



How Lawyers Can Handle Bad Reviews and Complaints on Social Media

BY DEBRA BRUCE

When I spoke at last year's State Bar of Texas annual meeting about social media success stories for lawyers, I got a familiar question: "What should I do if someone trashes me online in social media?"

Almost every lawyer has experienced a client with unreasonable expectations or one who received bad results because of their own bad behavior or bad facts. I can't even count how many different people over the years that I have heard claim that they got cheated in their divorce settlement because their lawyer was in cahoots with the other side. (None of them told a credible story.) The difference today is that they can widely publicize their opinions and dissatisfaction online. I have been taken aback by the vituperative language used in anonymous comments to blogs and news posts. Given these common occurrences today, there is a definite risk that someday you will face an unfavorable rating or an untrue statement online about your services.

Some attorneys cite fear of negative comments as a reason for eschewing social media altogether. Ratings and comments can be posted about your legal services on many sites whether you engage social media or not. If you don't play, you won't know what they say. It's a good idea to check for your name and rating from time to time on various sites such as Avvo.com, Lawyer Ratingz.com, MojoPages.com, and Yelp.com. This is particularly important if you work in a consumer-oriented practice, such as family law, personal injury law, or criminal law, which are among the areas of practice that have the highest level of malpractice claims and grievances filed.

What Not to Do

Don't lash out online at the complainer or take a defensive posture. That will fan the flames and may draw posts by lawyer-haters piling on. At best, you will appear to be wallowing in the mud with the swine. (To mix a few metaphors.)

When you don't have to pay legal fees, you might be tempted to file a libel action against the person publishing ugly things about you. Cool your jets and consider the likely consequences, however. So far, most of the defamation lawsuits filed as a result of comments in social media have garnered a lot of negative publicity for the defamation claimant, but no compensation.

Consider the following examples:

In 2009, California dentist Yvonne Wong sued a patient and Yelp for defamation based on a negative review posted on the site. In 2011, the dentist was ordered to pay more than \$80,000 in attorney's fees to Yelp and the patient under California's anti-SLAPP law. The court held that the Strategic Lawsuit Against Public Participation (SLAPP) statute applied because the posting referenced the use of mercury fillings, furthering discussion of an issue of public interest.

In 2007, lawyers John Henry Browne and Alan Wenokur sued Avvo. Among other claims, Browne alleged that his rating of 5.7 out of 10 damaged his reputation. U.S. District Judge Robert Lasnik held that the ratings were opinions protected by the First Amendment and dismissed the case. In Googling each lawyer's name, I found hits about their lawsuit against Avvo for their mediocre rankings, prominently displayed on the first page of results. Did they really want to draw first-page attention to those ratings?

In 2009, Horizon Group Management sued a tenant for \$50,000 for tweeting "...Who said sleeping in a moldy apartment was bad for you? Horizon realty thinks it's okay." The tenant had only 20 followers on Twitter at the time, so almost no one would have noticed the tweet. Horizon's lawsuit brought on a firestorm of criticism and national publicity, however, undoubtedly causing more damage to its reputation than the tweet. In 2010, the court dismissed Horizon's lawsuit, holding that the tweet was too vague to be actionable.

What Can You Do?

The cheapest, quickest, and probably most effective thing you can do is to ask your happy clients to post reviews describing their

positive experiences with you. As the positive reviews come in, the negative review will scroll out of sight. It may even wind up giving credibility to the glowing reviews, as the "exception that proves the rule." Note that today on dentist Wong's Yelp page the positive reviews significantly outnumber the negative ones. (The review that is the subject of the lawsuit appears to have been modified or removed.) Isn't that more effective anyway?

In addition to, or in lieu of that, consider addressing the comment with a gracious apology or regret for their dissatisfaction, appreciation for the feedback, and an invitation to address the matter with the complainant personally. For examples of some good online customer diplomacy, see responses by "Josh, Intuit Product Manager" to complaints on Amazon.com about QuickBooks.

If the flaming occurs on Twitter, take some customer service tips from the playbook of Delta Airlines at <http://twitter.com/#!/DeltaAssist>. Sympathize, apologize, and invite them to direct-message you so that you can address the problem. For more details about Delta's proactivity online, read the June 13, 2011, post on smartblogs.com.

When a reader sees your sincere and gracious response, evidencing your effort to understand the client's concern and find a solution, it will take some of the sting out of the client's indictment. It might even convince prospective clients that you are the kind of caring and dedicated lawyer they want to work with.

Finally, it may sound masochistic, but have some gratitude for the complainers. They're letting you know what you can do better. Most unhappy clients just go away and tell everyone except you about what you need to improve. ✪

This article first appeared as a blog post on Solo Practice University (solopracticeuniversity.com).



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