

## Responding to Negative Online Reviews

Can attorneys post comments after receiving unfair negative reviews?

### **Confidentiality is Key:**

No matter what and how anyone posts a review, remember confidentiality is a paramount ethical responsibility of an attorney. Except for limited exceptions, a lawyer *shall* not reveal information relating to the representation of a client. [RPC 1.6](#) Even if the client opens the door and spews information, the attorney may not reveal information themselves unless the client gives informed consent or one of the other limited exceptions in [RPC 1.6\(b\)](#) is triggered. There is no RPC 1.6 exception that clearly applies in this situation.

Attorneys have been disciplined for responding publicly after an on line review. See, for example, *People v. James C. Underhill Jr.*, 2015 WL 4944192 (Colo. 2015) (lawyer suspended for, among other things, disclosing confidential information following internet complaints) and *In re the Matter of Tsamis* No. 2013PR00095 (Ill. 2014) (attorney reprimanded for revealing information following a negative on line review.)

A negative review does not trigger the “self-defense” exception to [RPC 1.6\(b\)\(5\)](#).

### **So what do you do?**

A reasonable and measured response is key. You can try contacting the review site and asking for the review’s removal.

You can respond directly to the review on the site. Be courteous and explain that due to your duty of confidentiality you can’t address the facts of the complaint, but that you do not believe it presents a fair and accurate portrayal of the events. Make clear that you are always available to meet with former clients and address any concerns they may have.

If possible, try to contact the reviewer directly and seek to ameliorate the situation or explain to them further why the representation unfolded as it did. If this is successful, don’t hesitate to ask for an updated review.

Try to avoid further negative reviews by soliciting client feedback directly as the representation continues and in exit interviews.

Lastly, the best antidote to a negative review is positive reviews. Keep your profile updated and facilitate the opportunity for your other clients to post their own satisfied reviews.