



SEARCH INFLUENCE



ELARBEE THOMPSON



*Attracting Patients by Proactively
Managing Your Online Reputation*

Reputations have always held significant value in the world of business. This still remains true in the digital era of online marketing. Even when a service or product comes heavily recommended by a friend, coworker or family member, 94% of people engage in secondary online research before making a purchase.¹ Additionally, nearly 72% of all consumers give an online review the same weight and credibility as a personal recommendation.² What this means is that a single comment can have detrimental effects on both your online reputation, and, subsequently, your business.

For plastic surgeons, there is more at stake. Since one procedure can cost thousands of dollars, each patient deterred by a defamatory comment is a substantial lost business opportunity. Nevertheless, while mistakes made in the field of plastic surgery are more apparent than in other industries, and come with greater consequences, rushing out to suppress every less-than-glowing review is not the answer. The process of removing or suppressing negative online comments is multifaceted.



What's more, the issue is growing. In the modern virtual world, how high your site ranks on search engines defines your site traffic. A website on the second or third page of search results has exponentially fewer views than those "ranking" on the first page. The fight for first page recognition is well worth it. It has been shown that the very first result on Google will receive a third of traffic share. This number drops drastically for each lower ranking. The second result only receives 17.6% of traffic. 95% of searchers fail to view the second page.³ So, in the world of online marketing, being on the first page is everything.

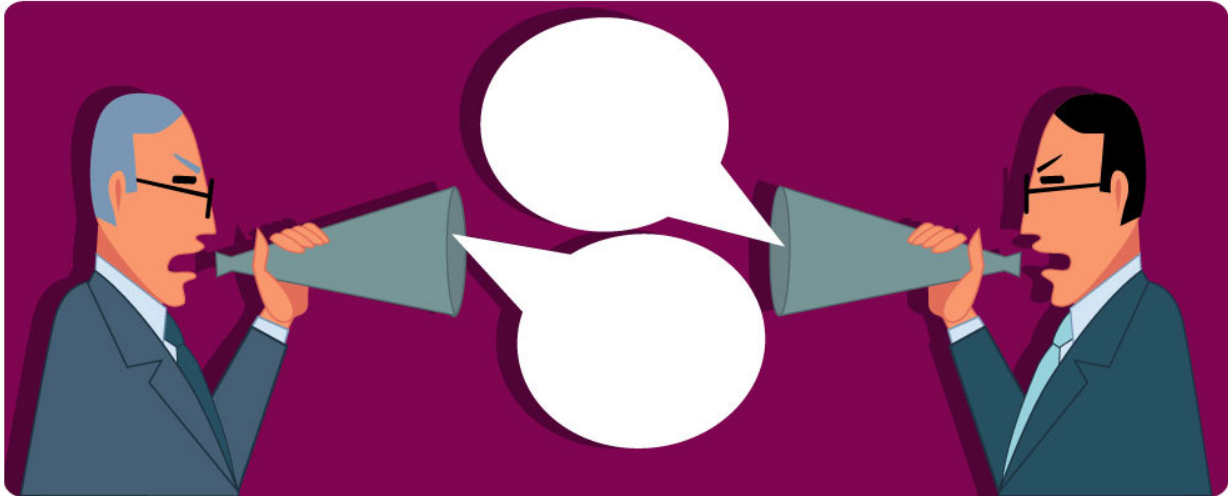
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Unfortunately, defamatory comments are gaining momentum. Google and other search engines give higher ranking to such sites as Angie's List, Yelp, RateMDs, and the like. These sites not only perch atop search engine rankings due to algorithmic updates, they often feature regularly updated content, which, in search engine terms, is an important indication of reliability. In other words, patient or customer review sites have all the makings of a search-engine friendly site. So, defamatory comments are hurtful not only because of their content, but also by the sheer force of their rankings.

Assessing The Situation

There's a significant difference between negative comments, which may understandably feel like a personal attack, and statements that are defamatory under the law. This distinction becomes less perceptible, however, the closer you are to the situation. Often, it takes an objective, outside party to qualify the true measure of these comments.

Consider the First Amendment. Posters do have the right to free speech, and online critics do serve a greater purpose. What good would online rating sites be if they only posted positive assessments?



In addition, many negative comments raise legitimate complaints. Most can be attributed to long wait times or less than cordial staff. Comments of this nature often can be easily addressed by acknowledging the issue, apologizing on behalf of the practice, and providing a solution. If the poster made a comment based on long wait times, for example, invite him back to your practice at a less busy time. Genuine grievances should be answered with genuine responses, keeping in mind that doctors' ability to respond in a public way is limited based upon the confidentiality of patient information.

That said, some comments are both false and defamatory. Comments of this nature can significantly impact a practice's reputation, such as when someone falsely claims that a procedure left him "near death" or "completely disfigured." Sometimes actual patients post slanderous reviews. On occasion, people posing as patients – often competitors or disgruntled former employees – submit false reviews in an effort to damage your business. In either case, there are a number of ways to deal with these false postings.

It is possible that the situation can be solved with a single click. Most review sites have "terms of use," which set forth standards by which all posters are required to abide. Contacting the site directly, by flagging the post or filling out a "report abuse" form, can sometimes solve the problem. When contacting these sites, it is best not to complain about how the posting is harming your reputation. Rather, reference the site's guidelines, highlighting the ways in which the post violates its rules.

This step, however, does not prevent an individual from posting the same negative review on other sites. Moreover, a site may still refuse to remove a comment. Thus, it may be necessary to seek assistance.

Negative Suppression & Positive Promotion (SEO)

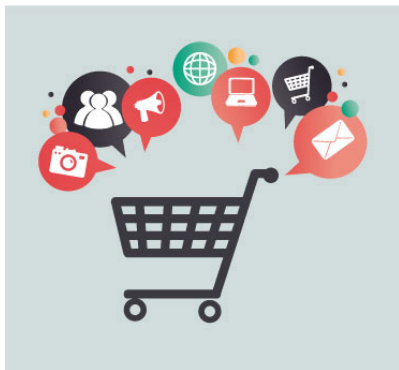
In general, negative comments make a larger impression than positive ones. Why? It's psychology. As Alina Tugen of the **New York Times**, commenting on the ideas of Clifford Nass, a professor of communication at Stanford, explains, "Negative emotions generally involve more thinking, and the information is processed more thoroughly than positive ones, he said. Thus, we tend to ruminate more about unpleasant events—and use stronger words to describe them—than happy ones."⁴

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The majority of negative comments can be handled through suppression. To quell a moderately negative post, it is best to promote good posts about the practice. One negative post can, in effect, be drowned out by a wealth of positive ones. This is the approach taken by online marketing companies. Rather than focusing efforts on the one negative comment, such companies increase the impact of positive content.

Online marketing firms identify sites that feature positive content. If a particular client is not already present on these forums, a content strategy is crafted for these sites. Then, these positive sites are promoted to rank higher than the sites featuring negative content. This is done through strategic linking and other SEO tactics. Finally, the sites featuring these positive comments are linked to other positive content, such as the client’s website.

A study by Mike Blumenthal of 2,500 consumers determined that more than 80% of consumers would be less likely to do business due to bad reviews, but only 50% would



be more likely to do business because of positive reviews.⁵ Search engine optimization addresses the surrounding context of a negative comment, pursuing the positive as a way to balance out the negative. If you read one bad review amongst a myriad of genuine praise and satisfaction, you are more likely to write off that one negative as an anomaly.

While suppression of negative posts is often effective, in certain circumstances, a practice may need to pursue its legal options. For example, the legal process often provides the best results if an individual relentlessly posts to multiple forums, creates what is referred to as a “gripe site,” or posts especially slanderous content.

Legal Pursuits

While many negative reviews can be addressed without resorting to the legal process, sometimes a defamatory posting continues to significantly harm the practice despite other efforts to remove or suppress it. In these situations, legal options are available. Of course, the usual disclaimer applies: This paper is written strictly for the purpose of providing overarching information and not for the purpose of providing legal advice. Such advice must be tailored to the specific circumstances of each case, so nothing contained in this paper should be used as a substitute for the advice of competent legal counsel.

If non-legal options have failed, that does not mean that a lawsuit should immediately be filed. In fact, lawsuits are a last resort. An attorney will often first contact the individual who made the post, putting her on notice of the practice's legal claims against her and requesting that the comment be immediately removed. Such 'cease and desist' letters are often an effective initial legal step. When postings are made by actual patients, the practice often knows who made the post based on the allegations made, even if they were made anonymously. If the identity of the poster is unknown, it can often be uncovered by filing a John Doe lawsuit.



The end goal in most of these situations is to remove the content from the public sphere and prevent the individual from making further posts. Recovering damages against a former patient can be difficult, as judgments against patients may well be uncollectable. If the practice has reason to believe that the defamatory posting was made by a competitor, however, or someone else with deep pockets, damages may well be an appropriate and achievable goal.

Gripe Sites

Gripe sites are websites created for the purpose of tearing down your practice. They are often created with a nearly identical URL to a branded website, to cause confusion and be seen by patients, and they often contain content in multiple forms, including blog posts, videos, images, and the like. Whether created by a disgruntled patient or customer, former employees, or someone else with an ax to grind, gripe sites need be dealt with carefully, and the process for removing them is somewhat different than that for removing defamatory reviews.

As an initial matter, only take action if the site in question has an effect on your business. If it has no pull among your patients or customers, leave it be. Grippers will often withdraw their messages if they do not receive the attention they are seeking.

The first and simplest way to get a gripe site taken down is to contact the hosting company and explain how it violates the host site's terms of use. If the gripe site uses your trademark in its URL, you might also be able to remove it under the Uniform Domain Name Dispute Resolution Policy (UDRP). Trademark infringement and dilution claims might also be brought.



When these options prove unsuccessful, it may be appropriate to contact the griper, although such communications must be worded with care. You should assume that griper will post all of your communications to the front page of their sites, in an effort to make your business look like an aggressor. So, if you choose to communicate with a griper directly, understand that you likely will be speaking to two audiences: the griper himself, and the visitors to his site.

If an individual targets your business by posting defamatory reviews or creating a gripe site, it's best to confront the issue with SEO suppression and, if necessary, legal action. Under such heated circumstances, you should consult a professional team for comprehensive reputation management and legal assistance.



Ignoring or incorrectly responding to a negative comment only exacerbates the issue.



Solutions Experts

Rich Escoffery, an attorney with Elarbee Thompson, and Will Scott, CEO of Search Influence have been acquainted for a number of years, beginning with their collaboration in defense of an Atlanta plastic surgeon against defamatory online comments. They possess specialized knowledge regarding how plastic surgeons can use the Internet to grow their business. By pairing legal and search engine efforts, their teams approach the issue in an uncommonly effective fashion.

Online reviews can make or break a business. Ignoring or incorrectly responding to a negative comment only exacerbates the issue. The first step toward managing your online reputation is awareness. Know what is being said about your business. If exceptionally negative, or even defamatory, content exists, contact Search Influence or Elarbee Thompson.

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