

# Reputation Management

## A Primer for Attorneys



# Who We Are

Support from top  
venture firms:

- August Capital
  - Kleiner Perkins Caufield & Byers
  - Bessemer Venture Partners
  - Jafco Ventures and others
  - Over \$67 million in venture funding
- 

Industry pioneer:

- First in the online reputation management and digital privacy space, launched in 2006
  - Coined the term Online Reputation Management
- 

Large customer base:

- Customers in 100+ countries
- 3,000+ enterprise customers
- Over 1 million consumer users

# Reputation.com Press & Awards



The Washington Post

WIRED

CBS  
NEWS

60  
MINUTES

CNN



Forbes®

WALL STREET JOURNAL

GOOD  
MORNING  
AMERICA  
WEEKEND

The New York Times  
Newsweek

npr

TechCrunch

 reputation.com

2011 WEF Technology  
Pioneer Award

WORLD  
ECONOMIC  
FORUM

COMMITTED TO  
IMPROVING THE STATE  
OF THE WORLD

2011 Gartner Cool Vendor in  
Risk Management and  
Privacy Award

Gartner®

# What exactly is online reputation?

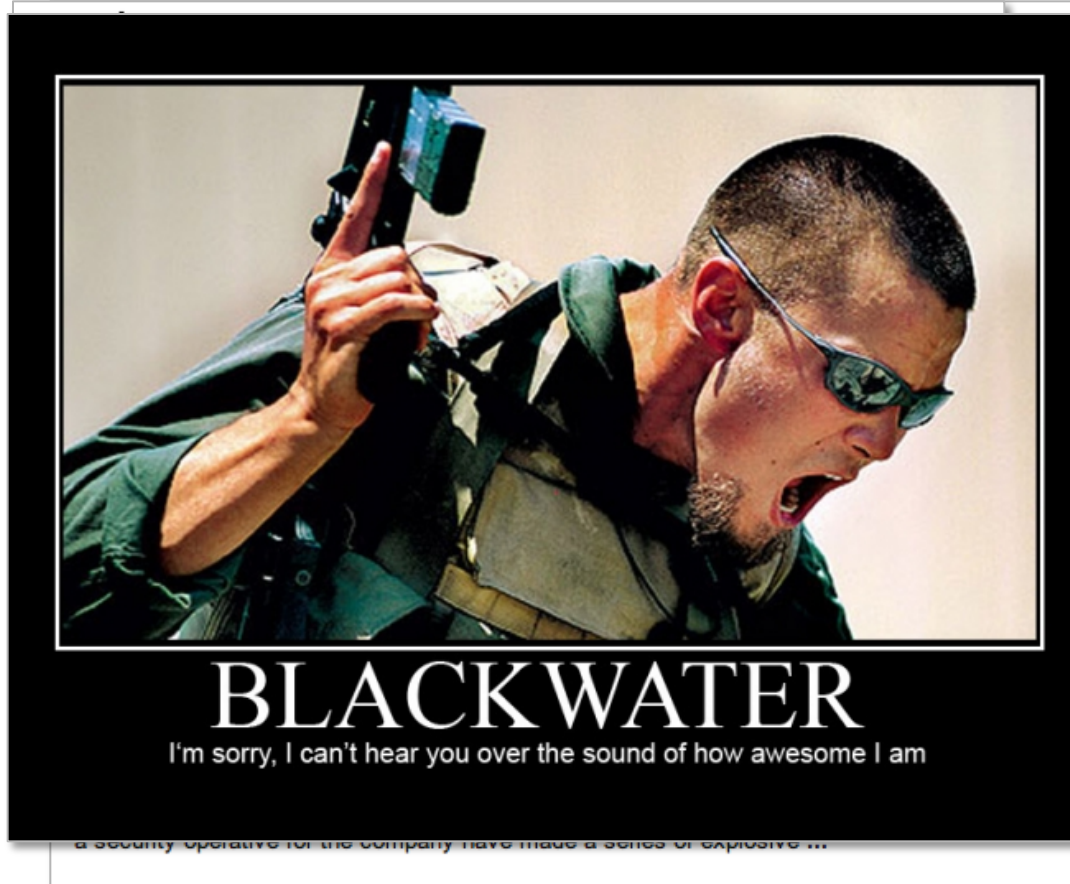
- People know the Internet is an incredibly powerful research tool.
- They use various online sources to validate and cross-check information they receive.
- People trust the Internet more than virtually any other source.
- **Your online reputation is:**
  - What shows up in your search results
  - What people say about you on Facebook, Twitter, etc.
  - Your client and peer reviews on legal websites
  - Anything published in the mainstream press
  - Your academic publications
  - Any photos or videos tagged with your name
  - Your public records
- We now work in a **reputation economy**





# The reputation economy

- Online reputation is often **more important than brand**.
- Blackwater (now Academi): brand is of a security firm.
- Their online reputation is of murderers...  
and senseless deaths.



blackwater


About 18,600,000 results (0.32 seconds)

**Blackwater**  
[www.blackwaterusa.com/](http://www.blackwaterusa.com/)


**U.S. Training Center - Training today to meet the challenges of...**  
[www.xecompany.com/](http://www.xecompany.com/)  
We are a professional organization serving as a solutions provider to the U.S. government. We operate in the defense, training, logistics, and intelligence spaces ...

**Xe Services - Wikipedia, the free encyclopedia**  
[en.wikipedia.org/wiki/Xe\\_Services](http://en.wikipedia.org/wiki/Xe_Services)  
**Blackwater USA** was formed in 1997, by Erik Prince in North Carolina, to provide training support to military and law enforcement organizations. In explaining the ...  
[Erik Prince - Grizzly APC - Blackwater \(video game\)](#)


**News for blackwater**

 **Shots Fired! Blackwater 'Intimidation' on the Hill?**  
Wall Street Journal (blog) - 2 hours ago  
Schakowsky, Blackwater has been a bête noire, particularly after a deadly shootout in Baghdad in 2007 that claimed the lives of 17 Iraqi civilians. ...  
4 related articles  
[Congresswoman Claims 'Intimidation' From Blackwater Founder](#)  
ABC News  
[Rep. Schakowsky: Erik Prince Of Blackwater Tried To Intimidate Me](#)  
TPMMuckraker

**Blackwater Worldwide News - The New York Times**  
[topics.nytimes.com/topics/business/companies/](http://topics.nytimes.com/topics/business/companies/)  
News about Blackwater Worldwide. Commentary and archival information about Blackwater Worldwide from The New York Times.

**Blackwater: Shadow Army - YouTube**  
 [www.youtube.com/watch?v=nqM4tKPDtR8](http://www.youtube.com/watch?v=nqM4tKPDtR8)  
Mar 14, 2007 - 4 min - Uploaded by videonation  
The Nation's Jeremy Scahill describes the rise of Blackwater USA, the world's most powerful mercenary army.  
More videos for blackwater »

**Images for blackwater** - Report images



**Amazon.com: Blackwater: The Rise of the World's Most Powerful...**  
[www.amazon.com](http://www.amazon.com) > ... > Biography & History > Company Profiles  
★★★★☆ 348 reviews - \$17.43 - In stock  
**Amazon.com: Blackwater: The Rise of the World's Most Powerful Mercenary Army** (9781560259794): Jeremy Scahill: Books.

**Black Water (2007) - IMDb**  
[www.imdb.com/title/tt0816438/](http://www.imdb.com/title/tt0816438/)  
★★★★☆ Rating: 6.0/10 - 4,697 votes  
A terrifying tale of survival in the mangrove swamps of Northern Australia  
Directed by David Nerlich, Andrew Traucki. Starring Diana Glenn, Maeve Dermody, Andy Rodoreda.

**Erik Prince, Former Blackwater CEO, Threatens Jan Schakowsky...**  
[www.huffingtonpost.com/.../jan-schakowsky-blackwater-er...](http://www.huffingtonpost.com/.../jan-schakowsky-blackwater-er...)  
by Amanda Terkel  
9 hours ago - WASHINGTON - Rep. Jan Schakowsky (D-Ill.) has been one of the harshest critics of Blackwater USA, the military contractor tied to a 2007 ...

**Blackwater Founder Implicated in Murder | The Nation**  
[www.thenation.com/article/blackwater-founder-implicated-murder](http://www.thenation.com/article/blackwater-founder-implicated-murder)  
Aug 4, 2009 - A former Blackwater employee and an ex-US Marine who has worked as a security operative for the company have made a series of explosive ...

**Apparat - Black Water by Mute UK on SoundCloud - Create, record...**  
[soundcloud.com/muterecords/apparat-black-water](http://soundcloud.com/muterecords/apparat-black-water)  
Jun 20, 2011 - Listen to Apparat - Black Water by Mute UK: Taken from the forthcoming album 'The Devil's Walk' | Create, record and share the sounds you ...

Searches related to blackwater

<a href="#">blackwater jobs</a>	<a href="#">xe services</a>
<a href="#">blackwater salary</a>	<a href="#">triple canopy</a>
<a href="#">blackwater book</a>	<a href="#">blackhawk</a>
<a href="#">blackwater job opportunities</a>	<a href="#">erik prince</a>

Gooodoooooooooooooole  
1 2 3 4 5 6 7 8 9 10 Next

# How important is online reputation?

74% said they would **refuse to work with** a business that has a **negative online reputation**. (Harris Interactive, 2010)

Each **star** in a typical online business profile leads to a **5–9% difference in revenues**. (Harvard Business Review, 2011)

80% believe **online identity is now as important as “offline”** personal or professional reputation. (Intelius, 2010)

70% of employers have **rejected an applicant** due to information they found online. (Microsoft, 2010)

More than **80%** of reputation damage risks come from a **mismatch between the buzz and the reality**. (Digimind, 2010)



# Good lawyer, good reputation?

Anonymous attacker  
with an axe to grind...

[Los Angeles County Child Support Services Sucks: Lori A. Cruz ...](http://www.lacochildsupport.org/Lori_Cruz_Shyster.html)  
[www.lacochildsupport.org/Lori\\_Cruz\\_Shyster.html](http://www.lacochildsupport.org/Lori_Cruz_Shyster.html)  
**Lori A. Cruz** - Child Abuser, Whore, Shyster. Review this sleazy scum bag on **LawyerRatings.com**; It is known that **LawyerRatingz.com** censors many reviews so ...

[Los Angeles County Child Support Services Sucks!](http://www.lacochildsupport.org/)  
[www.lacochildsupport.org/](http://www.lacochildsupport.org/)  
**Lori Ann Cruz**- Is one of the most evil of all Child Support Service ...

[+ Show more results from lacochildsupport.org](#)

...encouraged others to  
post negative reviews

[Lori A. Cruz - 5 Lawyer Reviews & Ratings - LawyerRatingz.com](http://www.lawyerratingz.com/ratings/1005/Lawyer-Lori-A.-Cruz.html)  
[www.lawyerratingz.com/ratings/1005/Lawyer-Lori-A.-Cruz.html](http://www.lawyerratingz.com/ratings/1005/Lawyer-Lori-A.-Cruz.html)  
★★★★★ 5 reviews  
Jun 13, 2007 – **Lori A. Cruz** - 5 Lawyer Reviews and Ratings. ... **Lawyer Lori A. Cruz**  
has a poor overall rating on **LawyerRatingz.com**. ...

CA  
Change location

[Los Angeles County Child Support Services Sucks: Lori A. Cruz ...](http://www.lacochildsupport.org/Lori_Cruz_Shyster.html)  
[www.lacochildsupport.org/Lori\\_Cruz\\_Shyster.html](http://www.lacochildsupport.org/Lori_Cruz_Shyster.html)  
- Child Abuser, Whore, Shyster. Review this sleazy scum bag on **LawyerRatings.com**; It is known that **LawyerRatingz.com** censors many reviews so ...  
[Los Angeles County Child Support Services Sucks!](http://www.lacochildsupport.org/)  
[www.lacochildsupport.org/](http://www.lacochildsupport.org/)  
**Lori Ann Cruz**- Is one of the most evil of all Child Support Service ...

[+ Show more results from lacochildsupport.org](#)

[Lori A. Cruz - 5 Lawyer Reviews & Ratings - LawyerRatingz.com](http://www.lawyerratingz.com/ratings/1005/Lawyer-Lori-A.-Cruz.html)  
[www.lawyerratingz.com/ratings/1005/Lawyer-Lori-A.-Cruz.html](http://www.lawyerratingz.com/ratings/1005/Lawyer-Lori-A.-Cruz.html)  
★★★★★ 5 reviews  
Jun 13, 2007 – **Lori A. Cruz** - 5 Lawyer Reviews and Ratings. ... **Lawyer Lori A. Cruz**  
has a poor overall rating on **LawyerRatingz.com**. ...

# Collateral damage

- Attorney Timothy D. Thurman arrested for mortgage fraud

## Critic

...Time  
unre

Law  
www  
May  
Com

Tim  
www  
Citro  
Mart

yet the search results do not make the distinction clear, had reviews and coverage of the fraud allegations...



Google

timothy thurman lawyer

Search

About 9,570,000 results (0.30 seconds)

Everything

Images

Ratingz.c...

or Bankruptcy  
ate ...

used of ...

Legal Center

this resignation

rinity Law ...

c American

...

Ad - Why this ad?

[CA Criminal Lawyers - We are skilled in criminal cases.](#)  
[www.nocuffs.com](#)  
Call 800-673-1988 for consultation.

[Tim Thurman | LinkedIn](#)  
[www.linkedin.com/pub/tim-thurman/9/221/657](#)  
Greater Los Angeles Area - Managing Partner at Trinity Law Associates  
Since law school, Tim Thurman has gained extensive experience in a vast array of legal fields. He began his career defending public entities including ...

[Timothy Thurman - 4 Lawyer Reviews & Ratings - LawyerRatingz.c...](#)  
[www.lawyer-ratingz.com/ratings/.../Lawyer-Timothy-Thurman.html](#)  
Reviews  
an - 4 Lawyer Reviews and Ratings.

[n - Los Angeles Bankruptcy Lawyer](#)  
[er.com/profiles/view-profile-Tim+Thurman.aspx](#)  
f Trinity Law Associates, LLC in Los Angeles, California for Bankruptcy  
ning Law, Business Law, Personal Injury Law, Real Estate ...

[ssociates – Lawyer Timothy D. Thurman accused of ...](#)  
[panworkout.org/.../trinity-law-associates-lawyer-timothy-d-thurman-...](#)  
posts - Last post: 2 days ago  
n a lawsuit filed Wednesday, attorneys with the Asian Pacific American Legal Center  
accused a Los Angeles law firm, Trinity Law Associates ...

[State Bar Task Force Shuts Down More Lawyers' Practices](#)  
[www.metnews.com/articles/2009/atty111209.htm](#)  
lov 12, 2009 – South Pasadena attorney Timothy Thurman submitted his resignation  
lov. 2 following his arrest by FBI agents last month, while Costa Mesa ...

[Asian Pacific American Legal Center, Timothy Thurman, Trinity Law ...](#)  
[www.jdjournal.com/.../centers-complaint-accuses-trinity-law-associat...](#)  
lar 11, 2010 – An article describes about attorneys with the Asian Pacific American  
legal Center have filed a lawsuit accusing a Los Angeles law firm, Trinity ...

[y: Tim Thurman - You Offend Me You Offend My Family](#)  
[youoffendmeyouoffendmyfamily.com](#) » Obscure Crap  
Mar 13, 2010 – Timothy D. Thurman from TRINITY LAW ASSOCIATES INC.  
[http://www.trinlaw.com/attorneys.php](#) ....remember this name Timothy D. Thurman ...

[Timothy Thurman , Esq Trinlaw.com](#)  
[www.foreclosureforum.com/mb/messages/30932.html](#)  
Timothy Thurman , Esq Trinlaw.com. Posted by Cyrus on June 23, 2009 at 4:20 PM. In  
Reply to: Re: Worst Lockout ever - attorney gave fake federal court order ...

[Lawyer Timothy Thurman - Pittsburgh Attorney - Avvo.com](#)  
[www.avvo.com/attorneys/15219-pa-timothy-thurman-573014.html](#)  
May 1, 2011 – Timothy Thurman has been licensed to practice law in PA since 2005.  
Compare Timothy Thurman to other attorneys in Pittsburgh. Write a ...

[Timothy B. Thurman Lawyer Profile - martindale.com](#)  
[www.martindale.com/Timothy-B-Thurman/4053860-lawyer.htm](#)  
Citron Alex & Zions PC Pittsburgh, Pennsylvania - Timothy B. Thurman profile by  
Martindale-Hubbell. Find Timothy B. Thurman experience and credentials on ...



# How people search

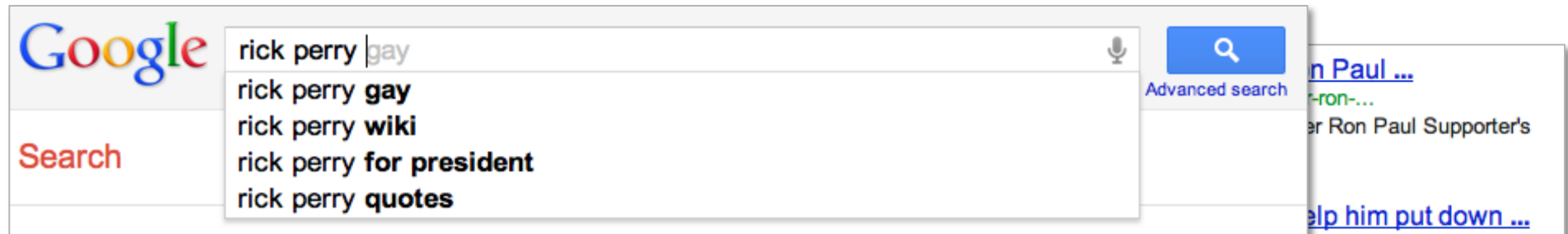
53% of users do not go past the first 2 results for any given search.  
(Google, 2009)

89% of users do not go past Page 1 for any given search.  
(AOL, 2010)

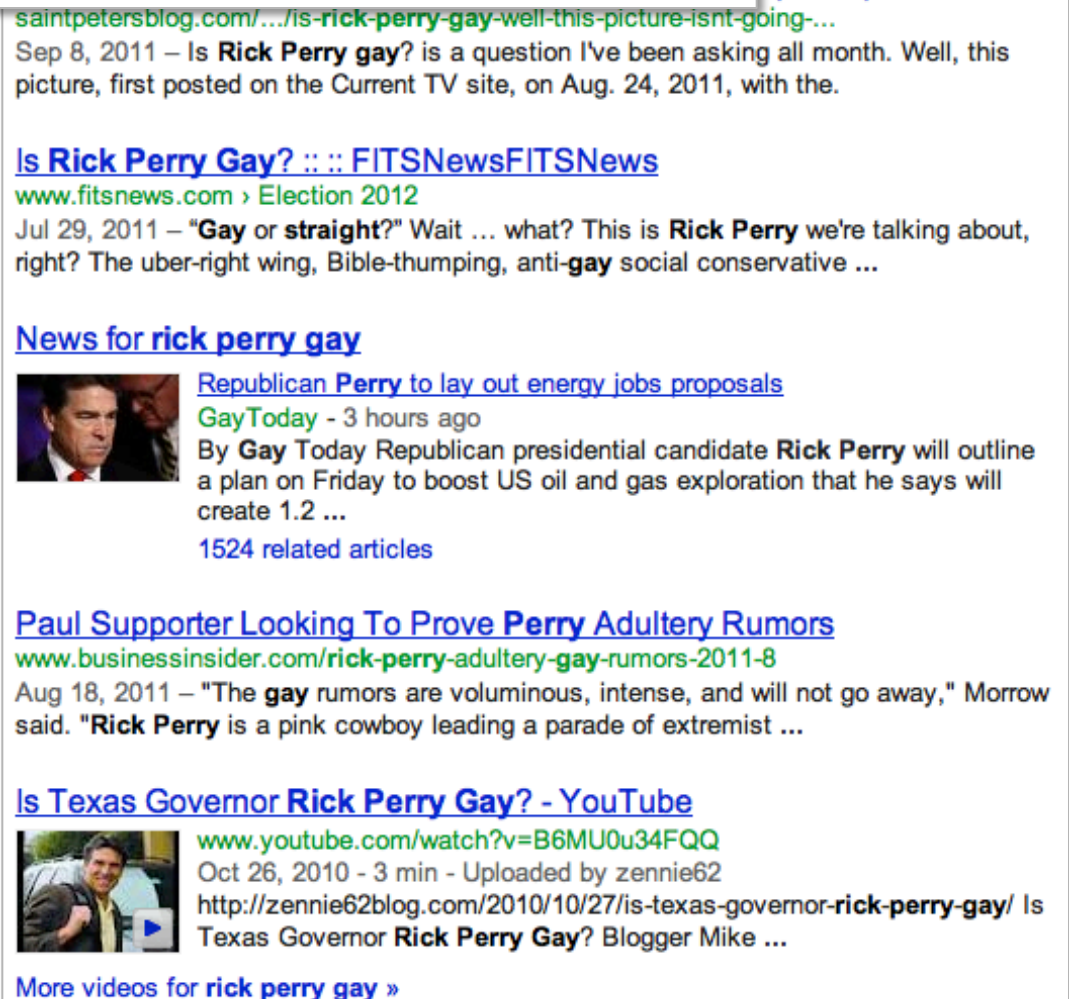
You are judged  
primarily by the  
first page of  
search results.



# The psychology of search



- People prefer gossip over relevant news
- We click on the most interesting-looking results
- We usually trust what we read, even when we shouldn't
- Search algorithms can't fix this problem



# Why is this becoming a bigger issue?

- Short answer: exponential growth in Internet use
- The Internet has become a much more pervasive part of our lives in the last few years
  - 1 in 3 people on the planet use the Internet
  - 8 out of 10 Americans use the Internet (80%)
  - But consider that 17.5% of Americans are either under 5 (can't read yet) or over 75 (least likely to have used the Internet for work)...
  - So only about 2–3% of Americans between 6 and 75 do not use the Internet.
- 1 billion mobile phones in the world are smartphones
- By 2014, mobile Internet use will overtake desktop Internet use by number of users
- Internet uses more diverse than ever before:
  - Work (telecommuting, cloud computing)
  - Study (Quora, Wikipedia, academic publications)
  - Entertainment (YouTube, Pandora, Spotify, Netflix, Hulu)
  - Shopping (Online review sites, Amazon)
  - Socializing (Facebook, Twitter, Google+)



# Best Practices for Handling Online Reputation Issues





# General principles

- Prevention is more effective and less expensive than treatment
- Empty search results create vulnerability
- Aim to control as many of the search results as possible
  - Diversity is important: aim to control several types of sites
- Avoid clicking on negative/critical websites, which increases their relevance
  - (Almost) never comment on critical blogs or forums
  - Avoid communicating with attackers
  - Avoid discussing the defamation in online channels
- Be proactive with online reviews



# First steps: online reputation management

- Claim [www.yourname.com](http://www.yourname.com)
- Fill out profiles:
  - law-industry listing sites (Avvo.com, Martindale.com)
  - review sites (Lawyerratingz.com)
  - social media (Facebook, LinkedIn, Twitter)
- Put up a personal or practice website if you haven't already
- Generate positive content: start a blog, publish information of relevance to your practice, get involved philanthropically, do high-profile pro bono work, press releases
- Be a part of the conversation: the Web is going to say something about you whether you like it or not, so make sure your side of the story is represented



# Handling online reviews

- Visit review sites frequently to see what people are saying
- Fill out your profile on each site
- Encourage clients to visit review sites and leave their opinions
  - However, never ask for a good review and don't offer incentives
- Review site etiquette isn't like the rest of the Web:
  - Reviewers expect you to respond tactfully and objectively to negative feedback
  - Show them that you care about their opinions
  - Show them how you are learning from accurate criticism and fixing mistakes

# What about libel litigation?

- Success rates are low, although sometimes litigation is appropriate
- Weigh the pros and cons: sometimes litigation can make the problem worse
- In 2008, the British Chiropractic Association sued science writer Simon Singh for criticizing them
- Provoked serious backlash

## [Simon Singh - Wikipedia, the free encyclopedia](http://en.wikipedia.org/wiki/Simon_Singh)

[en.wikipedia.org/wiki/Simon\\_Singh](http://en.wikipedia.org/wiki/Simon_Singh)

In 2008, Singh was unsuccessfully sued for libel by the **British Chiropractic Association** for criticising their activities in a column in The Guardian. A "furious ...

## [British Chiropractic Association drops shameful libel case against ...](http://www.badsience.net/.../british-chiropractic-association-drops-shamef...)

[www.badsience.net/.../british-chiropractic-association-drops-shamef...](http://www.badsience.net/.../british-chiropractic-association-drops-shamef...)

15 Apr 2010 – The **British Chiropractic Association** has today dropped its libel case with science writer Simon Singh. This follows the Court of Appeal ruling on ...

- Even 3 years later, half of the Page 1 results for the BCA are negative portrayals of the case

british chiropractic association

About 247,000 results (0.20 seconds)

**British Chiropractic Association**  
[www.chiropractic-uk.co.uk/](http://www.chiropractic-uk.co.uk/)  
Back Pain, **chiropractic**, uk back pain, **British Chiropractic**, treatment for back pain, low back pain.

[For Chiropractors](#)  
Back Pain, **chiropractic**, uk back pain, **British** ...

[For the Media](#)  
The **BCA** is the largest and longest established ...

[British Chiropractic Association](#)  
The **British Chiropractic Association**. 59 Castle ...

[Find a chiropractor](#)  
Back Pain, **chiropractic**, uk back pain, **British** ...

[More results from chiropractic-uk.co.uk »](#)

**British Chiropractic Association - Wikipedia, the free encyclopedia**  
[en.wikipedia.org/wiki/British\\_Chiropractic\\_Association](http://en.wikipedia.org/wiki/British_Chiropractic_Association)  
The **British Chiropractic Association** was founded in 1925 and represents over 50% of UK chiropractors. It is the largest and longest established association for ...

**Simon Singh - Wikipedia, the free encyclopedia**  
[en.wikipedia.org/wiki/Simon\\_Singh](http://en.wikipedia.org/wiki/Simon_Singh)  
In 2008, Singh was unsuccessfully sued for libel by the **British Chiropractic Association** for criticising their activities in a column in The Guardian. A "furious ...

**British Chiropractic Association drops shameful libel case against ...**  
[www.badsience.net/.../british-chiropractic-association-drops-shamef...](http://www.badsience.net/.../british-chiropractic-association-drops-shamef...)  
15 Apr 2010 – The **British Chiropractic Association** has today dropped its libel case with science writer Simon Singh. This follows the Court of Appeal ruling on ...

**Mobile phone users suffering from 'text neck ... - Telegraph.co.uk**  
[www.telegraph.co.uk](http://www.telegraph.co.uk) > Health > Health News  
6 Oct 2011 – Tim Hutchful, of the **British Chiropractic Association**, said doctors were seeing a rising number of patients with similar neck problems but that ...

**Simon Singh libel case dropped | Science | guardian.co.uk**  
[www.guardian.co.uk/science/2010/.../simon-singh-libel-case-dropped](http://www.guardian.co.uk/science/2010/.../simon-singh-libel-case-dropped)  
15 Apr 2010 – The **British Chiropractic Association** dropped its libel action against the science writer Simon Singh today, filing a notice of discontinuation in ...

**British Chiropractic Association tell their members to hide their sins ...**  
[gimpyblog.wordpress.com/.../british-chiropractic-association-tell-thei...](http://gimpyblog.wordpress.com/.../british-chiropractic-association-tell-thei...)  
5 Jun 2009 – Bait and switch. Oh dear, oh dear. Just look at this. **British Chiropractic Association** tell their members to hide their sins from prying eyes. [...] ...

**The British Chiropractic Association throws in the towel in the Simo...**  
[scienceblogs.com/.../04/the\\_british\\_chiropractic\\_association\\_thr.php](http://scienceblogs.com/.../04/the_british_chiropractic_association_thr.php)  
15 Apr 2010 – The **British Chiropractic Association** drops its case against Simon Singh, but is this a Pyrrhic victory for science-based medicine?

**GCC: The General Chiropractic Council**  
[www.gcc-uk.org/](http://www.gcc-uk.org/)  
The Website of the UK General **Chiropractic** Council.

**British Chiropractic Association | Facebook**  
[www.facebook.com/.../British-Chiropractic-Association/1198902347...](http://www.facebook.com/.../British-Chiropractic-Association/1198902347...)  
The **British Chiropractic Association** was founded in 1925 and represents over 50% of UK chiropractors. It is the largest and longest established association ...

Searches related to **british chiropractic association**  
[british chiropractic association chiropractors](#)  
[british chiropractic association simon singh](#)

 [Next](#)

1 2 3 4 5 6 7 8 9 10



# Should I “fight back” with my own comments?

- (Almost) never comment on a hostile blog or forum
- This places emphasis on the unwanted content, pushing it higher in the search results
- Search engines will think this content is more important than it is
- You probably won't change the antagonist's mind, you'll just draw attention to the unwanted speech
- You are likely to attract additional attacks based on your comments
- (However, the opposite principle holds true for social media and reviews)



# Get professional help

We have products to bolster or improve your online reputation. We have many lawyers as clients.

reputationdefender

Create & publish  
new content,  
improve search  
results

The screenshot displays the ReputationDefender web interface. On the left is a sidebar with navigation links: Summary, Search Results, Audience, Bios & Properties (49) (highlighted in orange), Add Web Properties, and Assessment. Below these links is a user profile for 'Brent Franson ACT' with a photo and an 'Edit Profile' button. The main content area is divided into two columns. The left column, titled 'BIOGRAPHIES', shows a summary: '5 have been approved & 0 need your review'. It lists four 'Image Maker' entries, each with a date of approval (11/04/2011) and a bio snippet for Brent Franson. The right column, titled 'WEB PROPERTIES', shows a summary: '26 have been completed and are live on the web'. It lists several 'Published Profiles' with publication dates (11/18/2011), user names, and passwords, each followed by a 'login' link. Two red arrows originate from the right side of the image: one points to the 'Published Profiles' section in the 'WEB PROPERTIES' column, and the other points to the 'Image Maker 2' entry in the 'BIOGRAPHIES' column.

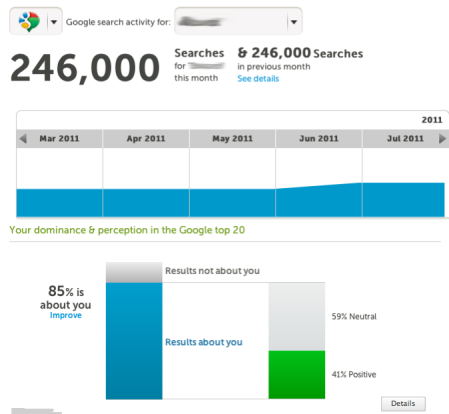
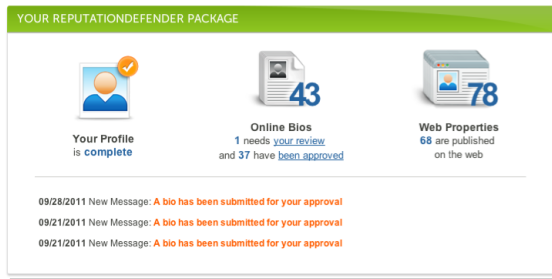
Published  
strategically  
across a wide  
range of  
websites

Professional,  
relevant Web  
copy designed  
for lawyers

# Off-the-shelf solutions

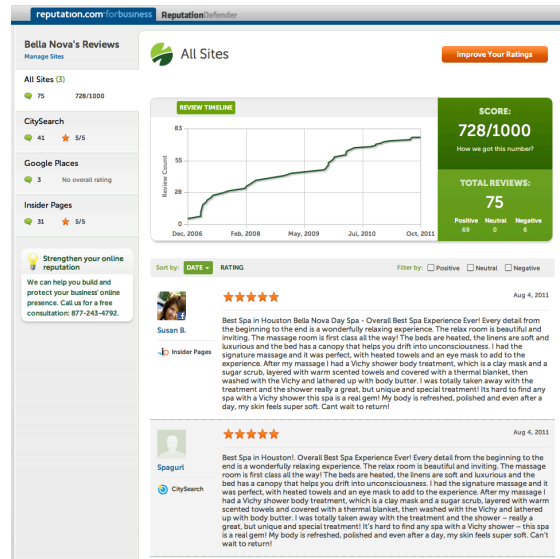
## reputationdefender

Create custom content to push down unwanted search results



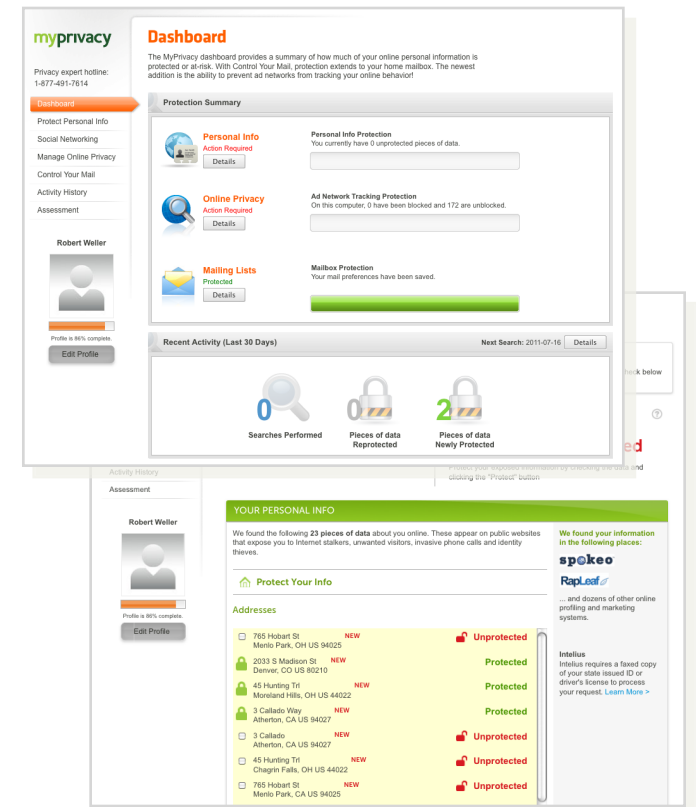
## reputation.com™forbusiness

Monitor, track, & improve online business reviews



## myprivacy

Remove private information from the Internet



# High-touch, customized solutions

## Organic Search Remediation

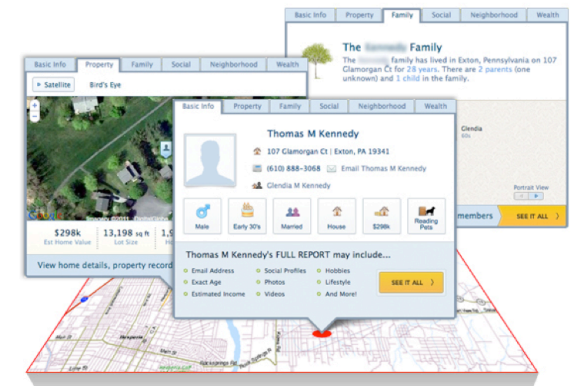
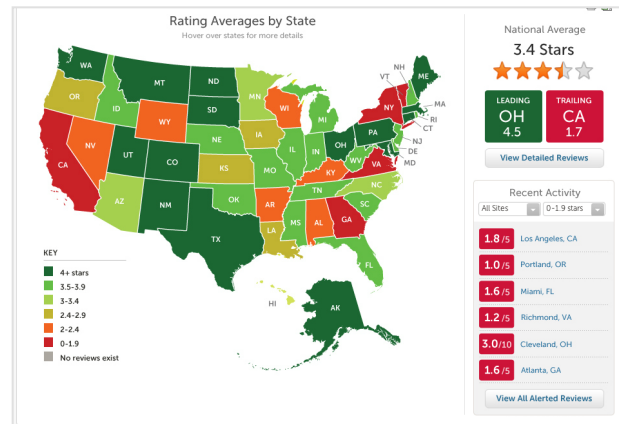
Control top pages of search results for highly active search strings; can work with preexisting content

## reputation.com™forbusiness enterprise edition

Review tracking, monitor, improvement, and analytics across multiple business locations

## ExecutivePrivacy Plus

Standard MyPrivacy plus customized manual removal of hard-to-handle cases; Deep Web monitoring





# Special Considerations for Lawyers



# Are there standards in the ORM industry?

- Not in the sense of government regulation.
- Quality of the service and the ethics of the solutions vary widely between companies.
- Reputation.com is a founding member of the Online Reputation Management Association (ORMA).
- Principles:
  - Only use ORM technology and expertise to help improve reputations, never to destroy the reputations of others.
  - Do not provide ORM services to parties seeking to defraud the public or commit some other crime.
  - Do not provide ORM services to individuals currently being prosecuted or serving a criminal sentence.
  - Work within the standards of the online community, to create value for everyone and make the Internet a better place.

# True but unflattering material

## **If a lawyer makes a mistake and a client blogs about it online, can you push it down?**

- Yes, but we can't make a bad lawyer into a good one.
- Everyone makes mistakes, and we can help resolve overreactions and unjust characterizations.
- However, if poor service is a recurring pattern, ORM will not be able to “paper over” the issue.

## **What about an unflattering pleading or court order appearing in the search results?**

- Anything appearing in the search results can be remediated.
- The type of websites appearing has an effect on the strategies used, but not on our ability to fix the issue.
- Again, if there is a pattern of poor performance, a bad reputation will resurface eventually.

## **My online reviews only reflect my failures and none of my accomplishments...**

- Reviews often get priority in search results because of how Google's search algorithm works.
- Best approach is to ethically generate new, positive reviews.
- People are much more likely to post when they're unhappy, so remind your happy clients of the impact this has on you.

# Other lawyer-specific considerations

## **If our client wants to hire you, how do you handle client confidences?**

- By definition, ORM is concerned with promoting and/or suppressing publicly known information.
- We don't require access to anything subject to privilege, because we wouldn't publish this information anyway.

## **Do we need the client's permission for a reputation issue affecting both lawyer and client?**

- We will not conduct ORM work specifically for an individual not affiliated with the contracting party.
- That said, we can help improve a lawyer's reputation independently of the client.
- If we create materials to improve the lawyer's reputation, they will automatically have an effect on the materials that reference both lawyer and client.

## **How does Reputation.com comply with regulatory requirements that govern clients?**

- All content that may be produced by Reputation.com is approved by counsel of the client before publication.
- There is a no-content option that may be considered for certain cases.

# Attorney advertising restrictions

- We write in a professional, factual, understated way to avoid false, misleading or deceptive statements:
  - Comprehensive in-house Reputation.com style guide
  - Strict emphasis on factual description; we avoid hyperbole and non-verifiable statements
- You review and approve all materials created by us prior to publication.
- You need to vet all materials, as you would any other publicly facing materials for your firm.
- If you prefer, we can also work with preexisting materials that you have already approved



# Reputation.com Style Guide

- We have developed a comprehensive style guide to minimize the potential for issues on your end.
- You still need to review, but most of the time what you receive will meet generally accepted standards for attorney advertising restrictions
  - (though we cannot guarantee this; regulations vary from state to state and we cannot serve as your attorney)
- Style guide key points:
  - Avoid embellishment and hyperbole of all kinds
  - Write fact-based sentences, avoid opinion or unverifiable statements
  - Write in a professional tone consistent with the persona of the client
  - No ad hominem attacks, no false statements, no misleading phrasing, etc.

# Engaging Reputation.com for a client

## **Case #1: Legal proceedings finished but online reputation remains tarnished**

- As long as the client has not been convicted of a crime, we can help him/her focus the search results on issues other than the lawsuit

## **Case #2: Reputation tarnished but litigation not appropriate**

- When litigation is unlikely to be successful or would take too long
- Collateral damage or mistaken identity issue: no one to litigate against

## **Case #3: Litigation in progress but the client needs help now**

- Online defamation is hurting a client's reputation and/or business
- Litigation is appropriate but time-consuming: client needs respite now
- We can help reduce the damage caused by the defamation by focusing the search results on other, more neutral topics
- Meanwhile, you proceed with the lawsuit

# When we can't work for your client

## **Case #1: Criminal legal proceedings against your client**

- We cannot use our services to influence the outcome of a legal action against your client
- In civil cases, if the result of our work would be to make your client or the other party appear more or less liable, we can't do the work

## **Case #2: Client has been found guilty of a crime**

- We will not provide service until after the client's sentence has been completed
- We will not provide service that attempts to cover up a violent or sexual crime

## **Case #3: Client wants us to invent a fake persona to divert attention away from an issue**

- We only publish truthful information
- Creating fake personas would be deceptive to the general public
- We want to avoid any possibility that our work will lead to someone being harmed

## **Case #4: Client wants us to publish negative content about a third party**

- We are in the business of defending and repairing reputations
- We will not use our services to attack anyone or any organization

# Thank you



## TIME Magazine

### Data Mining: How Companies Now Know Everything About You

Reputation.com is featured in this issue-defining cover story about online privacy and the dangers of personal data collection online.



## New York Times Magazine

### The Web Means the End of Forgetting

In this NYT Magazine cover story, Reputation.com CEO and Founder Michael Fertik discusses the fundamental American right to new beginnings, online.



## Newsweek

### What the Internet Knows About You

Imagine a company could use the Web to rate your health, your employability – even your dating appeal. Reputation.com and Newsweek explore this digital reality.