



## How Reliable Are Those Online Attorney Reviews?

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By [Mark C. Palmer](#)

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When your car needs repairs, you look up a mechanic. As you discover your pants need an alteration, you call upon a tailor. Should you need the services of an attorney, you likewise hope to find such a person with the proper skills and knowledge to address your needs.

So where does one properly begin? For those who are not lawyers or do not know attorneys, and need to find one, word of mouth is a common tool for referrals. Friends and neighbors may offer suggestions for attorney recommendations from their own interactions and personal opinions.



The traditional yellow pages ads might offer some guidance. But surely the bigger, bolder advertisements do not always equate to the increased qualifications of representation you are seeking. Then comes technology.

### If the Internet Is the Tool, What Is the Source?

Today, multifaceted algorithms give web-based lawyer rating systems, i.e. legal marketing websites, a stage to serve a consumer demand for finding lawyers. And finding qualified lawyers at that, or so consumers hope. But just as such online resources like Avvo are “changing the way people find legal help” as they put it, they continue to receive criticisms for lacking merit, accuracy and legitimacy. Whether they are an authoritative legal support tool or a marketing ploy that is inherently bias to lawyers who contribute to the website’s fiscal options, such online attorney reviews are the modern phonebook for finding legal services.

Is the measure of a quality attorney best done by such mathematical models? Or should it be just one of many factors in selecting the right counsel for the right consumer on the right area of the law?

The landmark case of *Bates v. State Bar of Arizona*, 433 U.S. 350, 379 (1977) emphasized that, “Because the public lacks sophistication in legal matters, it may be particularly susceptible to misleading or deceptive advertising by lawyers.” Thus, how could lawyers and consumers alike have confidence in a propriety algorithm that generates a “Superb” rating when lawyers of greater experience and abilities come in a distance second? Or with no rating at all?



The Utah State Bar took on the question of attorney rating systems in 2014 with its [Ethics Advisory Opinion 14-04](#), wherein it focused its attention on the methodology of how the ratings or reviews are formulated. It required transparency for the lawyers to guard against misleading communications via advertising, as well as for the public to measure the value of the rating product. But only vague basics behind the real makeup of the rating models are shared by Avvo, limiting how informed either can be.

## Can Positive Online Attorney Reviews Be Bought?

Additionally, the uncertain line where the raw data end and the possible gamesmanship begins draws further speculation as to the veracity of the ratings. Restaurants have garnered criticism by dishing out freebies (pardon the pun) to customers for positive reviews on Yelp and similar consumer guides. Why can't lawyers?

The New York State Bar Association issued its [Ethics Opinion 1052 \(2015\)](#) concluding, "A lawyer may give clients a \$50 credit on their legal bills if they rate the lawyer on an Internet website such as Avvo that allows clients to evaluate their lawyers, provided the credit against the lawyer's bill is not contingent on the content of the rating, the client is not coerced or compelled to rate the lawyer, and the ratings and reviews are done by the clients and not by the lawyer."

These paid ratings and quid pro quo attorney endorsements between members of the bar further call into question the value of online rating systems. Nevertheless, like it or not, online attorney reviews, rankings and marketing companies for such are here to stay.

And you really do not have to like it, as your profile page is very likely already populated whether or not you have claimed your profile. So should attorneys "claim" their existing profile on lawyer marketing websites? If they do, what responsibilities do they have to ensure and monitor that only accurate information is provided?

[Advisory Opinion 201402 \(2014\)](#) by the Washington State Bar Association applied its Rules of Professional Conduct to attorneys' "[p]articipation in online social media profile websites." In addressing these questions, the Opinion essentially says that if attorneys choose to participate in the website, they must not make false or misleading communications, and reasonably correct any inaccurate information that exists.

Avvo says it [has rated more than 97% of lawyers in the U.S.](#) May for-profit lawyer rating content providers maintain the profiles of attorneys who do not claim their profiles, or consent to the published content including their photograph?

That very question of privacy intersecting with commercial gain is being put to the test in Illinois by a recently filed [complaint](#) in Cook County seeking damages for using the unauthorized likeness of attorneys without their involvement or consent. The Illinois Right to Privacy Act states, "A person may not use an individual's identity for commercial purposes during the individual's lifetime without having obtained previous written consent from the appropriate person..." 765 ILCS 1075/30(a). Punitive damages may be awarded against a person found to have willfully violated the Section 30 of the Act. 765 ILCS 1075/40(b).



The twist in this freedom of commercial speech debate may come in how Avvo and similar business models structure the advertising content. For example, it may be one thing to use publicly available information to build a searchable database for consumers to find lawyers, and another thing to advertise and market space on competing attorneys' profile pages.

## **Attorneys: Know Your Review Content and Update It**

Whether attorneys decide to embrace and optimize their online presence on rating websites or disregard its potential, their ethical obligations under the Rules of Professional Conduct continue regardless of the technological impacts. Lawyers need to educate themselves on how the rating systems are formulated before participating in them, and be vigilant about the accuracy of the information used for such calculations and what is displayed to the public. As some firms and attorneys may find great benefits from applying these marketing tools to their practice, they should take comfort in relying on the Rules of Professional Conduct to steer their use until more advisory opinions can provide guidance.

For consumers, online attorney review and ranking websites should be used as just one tool in conjunction with other means of finding the lawyer who is the best fit for the consumer and the legal assistance needs. Hiring the first attorney you see with a "Superb" ranking may not necessarily mean your representation is best suited for that attorney. Don't just look for the shiniest car on the lot; check under the hood first.

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## **About the Illinois Supreme Court Commission on Professionalism**

The Commission on Professionalism was established by the Illinois Supreme Court in September 2005 to foster increased civility, professionalism and inclusiveness among lawyers and judges in the State of Illinois. By advancing the highest standards of conduct among lawyers, we work to better serve clients and society alike. These duties we uphold are defined under Supreme Court Rule 799(c). For more information, please visit [2Civility.org](http://2Civility.org), the Illinois Supreme Court Commission on Professionalism's website.

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