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Dealing with Digital Detractors: What You Need to Know About Responding to Negative Online Reviews

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DEALING WITH DIGITAL DETRACTORS: ETHICAL CONCERNS WITH RESPONDING TO ONLINE REVIEWS

by John G. Browning

And I don't give a damn 'bout my bad reputation. Oh no, not me.¹

With all due respect to Joan Jett and the Blackhearts, lawyers have to care about their online reputations more than ever. Gone are the “good old days” when dealing with an unhappy client meant fielding a few angry phone calls or responding to a curt letter informing you that your services were no longer needed. In today's digital age, where everyone is just a few clicks away from the opportunity to air grievances to the world, comments posted on lawyer rating sites like avvo.com and lawyerratingz.com or consumer complaint sites like yelp.com and ripoffreport.com can live online forever and pop up in response to Internet searches for your name. Moreover, the Web has become increasingly important in terms of generating referrals for legal services. According to a 2014 survey by findlaw.com and Thomson Reuters Corp., the Internet is now the most popular resource for people in need of legal representation. Thirty-eight percent of respondents indicated they would first use the Internet to find and research a lawyer, while 29 percent would ask a friend or relative first, 10 percent would rely on a local bar association, and only 4 percent would use the Yellow Pages.² And research by the marketing firm Hinge shows that more people view a firm's website or conduct an online search (81 percent and 63.2 percent, respectively) to find and evaluate a lawyer than those who ask friends and colleagues or talk to references.³

¹ *Bad Reputation*, Joan Jett and the Blackhearts.

² Press Release, The Internet is Now the Most Popular Way to Find and Research a Lawyer, Says FindLaw Survey, Thomson Reuters (Apr. 17, 2014), <https://www.thomsonreuters.com/en/press-releases/2014/internet-lawyer-search-survey.html>.

³ Sherry Karabin, *Marketing Legal Services in a Brave New Internet World*, LAW.COM (Mar. 31, 2014), <https://www.law.com/legaltechnews/almID/1396262346123/Marketing-Legal-Services-in-a-Brave-New-Internet-World/?slreturn=20210527204223>.

So what can a lawyer do when his or her professional reputation is attacked online by a client or former client? As with any criticism, there's a right way and a wrong way to respond – and the wrong way can land you in front of the disciplinary board. Chicago employment attorney Betty Tsamis learned this lesson the hard way in January 2014, when she received a reprimand from the Illinois Attorney Registration and Disciplinary Commission for revealing confidential client information in a public forum.⁴ Tsamis had represented former American Airlines flight attendant Richard Rinehart in an unsuccessful quest for unemployment benefits (Rinehart had been terminated for allegedly assaulting a fellow flight attendant). After firing Tsamis, Rinehart posted a review of her on avvo.com. In the post, Rinehart expressed his dissatisfaction bluntly, claiming that Tsamis “only wants your money,” that her assurances of being on a client’s side are “a huge lie,” and that she took this money despite “knowing full well a certain law in Illinois would not let me collect unemployment.”⁵ Within days of this posting, Tsamis contacted Rinehart by email, requesting that he remove it; Rinehart refused to do so unless he received a copy of his file and a full refund of the \$1,500 he had paid.

Sometime in the next two months, Avvo removed Rinehart’s posting. But Rinehart posted a second negative review of Tsamis on the site. This time, Tsamis reacted by posting a reply the next day. In it, she called Rinehart’s allegations “simply false,” said he didn’t reveal all the facts of his situation during their client meetings, and stated, “I feel badly for him, but his own actions in beating up a female coworker are what caused the consequences he is now so upset about.”⁶ According to the Illinois disciplinary authorities, it was this online revelation of client information by Tsamis that violated the Rules of Professional Conduct, as well as the fact that her posting was “designed to intimidate and embarrass Rinehart and to keep him from

⁴ In the Matter of Tsamis, Commission No. 2013PR00095, *available at* <https://www.iardc.org/13PR0095CM.html>.

⁵ *Id.*

⁶ *Id.*

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