



## Disrupting the Lawyer Ratings Paradigm

March 2008

By Joseph M. Campos

---

Robert Frost once said: “A jury consists of twelve persons chosen to decide who has the better lawyer.” Although obviously a quite cynical view of our country’s jury system, Frost’s statement confirms the reality that clients have opinions about lawyers and act on those opinions. Yet, for nearly 150 years, clients’ opinions about their lawyers have been relegated to word of mouth. Information passed on in this manner is not recorded in any organized way and is therefore not available to the general public. In that time, the only organized source of information about lawyers came from lawyers themselves. All of that is now changing in a rapid, dramatic and explosive fashion, opening new channels and communities of information for legal services consumers, and creating exciting marketing and business development opportunities for lawyers and law firms.

Since 1868, Martindale-Hubbell has provided the largest library of lawyer and law firm profiles and ratings. Law firms across the country reflexively and dutifully subscribe to the company’s hardbound volumes, placing them prominently in their libraries, confident they have taken the most obvious step to ensure clients looking for legal representation will find them. Just as important to such firms is Martindale-Hubbell’s peer review and rating system, touted by the company as an objective measure of a lawyer’s ethics and abilities. Receiving a peer review rating is a singularly egocentric moment for a lawyer, suggesting he or she had “arrived” in a professional sense.

The traditional lawyer-ratings paradigm created by Martindale-Hubbell is straightforward: *lawyers rating lawyers for the benefit of lawyers seeking to hire lawyers*. For decades, the benefits and merits of Martindale-Hubbell’s ecosystem have hardly been questioned. The fact that most consumers of legal services, other than General Counsel, had no ready access to Martindale-Hubbell’s books has never been a concern for the company. Nor, apparently, have law firms worried much about the fact their clients had no ability to independently provide their perspective about a lawyer’s ability. To the contrary, Martindale-Hubbell’s rating system provided comfort and security to an inherently conservative legal profession that only thoughtful and knowledgeable people, meaning other lawyers, could weigh in on another lawyer’s skill and ability. The system kept the riff-raff out. A client’s views could largely be limited to word of mouth, which inherently has a shorter life span and less authoritative stature than the printed word.

In 1990, the appearance of Chambers & Partners and their “research-driven” ratings system opened the first crack in the traditional lawyer rating system. Chambers differentiated itself from Martindale-Hubbell by offering ratings of lawyers and law firms that included information obtained by interviewing clients. The results of interviews are edited and whittled down to short quotes or strings of adjectives, usually without any context or attribution. For example, a lawyer might be described as “*unflappable*,” “*delightful*,” “*hard-working*” or “*an intelligent guy who keeps up to date on all of the pertinent issues and is rewarded with a good client following*.” Negative information is never presented.

### Technology Brings Change

Today we are seeing the culmination of a paradigm shift creating an entirely new paradigm based on the primacy of client-published opinions. Although Chambers took a small step toward recognizing the value of

client opinions, it wasn't enough of a change to bring clients directly into the arena of lawyer ratings on a first-hand basis. The dramatic changes we see today are brought about not solely by marketplace competition, but by the emergence of disruptive technologies. These cause paradigm shifts that sometimes take years to be realized. In this case, the disruptive technology is the Internet. If the personal computer democratized publishing, the Internet democratized the *distribution* of published materials. Martindale-Hubbell probably recognized this fact in 1998 when it launched its Lawyers.com Web site. In a press release announcing the Web site, a company official proclaimed:

"The new lawyers.com site is designed expressly for users outside the legal profession and is specifically intended to provide information and assistance to individuals and small businesses who require legal help. Given the current absence of substantive alternative resources on the Internet, we are confident that lawyers.com will quickly become the most popular online source for consumers to identify and evaluate a lawyer or law firm appropriate to their needs."

(See, [http://findarticles.com/p/articles/mi\\_m0EIN/is\\_1998\\_July\\_30/ai\\_50210680](http://findarticles.com/p/articles/mi_m0EIN/is_1998_July_30/ai_50210680).)

Implicit in this statement is the company's recognition that until Lawyers.com, consumers of legal services other than lawyers had no direct access to its database of information regarding law firms and lawyers. Initially, Lawyers.com provided access to lawyer and law firm profiles, but eventually was modified to include a badge identifying "Peer Review Rated" lawyers. Lawyers.com did not, however, fully break the traditional paradigm, but only shifted it partially to: *lawyers rating lawyers for the benefit of lawyers and clients seeking to hire lawyers*. Clients' opinions about lawyers and law firms were still excluded.

Today's Web 2.0 business models have completed the paradigm shift by eliminating the barriers to global publication and distribution of client opinions. (For a definition of Web 2.0, I prefer Tim O'Reilly's definition: "Web 2.0 is the network as platform, spanning all connected devices. Web 2.0 applications are those that make the most of the intrinsic advantages of that platform: delivering software as a continually updated service that gets better the more people use it, consuming and remixing data from multiple sources, including individual users, while providing their own data and services in a form that allows remixing by others, creating network effects through an 'architecture of participation,' and going beyond the page metaphor of Web 1.0 to deliver rich user experiences." See, [http://radar.oreilly.com/archives/2005/10/web\\_20\\_compact\\_definition.html](http://radar.oreilly.com/archives/2005/10/web_20_compact_definition.html).) Companies such as Avvo.com now give clients, as well as lawyers, the power to publish opinions about lawyers easily, instantly and without cost, in a medium that reaches a global audience. Harnessing the concept of "collective intelligence," there is now a totality of information about a lawyer available. Consumers can easily search for a lawyer and read what other lawyers and clients think about that lawyer. Lawyers are able to provide far more information about themselves, their practices and their experience than has ever been possible before. Some features provide a way for lawyers to communicate and interact directly with the public and showcase their understanding of the law and legal issues.

The new paradigm is: *clients and lawyers rating lawyers for the benefits of clients and lawyers*. As with all change, this new paradigm creates a great deal of fear and uncertainty among lawyers, who are by training risk-averse. Some lawyers have had strong, negative reactions to the idea of clients rating or reviewing them. In Seattle, for example, a few lawyers reacted to the appearance of Avvo by filing a class action lawsuit against the company, which was ultimately dismissed. See, <http://avvoblog.com/2007/12/18/judge-dismisses-browne-v-avvo/>.

### Embracing Client Input

Change also creates opportunity. Today, innovative lawyers and law firms are embracing an altogether new model of selling legal services — one that relies more than ever on branding, personal marketing and heightened respect for client service. At my law firm, Stanislaw Ashbaugh, we have a brand culture that focuses on results achieved for clients. We call it Law As Results. Our practice philosophy stems from our core belief that clients hire lawyers and law firms because they need to get something done. We also believe our clients have their needs uppermost in mind when they call us, so we could not miss the obvious and direct connection between Avvo and our single-minded focus on results for our clients. Showcasing client testimonials is a time-honored way of proving the value and effectiveness of a product or service. We recognized immediately that Avvo is essentially another source of client testimonials, but with at least one major difference. A comment about a lawyer posted on Avvo has the potential to reach a

global audience, whereas the letter of gratitude sent to a law firm requires action on the part of the firm to publicize it. We decided to take advantage of the opportunity. We now display "Avvo badges" on our Web site profiles of each of our lawyers, which link directly to each lawyer's profile on Avvo. Rather than fear what clients have to say about us, we embraced the possibilities created by empowering clients to weigh in directly on their experience working with a lawyer or law firm.

A significant aspect of Avvo's service is the quality and relevance of the information provided by its users. Though certainly not true in every case, our firm has noticed that clients will often post comments on the Avvo Web site shortly after the conclusion of a particular matter. Such comments generally provide considerable detail about the specific matter handled by their lawyer and their overall experience. When a client posts a review about a lawyer, Avvo's system asks how long ago the client used the lawyer's services. This kind of information is an invaluable tool for prospective clients seeking to gauge the most recent experience others have had with a particular lawyer. Not surprisingly, one of the more common uses of Avvo by clients is vetting word of mouth referrals.

### Creating Community

What makes Avvo a truly unique concept, however, is its ability to create a dynamic and interactive community of lawyers, clients and prospective clients. This kind of community is made possible by "social networking." (See, Social Network Sites: Definition, History and Scholarship, Boyd, D. M., & Ellison, N. B. (2007), Journal of Computer-Mediated Communication, 13(1), article 11. [http://jcmc.indiana.edu/vol13/issue1/boyd\\_ellison.html](http://jcmc.indiana.edu/vol13/issue1/boyd_ellison.html). "We define social network sites as Web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system. The nature and nomenclature of these connections may vary from site to site.")

A collection of hardbound volumes cannot generate the sort of interactivity and real-world information about lawyers and law firms that is experienced, contributed and compiled on Avvo every day. Information about lawyers is being shared by those who have first-hand experience, resulting in a searchable database of information that is accessible to prospective clients around the country and the world. If information is power, then Avvo effectively shifts the balance of power away from lawyers and law firms to clients, prospective clients and every other user of its Web site.

### Focus on Client Service

The emergence of Avvo and the new lawyer-ratings paradigm also creates new concerns and challenges for law firms. More than ever, a law firm's reputation may only be as good as the last work performed for a client. Consequently, practitioners must focus more than ever on customer service and every sort of result a client expects from a relationship with a lawyer or law firm. This mentality extends beyond the bounds of the specific matter or project a lawyer takes on, to every other aspect of a client's *experience* working with a lawyer. Whether it is a tardy response by a lawyer to an e-mail or voicemail, or missteps by reception staff, accounting department or any other part of the firm, it can become the subject of a negative online comment affecting a lawyer's or law firm's reputation. In the Web 2.0 world, delivering less than superior service can instantly be reported globally, and remain available to prospective clients indefinitely as part of an online database.

With a new lawyer-ratings paradigm firmly in place, lawyers and law firms should not fear it, but instead embrace it and the new opportunities presented. Every contact point between a lawyer or firm and their clients should be studied to ensure clients are receiving a total quality experience. It is also a great opportunity for lawyers to remember that in the end the lawyer-client relationship is a personal one, and the care and nurturing of those relationships is central to a successful practice. Those who are mindful of the new paradigm and elevate their recognition and delivery of excellent client service will likely be rewarded with client praise and referral business. Those who do not, may find that fact and their failings memorialized online for the world to read.

---

**Joseph M. Campos** is the Chair of the Corporate/Securities Law Group at Stanislaw Ashbaugh in Seattle and the firm's Marketing Partner.

© Copyright 2007, Law Journal Newsletters