

Who reviews the reviewers?

Comparing the market: **John Gould** considers the hidden perils of online review sites for the legal profession



IN BRIEF

► Despite research suggesting that consumers have little belief in the usefulness and credibility of reviews posted online, seven web platforms have nonetheless been selected for a pilot of review sites, with solicitors encouraged to engage with them.

When it comes to the legal services market, the work of the Competition and Markets Authority (CMA) over the last few years feels like a solution in search of a problem. In 2016, the CMA prodded legal regulators into price transparency rules. This was based on the fanciful notion that consumers would benefit from reading thousands of words on a number of solicitors' websites describing hypothetical prices, rather than make a few phone calls to get actual quotes.

Although the CMA's recent review of progress maintains a cheerful tone, the only progress seems to be that the regulators have managed, to some extent, to do what the CMA wanted. The result is that price comparison information is now more opaque, and an opportunity has been given for firms to level up prices on the basis of the information provided by competitors. There is no sign that competition or consumer choice have been improved.

An unkind person might say that the CMA is a little like a door to door salesman of cleaning products who always has another magic duster if you won't buy the mop. The latest idea is that lawyers should engage with review websites to provide the reliable and authoritative information that the CMA thinks the consumers of legal services ought to think they need. The CMA likes them, and the Solicitors Regulation Authority (SRA), the Chartered Institute of Legal Executives (CILEx) and the Council for Licensed Conveyancers, duly prompted, have selected a batch of websites for a pilot. The mood music is that they are the future, and that lawyers had better get on board or risk being left behind.

Shopping around

Accepting, as I do, that it is always good to consider how things might be changed

for the better, a good place to start is the Legal Services Consumer Panel Tracker Survey 2020 (bit.ly/3veCnb0). This is a professional study based on a credible sample size which, most importantly, has been repeated over time. It has found that since 2012, the number of consumers who shop around for legal services has modestly increased from 23% to 30%. The amount of 'shopping around' varies considerably between areas, with immigration being high and probate low. Given that satisfied clients tend to stick with the firm they know, this is not entirely surprising. It suggests that the vast increase in online information has only encouraged a marginal increase in online consumer comparative research as a basis for selection of a lawyer.

Three quarters of consumers feel they have a wide choice of legal service providers, which is again a marginal increase. Since the main considerations in choosing a provider are: reputation (81%); price (72%); specialisation (71%); speed of delivery (68%) and local offices (66%), it would seem logically to follow that all of these factors are areas in which better information would increase the chances of a better choice. The question is whether online client reviews provide reliable information to allow a comparison of the issues that consumers actually consider.

Despite, rather than because of, the mandatory hypothetical online price information, only 5% of consumers found it difficult to understand the information provided to them on price. The perception of value for money and satisfaction with the choice of provider are the highest they have been since 2012. Only 9% of consumers think they received poor value for money. Given the intrinsic difficulties of creating a perception of value for money in areas such as divorce, this seems like a solid result.

Magnificent seven?

It would be wrong, however, to be complacent. There is always room for improvement, and obtaining trustworthy information online is ever more challenging. Perhaps online review platforms could be a source of reliable information to improve consumer choice,

if only solicitors would engage to help them build credibility and thereby become commercially successful.

Unfortunately, research commissioned by CILEx suggests that consumers have little belief in the usefulness and credibility of reviews posted online. Only a very small percentage of consumers of legal services have ever posted a review or would consider doing so.

The SRA has chosen seven web platforms with whom to cooperate in a pilot of review sites, and is encouraging solicitors to sign up and engage.

Establishing a well-known and reliable review site is very difficult. One of the websites (Trustpilot) is an internationally established site which is not limited to legal services. It is reported to have raised \$193m privately to grow annual turnover to \$100m, and although it has lost more than \$60m in the last three years, its losses are reducing. Its model is the closest to a straightforward review platform. It seems to be working hard to overcome the problems of unreliability faced by any review platform, and last year it reported removing 2.2m fake reviews.

A second site selected by the SRA (Legal Utopia) does not appear to be a consumer review site at all, but describes its mission as 'making law affordable and accessible to everyone'. Its focus is on business clients to whom it provides legal knowledge and artificially intelligent products.

Two others (Reallymoving and The Law Superstore) are in fact a single entity. Both sites facilitate the presentation of a number of firms from their panel to potential clients.

Reviews.io facilitates the collection and publication of reviews by the reviewed businesses themselves, as well as offering a range of other services to subscribers.

Solicitor.info is a long-established specialist review site for solicitors, and both it and Reviewsolicitors aggregate ratings to give firms scores.

None of these site providers are, of course, regulated by the SRA (or, I imagine, anyone else) and, for the purpose of the pilot, the SRA has formulated a 'voluntary code of conduct for digital

comparison tools operating in the legal services market' (the VCCDCTOLSM for short). Since the SRA is effectively promoting these sites, they are obviously right to want to be assured about some basic standards. The SRA does, of course, regulate solicitors in relation to their participation and interaction with the sites.

This lack of regulation of sites does mean that the relative credibility of the site depends on exactly how they choose to operate. There is no regulatory standard. This is obviously a problem for the sites themselves. Solicitor.info, for example, presents a kind of pseudo-regulation by stating that it '... complies with the Legal Services Panel standards for comparison websites'. The VCCDCTOLSM also illustrates the link between reliability and external standards, but the SRA is not a regulator of review platforms. The Legal Services Panel is not a regulator at all.

A number of the sites are marketing platforms looking to generate revenue by being intermediaries between lawyers and prospective clients. By representing a stable of lawyers, the site can offer the names of, say four, lawyers who are all subscribers to the site. If there is no fee linked to the numbers of leads, then there's no referral fee to engage the regulatory requirements for transparency. It would be unrealistic to expect that the chosen firms were selected on the basis of any expert assessment of their relative suitability or quality. They are the subscribers.

Bottom of the heap

Some of the sites essentially facilitate the solicitation and collection of favourable reviews by firms which can then be smoothly posted to the site. Consumers are much more likely to post a review if asked to do so by their legal adviser, and the process is straightforward. These are presumably genuine clients who are known by the relevant firm to be delighted with the service they have received. There's no requirement to solicit reviews from all clients, nor to provide information on the total number of matters from which the favourable reviews have arisen. A subscription also brings a right to post responses to unfavourable reviews. Solicitors may be able to gain access to post replies by registering their details with the sites. Even where replies are permitted, a non-subscribing reviewed solicitor may struggle to respond specifically unless the reviewer is identified.

The marketing platform sites optimise their visibility to search engines. This can include high visibility to 'organic'

searches, such as a non-subscribing firm's name. The implications of this approach can be illustrated by a fictional scenario which is loosely based on the model operated by Reviewsolicitors and my own firm's experience:

A prospective client, having been recommended to XYZ Solicitors, searches for them by name for contact details. The second item on the first page of the results page confronts them with some alarming information from the review site: 'XYZ LLP—solicitors from hell, avoid at all costs'.

“The SRA already has the tools to ensure the provision of accurate & balanced satisfaction data from the regulated community itself”

Clicking on the link will bring up the review site page for XYZ (even if XYZ know nothing of the site) on which a number of subscribing firms are prominently put forward, each possessing more badges of merit (awarded by the site) than the Chief Scout, and as many stars as Dwight D Eisenhower. XYZ only has three reviews, all of which are bad and each of which starts with a prominent and lurid heading ('worst experience of my life' 'I was humiliated and degraded' etc); its three scores give it an average rating showing it to be very near the bottom of a heap of 4,000 firms.

Their local paying rivals ABC LLP have a hundred very favourable reviews which they have solicited from their small proportion of happy clients ('Brilliant, a giant amongst lawyers', 'I would have happily paid twice as much'...) together with 'advice' from the site that 'validated' (ie paying) lawyers are the best choice. If that isn't enough, visitors are encouraged to contact the site operators to receive free help to find the 'right' solicitor. This is rather like ABC paying someone to stand outside XYZ's offices holding up a sign saying, 'Jimmy says XYZ rip you off and are rated as the worst firm in the West Midlands', and to speak to would-be entrants to 'advise' them to use ABC instead. XYZ may decide that the expedient thing to do is to pay up and start collecting its own favourable reviews from its many happy clients. At least if they pay, the diversionary advertising will stop.

An energetic client might be able to work all this out by delving into the site and the small print, but why would they bother? For some firms, an unregulated buffer giving an appearance of objectivity may be attractive; the sites maintain that they are in no way responsible for the content of reviews or any misleading impression that lies at the heart of the business model. But perhaps a solicitor's professional duties require something more.

Crossing the line

Many may doubt that regulators should be encouraging and facilitating the establishment of unregulated conduits into the regulated sector. One site, for example, purports in its terms and conditions to stipulate that by posting a review, any reviewer waives their solicitor's duty of confidentiality (and hence legal professional privilege) as necessary for the solicitor to publish a reply to the review. A regulated solicitor would be very unlikely to be permitted to impose such a term.

Review sites generally disclaim responsibility for content and claim not to exercise editorial control. Reviewers may unwittingly stray across the line into defamation and face consequences if they cause real damage. Even if sites eventually remove fake or defamatory content, the harm may have been done. It is no answer to suggest that firms should simply allow themselves to be defamed and damaged by published statements which are not just opinions but untruths.

In my view, sites which are subscription-based marketing platforms in which favourable reviews can be solicited (even if from actual clients) are not likely to contribute accessible and reliable information and improve choice. The public appears to take reviews in other areas with a pinch of salt, and they are right to do so. Random reviews are unreliable, but selectively collected reviews are positively misleading.

Paradoxically, the SRA already has the tools to ensure the provision of accurate and balanced satisfaction data from the regulated community itself. Consumers are more likely to look at the reviews on firms' websites and would be even more likely to look at numerical scoring in a standard format. Why shouldn't firms be required to invite written feedback and ratings in a stipulated format from all clients, have their results externally audited and then publish them in full prominently on their website? Even the CMA thinks that there may be something in this idea.

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