

Searching for the Right Lawyer

THE INTERNET SHOULD NOT BE YOUR ONLY GUIDE

by David Lefkowitz

Each year, more and more people are purchasing products on the internet. When I am shopping for a product on-line, I usually read the reviews that other customers have written about the product. Statistics show that I am not alone. According to a September 2010 Pew Research study, 58 percent of Americans reported that they perform online research concerning the products and services for which they are considering a purchase. Even if the purchase is ultimately in a store, rather than on the web, some pre-purchase research is common.

One of the great things about the internet is the fact that people can share what they know with the entire world, so if they've had a particularly good or bad experience with a business or product, they can notify the world with a customer review.

Have you ever read an on-line review and wondered if it was accurate? Of course you have. It is a common practice for companies to hire people to write on-line reviews for their products. Marketing companies hire people to write glowing endorsements on behalf of their clients. Occasionally, someone will pose as a customer and write a nasty review about competitor.

Recently, in California, a doctor hired a public relations firm to boost his practice by posting false positive reviews. Similarly, a New York medi-

cal group used employees to post multiple concocted positive reviews.

In June 2011, The Federal Trade Commission issued a Final Order settling charges that Legacy Learning Systems, Inc. and its owner, Lester Smith, deceptively advertised the "Learn and Master Guitar" program through on-line marketers who falsely posed as ordinary consumers or independent reviewers without clearly disclosing they were paid. The offending firm agreed to pay a \$250,000 fine for their deceptive on-line marketing.

Researchers at Cornell University have been trying to develop software that can identify fake reviews. The researchers claim that they have succeeded, and that their software can identify a phony on-line review with 90 percent accuracy. To create their software, the Cornell team asked a group of people to generate a total of 400 fraudulent positive reviews of 20 Chicago hotels. These were combined with the same number of genuine positive reviews. All of the reviews were then submitted to a panel of three human judges. When asked to identify which reviews were fake, the judges scored no better than if they had randomly guessed.

According to one of the researchers from Cornell, humans are affected by a "truth bias," in which they assume that everything they read is true unless presented with evidence to the contrary. When that happens, they then overcompensate, and assume

that more of what they read is untrue than is actually the case. Our brains, according to the researchers, sabotage any attempt to weed out the fake reviews.

After the human trials, the Cornell researchers then applied statistical learning algorithms to the reviews to see what was unique to both the genuine and fraudulent examples. It turns out that the fake ones used a lot of scene-setting language, such as "vacation," "business" or "my husband." The genuine reviews, on the other hand, tended to focus more on specific words relating to the hotel, such as "bathroom," "check-in" and "price."

The Cornell software is, so far, only useful for processing hotel reviews. How can we determine whether other types of reviews we read on-line are accurate and unbiased? Mary Engle, the director of the Federal Trade Commission's Division of Advertising Practices has two suggestions. First, consumers should be skeptical of review sites that claim they have reviewed many different products and then claim to find only one that is worth purchasing. Second, the most glowing and most negative reviews should be viewed with a healthy dose of skepticism. The glowing ones could be fake, and the worst could have been submitted by competitors.

Interestingly, one of the Cornell researchers entirely disagrees with Ms. Engle's second suggestion. He says

that the people who take the time to write their opinions are often users who have had an extreme experience with a product (good or bad). He says that people will always either be recommending others to buy or not buy a product when writing a review, and it is the extreme, personal experiences that inspire people to report on their opinions. Therefore, ignoring these opinions would be unwise.

There are web sites that allow clients to review an attorney's services, and lawyers often ask their clients (the ones who are pleased with the representation) to write a positive, glowing review. Former clients may write a scathing review if they are dissatisfied. It's not unheard of for a lawyer to write his own review on a website. Websites such as Yelp.com and Avvo.com are sites that contain reviews of lawyers. Of course, as with any product or service, you can't be certain that the reviews are accurate.

Given that we cannot rely solely on web reviews, how can someone who needs legal assistance conduct a search and find a good lawyer? You can find certain types of lawyers simply by watching daytime TV. Personal injury lawyers and bankruptcy attorneys advertise their services all the time, and frankly, many of the lawyers who advertise are actually darn good lawyers. Others, regrettably, are not, and it's hard to tell from a commercial whether a lawyer is good or poor. A better approach than merely relying on a commercial or an internet review is to ask friends or others whom you trust for a referral.

Lawyer referral services are another source of information. Usually, a referral service will not agree to list a lawyer unless the lawyer first can

demonstrate a certain level of competence and experience. Another added bonus of a referral service is that such services generally require their lawyers to have malpractice insurance. Never hire an attorney who does not have insurance.

Once you have received the name of a few lawyers, the next step is to talk to each one of them, either in person or on the phone. Many attorney-client engagements can last for months or years. In addition to confirming that the attorney is qualified to handle your legal needs, you also should feel like you can work closely with the attorney and will not be driven crazy if you need to spend several hours together. Pay attention to the personal chemistry between you and your prospective lawyer. No matter how experienced a lawyer is, if you feel uncomfortable with that person during your first meeting or two, you may never achieve an ideal lawyer-client relationship. Trust your instincts and seek a lawyer whose personality is compatible with your own.

One thing to avoid when searching for an attorney is hiring a general practitioner when you need a specialist. Using the same business lawyer that you have trusted from the beginning may lead to a bad experience if you really need a specialist. Should the case end up in court, you don't want a lawyer who has never handled litigation, nervously standing in front of the trial court judge. The word "specialist" may cause you to cringe and think of the potential high cost. However, a specialist may turn out to be less expensive, depending on your needs. Where a general, small-business attorney may take days to research and draw up the right docu-

ments, a real estate or tax specialist may solve your problem in a matter of hours.

Many people have never dealt with a lawyer before, so they don't know what to expect when interviewing and hiring one. First and foremost, you should expect frank, candid advice. Your lawyer should point out the strengths and weaknesses of your case and give you a realistic expectation of the potential outcomes. Ensure that your lawyer will keep you informed and send you copies of documents pertaining to your case. If a lawyer gives you a guaranteed result, leave the office immediately. Lawyers are prohibited from guaranteeing any particular outcome, so be very leery if this happens.



David Lefkowitz is the founder of the Lefkowitz Firm, LLC, which has offices in Atlanta and Athens. The Lefkowitz Firm, LLC, represents individuals and corporations in their claims for legal malpractice (legal negligence) and similar claims such as breach of fiduciary duty, trustee misconduct and executor misconduct. The firm also represents attorneys with regard to law firm management issues, including conflicts and bar discipline matters. Mr. Lefkowitz frequently is an invited speaker at continuing legal education seminars on the topics of legal malpractice, ethics and professionalism. For more information, visit the firm's website at: www.LefkowitzFirm.com.