

PROTECTING *Your* ONLINE *Identity*

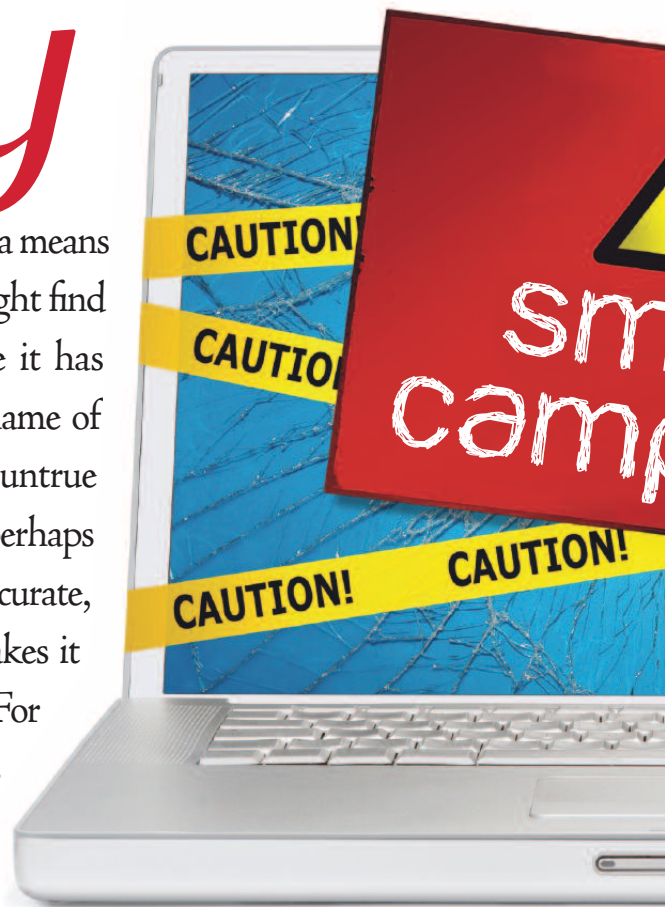
As REALTORS® increasingly depend on online forums as a means of sharing information and marketing their services, they might find themselves in uncharted and unsettling territory. Maybe it has happened to you: Upon searching for your name or the name of your brokerage online, you're met with a disparaging or untrue comment on a REALTOR® rating Web site or blog. Or perhaps you are listed on an agent site with incomplete, or worse, inaccurate, information. The dynamic influx of information online makes it that much more challenging to monitor one's reputation. For guidance, CR talked to Betsy Urbance, who fields numerous real estate-related legal questions as the Illinois Association of REALTORS®' Legal Hotline Attorney.

Chicago REALTOR® Magazine: Since success in this industry depends on reputation, how can REALTORS® gain control of their online identity? What legal recourse do they have when faced with an untrue statement?

Betsy Urbance: If a REALTOR® Googles© his/her name and finds something disparaging, negative or untrue, that person has a decision to

make about whether or not to do anything. If the REALTOR® takes action, it will likely take one of three general forms:

- 1) The REALTOR® might ascertain the source of the information and then ask the source to remove/take down the offending information. Whether or not the source honors that request or demand would be



REALTOR® Code of Ethics, Article 15

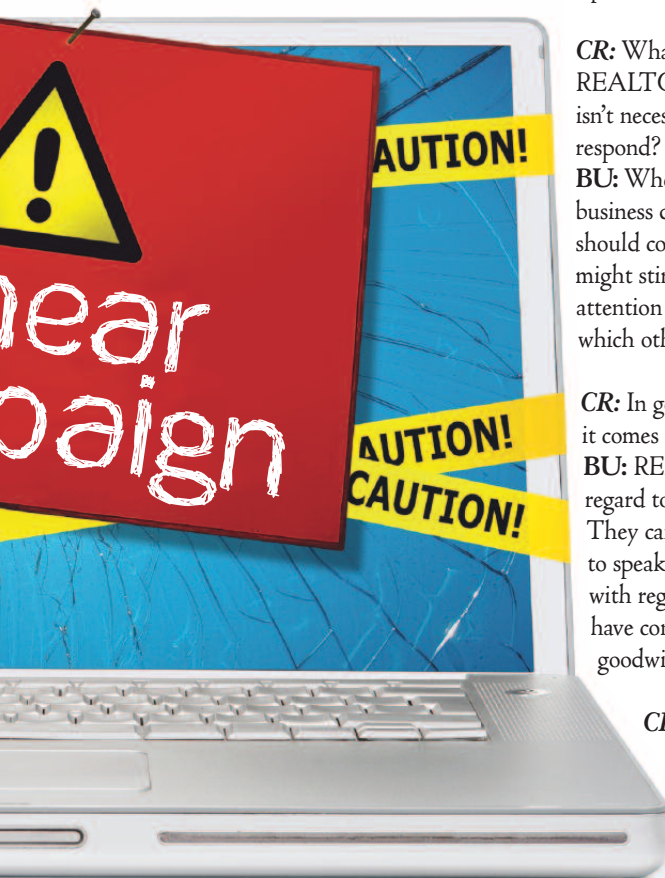
Standard of Practice 15-2

The obligation to refrain from making false or misleading statements about competitors' businesses and competitors' business practices includes the duty to not knowingly or recklessly repeat, retransmit, or republish false or misleading statements made by others. This duty applies whether false or misleading statements are repeated in person, in writing, by technological means (e.g., the Internet), or by any other means. (Adopted 1/07)

anyone's guess. If there is a copyright violation, there may be a legal duty to remove the information/post—but there is no one answer that fits all situations.

2) If the offending information is posted by another REALTOR®, there might be some action under the REALTOR® Code of Ethics or perhaps an action under the author's applicable license law. [CR: See Article 15 of the REALTOR® Code of Ethics below.]

3) Finally, there might be grounds for a lawsuit about which the offended REALTOR® should consult his/her attorney.



If legal action ensues, the offended REALTOR® might be seeking money damages or injunctive relief. The causes of action might involve copyright issues, defamation, slander, misrepresentation or the like. Remember, in the latter types of litigation, truth is a defense. [CR: Truth refers to the accuracy of the statement. Whether a comment about someone's professional character is an "opinion" or a "fact" may depend on the context. If the offending comment is determined to be an opinion, there will likely not be a case for defamation.]

In many legal systems, adverse public statements about legal citizens presented as fact must be

proven false to be defamatory or slanderous/libel. Proving adverse, public character statements to be true is often the best defense against a prosecution for libel and/or defamation. Statements of opinion that cannot be proven true or false will likely need to apply some other kind of defense.

A defense recognized in most jurisdictions is "opinion". If the person makes a statement of opinion as opposed to fact, the statement may not support a cause of action for defamation. Whether a statement is viewed as an expression of fact or opinion can depend upon context—that is, whether or not the person making the statement would be perceived by the community as being in a position to know whether or not it is true.

CR: What are your recommendations for REALTORS® faced with online criticism that isn't necessarily false information? Should they respond?

BU: Whether or not to respond is really a business decision for the REALTOR®. He/she should consider that sometimes a response might stir up more interest or draw more attention to the offending comments or posting, which otherwise might go unnoticed.

CR: In general, what's the best defense when it comes to online reputation management?

BU: REALTORS® can take great care with regard to what they post about themselves. They can promote themselves by taking care to speak/post truthfully and professionally with regard to information over which they do have control, or by affirmatively engaging in goodwill advertising.

CR: We've heard of reputation management companies that use SEO and social media to push negative comments off Google's® first results page. What do you make of these services?

BU: I have not personally heard much about these companies, but I could see where some sort of consultant might help a REALTOR® arrange or rearrange key words in such a way that offending information might get pushed further down the search list(s).

CR: Any further thoughts?

BU: When you think about it, social media is really a new form of communication. People communicate via word of mouth, television, radio, telephone, fax, e-mail—the list goes on. Granted, social media might reach a wider audience more quickly and perhaps stay around longer, but it is nevertheless another form of communication.

What is old (if you will) is a person's reputation for credibility, kindness, concern, professionalism and maybe even some less desirable characteristics, depending on the individual. If a person works hard at all times to uphold his/her positive reputation, it stands to reason that that person will be in a better position to withstand any, perhaps unwarranted, online reports or attacks that arise through the use of social media. **CR**



Betsy Urbance is the Legal Hotline Attorney for the Illinois Association of REALTORS® and an attorney with the Sorling Law Offices in Springfield, Ill. For more information about Betsy and legal issues pertaining to REALTORS®, visit the Legal Center at www.illinoisrealtor.org.

5 Tips for a Positive Online Reputation

1) Establish your own Web site—and promote it on your business cards and other collateral. Ensure that it's the go-to source for clients seeking credible information about you. Finally, submit your URL to real estate directories in order to drive more traffic to your site.

2) Ask former clients to write testimonials, and publish these on your Web site. With 80% of home buyers conducting home searches online, positive referrals can make a big impact.

3) Add useful content to your Web site, such as a blog, helpful articles about the industry and links; the more relevant information you can supply, the greater your visibility in online searches.

4) Set up a LinkedIn profile, and make sure it's complete and public. LinkedIn results tend to rank high on Google® searches. Further increase your visibility by adding plenty of relevant keywords to your profile.

5) Educate yourself about SEO and Google® Analytics (www.google.com/analytics). Finally, search yourself frequently online and monitor the results. Staying proactive is the key to making sure you're in control of your reputation.