terrific attorneys are unfairly singled out by clients seeking to hurt them or their practices, often without real justification. We also believe that we can be more efficient for Members to help them connect to Network Attorneys in our plans if we take an active role in helping attorneys make decisions about online negative reviews. Attorneys remain responsible for the actions they take, especially to ensure they do not run afoul of the state's ethical rules, but a second opinion and assistance from an objective source can often provide tremendous help. In many cases, this assistance can greatly mitigate the impact of an online negative review.

End Notes

1/ https://www.americanbar.org/groups/law_practice/publications/law_practice_magazine/2020/mj2020/mj20ethics/ May/June 2020, Lucian T. Pera.

2/ <https://www.themodernfirm.com/blog/gotw/how-should-an-attorney-handle-negative-online-reviews/> Feb. 2018.

3/ https://www.americanbar.org/groups/law_practice/publications/law_practice_magazine/2020/mj2020/mj20ethics/ May/June 2020, Lucian T. Pera.

4/ Id.

5/ <https://www.themodernfirm.com/blog/gotw/how-should-an-attorney-handle-negative-online-reviews/>

6/ Id.

7/ <https://www.themodernfirm.com/blog/gotw/how-should-an-attorney-handle-negative-online-reviews/>

