

RPA News

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News update for all practitioners from the Victorian Legal Services Board + Commissioner

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Bad online reviews – how far should you take it?

Recently my office received a complaint where a client had written a Google review detailing the poor service he had received from his lawyer.

The client described delays, poor communication, and a number of staffing changes among the employees dealing with his matter. The lawyer wrote to the client stating that the review was defamatory and demanded an apology and for the post to be taken down.

Angered by the lawyer's response, the client escalated the dispute, amending the post with further details before asking the lawyer to address the issues he described.

The lawyer then sent the client a draft County Court defamation writ, which was then filed and served two weeks later.

I am pleased to say that the parties resolved their differences themselves and the complaint was quickly withdrawn when the lawyer withdrew the writ, but it is timely for me to comment to the profession.

Choose a measured response

Online reviews are now a fact of life, but bad reviews should be addressed like any other complaint.

A lawyer faced with a bad online review should first, read it carefully to see if there is any legitimacy to it, even if only from the client's perspective. If there is, it is better to contact the client to address those points and to attempt to resolve the matter.

Our website contains [some useful information](#) for dealing with complaints yourself. I also commend to all lawyers [SOCAP's Small Business Complaint Handling Kit](#), which is a useful guide for resolving and learning from complaints. Another valuable resource is the report [Apologies](#) produced by the Victorian Ombudsman.

Secondly, the lawyer could engage usefully with that reviewer online – for example, by replying to the comment and asking the person to contact the office to discuss their concerns. A calm and constructive response online can show a third party that you are open to discussion and that there are two sides to the story.

Third, the lawyer can encourage their happy clients to post positive reviews online. A focus on excellent service, good value and clear communication will always generate the best recommendations.

Heavy handed approaches can backfire

While defamation proceedings may be appropriate in some circumstances, in most cases a reasonable observer would see this as a disproportionate and heavy handed response to criticism. Negative publicity may even bring further attention to the original complaint.

Should a client feel the need to defend the writ, it is likely any further legal advice they receive would recommend a settlement in order to avoid further cost. This would, naturally, leave the client even more upset, having incurred further expense for no apparent outcome. An angry client is much more likely to spread bad news to their friends and acquaintances. A formal complaint to my office is also a probability.

This approach also risks bringing the profession into disrepute with the lawyer being accused of using disproportionate legal weapons to silence critics who may well have a legitimate concern to express. If the proceedings are found to be disproportionate, the lawyer may also find themselves in breach of s.18 of the *Civil Procedure Act (2010)* for an abuse of process.

We can assist you

As always, the enquiries service run through my office is happy to act as a sounding board should you feel the need to deal with upset clients or bad reviews. The [Practice Support staff at the LIV](#) are also a valuable resource for lawyers to call upon.

Michael McGarvie

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