

## Viewpoint: Avvo Has Your Number. But What Does It Mean?

By Richard Zitrin [Contact](#) [All Articles](#)

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I have a 7.3 rating at Avvo, the online find-a-lawyer site. Why? I have no idea. I'm rated 7.3 ("very good") in both California, where I live and work, and New York, where I'm admitted but don't even know the names of most of the codes.

My sister, who's been in practice almost as long as I have, has a 6.5 rating. Why? No clue. She only gets a "good." My daughter-in-law outranks her at 6.8 (also "good"), after just five years of active practice in California. How come? Who knows?

All three of us have the designation "no professional misconduct found," but none of us has been "reviewed," whatever that means. My daughter-in-law is listed reasonably accurately with her middle name, as a "CA litigation lawyer," licensed for five years; without her middle name, she's inaccurately listed as a "CA advertising lawyer" licensed for nine years. I've been in practice for 38 years (Avvo got that one right), but I've never heard of an "advertising lawyer."

With her middle name, my daughter-in-law is rated 6.8; without it she is not rated, but is designated "no concern." Avvo says that "no concern" means they have "no information in this lawyer's background that is, in our opinion, concerning." Could her middle name make the difference? Meanwhile, my sister is described as "Massachusetts lawyer," even though she's only practiced in California (where she's not listed at all).

Then there's my first cousin. (Yes, our family's stocked with lawyers.) She's listed as "Portland OR lawyer, licensed for 31 years." But while she lives in Portland and is about to take the Oregon bar, she's never been licensed in Oregon, where she works as a teacher. She is an (inactive) California bar member, but as with my sister, Avvo doesn't list her in California at all.

Finally, there's my son, admitted in California just this fall. He also is listed as "no concern." I love and admire my son, but since he has never practiced (he has a non-legal job doing communications/press relations for the San Francisco City Attorney), even I would have "concern" about hiring him on a case.

As for me, I'm a "CA mediation attorney" according to Avvo. But only in California. In New York I have no area of practice. I've been trained in mediation and have mediated cases for many years, but it's far from my principal area of practice. At least Avvo got it right for New York—no practice area.

Unlike my relatives, I have an "endorsement." A lawyer friend from Seattle says, "Richard is a successful litigator and teacher. He is intelligent, compassionate and committed to teaching lawyers how to successfully practice law both responsibly and ethically." Now there's something I can agree with! Maybe that's how I got my "very good."

After reading about my family, I decide to take a tour of Avvo's local lawyers. I type in "legal malpractice" and "San Francisco" and get a list of 172 (!) "ethics attorneys." More than half I've never heard of; others I know, but they're not "ethics attorneys." Some are, though their ratings are bizarrely random. Geoffrey Hazard, my Hastings colleague and one of the preeminent names in legal ethics, rates a 7.3 (we're tied, Geoff!) but only 1 out of 5 in "Industry Recognition." I guess Avvo missed his legal ethics books, including the seminal *The Law of Lawyering*, and failed to note that he was the chief Reporter for the ABA's Model Rules of Professional Conduct, and the Director of the American Law Institute for 15 years. Oh, well...

What can a lawyer do with a listing so grossly inaccurate that it begs for correction? Attorneys can "accept" their profiles without charge, which enables them to change their profiles. But without "accepting" that profile, you can neither correct your profile, nor endorse another lawyer: "Before continuing," you'll be told, "please claim your profile."

"Why claim? Once you've claimed," offers Avvo, "If you don't already have a numerical Avvo Rating, one will be automatically calculated when you claim your profile. Your Avvo Rating will appear on your profile page and in search results. Your Avvo Rating may change as you add new data." And there's more! "Answer questions; Request peer endorsements; Set yourself apart from your colleagues to attract new business...."

But there's a catch: Once claimed, "Your profile may not be unclaimed." So you can correct your profile, but only by signing up to be listed eternally by this service.

This leaves me in a quandary. Further investigation and simple curiosity cause me to want to sign up, but how about that lifetime acceptance? And then there are the disclaimers. The "terms and conditions of use" appear in a three-inch-square box in the middle of my computer screen,

but when I start reading—as I feel I must—they run to over 5,000 words—ten single-spaced pages of text—with fully four sections in all CAPITAL LETTERS. The separate "privacy policy" is a "mere" 2,400 words, but I slog through that as well.

I find some disturbing items in the "terms and conditions," which Avvo uses for both lawyers and prospective clients. For example, "Company reserves the right to change any and all content contained in the Site...." Does this mean that if I change my profile information, Avvo can change it back? Then there's this: "Information posted or made available on or through the Site, including without limitation any responses to legal questions posted in Avvo Q&A, ... is not intended as legal advice." But I've long known that if you are giving legal advice, disclaiming that doesn't get you off the hook. I read some of the answers to questions. Sure sounds like "legal advice" to me.

Nevertheless, I take the plunge and sign up. After all, there's apparently no other way to fix all that incorrect information that's sitting in my profile. And besides, I've got a column to write. As for what happens next, and whether I've taken on any new responsibilities by signing on, that's the subject of my next column.

*Richard Zitrin is a professor at UC-Hastings and of counsel to San Francisco's Carlson, Calladine & Peterson. He is the lead author of three books on legal ethics, including The Moral Compass of the American Lawyer.*

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