

Response from Mr. D Jabbari

Dear Mr Geddes

I write concerning the above topic. I am CEO of this firm (one of the larger conveyancing practices) and a former CEO and a senior partner in City law firms such as Barlow, Lyde & Gilbert and Clyde & Co.

I have had a great deal of involvement with review sites such as TrustPilot, since they have the power to make or break retail legal services providers such as ourselves. I am not going to urge some fundamental restriction on these sites because I believe that 'ship' has long sailed, apart perhaps from reminding them of their obligations under the law of defamation (supporting *Summerfield Browne v Waymouth*). However, there is one very significant area where the LSB could make an impact.

You may be aware that it is the policy of sites such as TrustPilot to allow reviews by non-clients (typically the counterparty represented by the other side solicitors). I have pointed out to TrustPilot numerous times, and to no avail, that this practice is deeply problematic given the adversarial nature of legal proceedings and the rules of conduct which prohibit any communication with the other side's client.

To provide an example, let us say Client X has instructed a law firm (ABC) in a commercial dispute with Client Y (who is separately represented). If ABC law firm do a good job, it is highly likely that this will lead to a very adverse view of ABC from Client Y. Client Y therefore resorts to a slew of malicious statements concerning ABC on TrustPilot since, according to TrustPilot, Client Y is regarded as someone who has sufficient standing to comment on the services of ABC. However, there is a critical difference here for regulated law firms such as ABC and any other type of business which suffers this kind of attack. Due to professional conduct rules, it would not be permissible for ABC to engage with Client Y in person or to respond to the substance of the review on the TrustPilot site since this would be a breach of ABC's obligations of confidentiality to their client.

I have raised this with TrustPilot many times and, as I say, to no avail. They cannot see that there is a systematic problem in allowing non clients to leave reviews of regulated law firms in the context (a) that a disgruntled non-client is in fact likely to be a testament to how well that law firm has served its own client, and (b) the restrictions on law firms by virtue of professional conduct rules in being able to defend themselves or respond in any way against malicious, and often untrue, statements on TrustPilot.

I would be grateful if your project team could take this point into account. As I say, I fear there is very little that anyone can do to change the culture of review sites as an established part of our landscape, and indeed law firms do need to raise their game significantly on customer service. However, there should be an attempt made to change the criteria used by TrustPilot (and let's face it, this is really only about TrustPilot given its absolute dominance) to ensure that non-clients cannot leave feedback concerning the services of a regulated law firm. To me this is merely an extension of these sites' respect for the laws of defamation,

since we are talking here about professional conduct rules that derive ultimately from a solicitor's status as an officer of the Court.

Kind regards

David Jabbari