

## Yahoo Answers - Aiding & Abetting UPL?

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I started answering legal questions on Yahoo Answers a few days ago to help boost my SEO. I answered 40 questions in 2 days (the limit). Every time I answered a legal question I back-linked to my law firm website as the source/authority for the answer.

Yesterday someone decided to flag every single answer as a violation of the T&S, and every answer was immediately removed. My answers disappeared, and my Yahoo Answers account was suspended. The answers that were left behind were by non-lawyers, and most were horrifyingly inaccurate.

I appealed my account suspension and lost the appeal with Yahoo.

My question is how is Yahoo Answers not aiding & abetting the UPL by allowing non-lawyers to give bad legal answers to people on their service? Is there some kind of safe harbor as an ISP or website provider to allow (and encourage) non-lawyers to give legal advice?

I'll be sticking to avvo.com from now on.

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Did Yahoo tell you what portion of the TOS you violated? Was it the backlinking?

Geoff Wiggs

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They said it was spam. I asked them how it is spam to put a link where a link belongs -- in the authority for the statement. They keep sending me canned responses every time I ask for specifics.

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I think the safe harbor is 15 USCA §230, which protects ISP's and providers from all the idiocy their users perpetrate. Yahoo is free and clear.

Eric D. Ridley, California

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Avvo isn't going to be much better.

Avvo is replete with attorneys who are talking about matters on which they are not far distant from a layperson. For example, I recently got into it with a California attorney that answered a Mass. question, by stating there was an absolute employer exception to the wiretapping statute in Massachusetts. That's bizzarely untrue, especially with regard to secret recording of in-person conversations.

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Astoundingly, I couldn't get her to withdraw the statement, which she assured me was based on advice from some (unnamed, un-cited) people and sources. She did call me rude, though, for pointing out the fact that she was completely wrong. I guess that's lawyer-speak for "making me feel bad by demanding that I retract my answer after I opine incorrectly on the laws of a state in which I am not licensed."

Sigh.

Erik Hammarlund, Massachusetts

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I just read up here: [http://en.m.wikipedia.org/wiki/Section\\_230\\_of\\_the\\_Communications\\_Decency\\_Act](http://en.m.wikipedia.org/wiki/Section_230_of_the_Communications_Decency_Act)

While Yahoo is shielded from civil liability, they may not be shielded from a criminal charge of aiding and abetting UPL, right?

This is purely for mental exercise. I don't give a hoot about the Yahoos.

Brian W. Freeman

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I think your frustration with Yahoo is based on a fundamental misunderstanding. You think Yahoo provides the service to help people. Yahoo thinks it provides the service to make money. When you link to your website Yahoo perceives that you are getting free advertising which is counter to their goal of making money. I sure that they have a program where you can display your link for a fee along with a plan that you can purchase to increase your SEO.

Al Baker, North Dakota

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I already paid Yahoo \$299 to be listed in its directory for the year.

Now I just want to understand how this portion website is not illegal under UPL, since all these people are giving harmful and bad legal advice.

Maybe I should start a website where disbarred lawyers can answer legal questions.

<http://da.co.la.ca.us/pdf/UPLpublic.pdf>

Brian W. Freeman

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Posting to a website is probably not considered giving legal advice in most jurisdictions. If posting is not practicing law, then bad posting is not UPL. Radio attorneys have struggled with similar questions for years, and some of them are still on the air. "Handel On The Law" comes to mind. He answers questions from any jurisdiction.

Mike Phillips, North Carolina

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You bring up Bill Handel. I just LOVE his explanation how he can give advice on a national show...

Basically, the station execs were concerned that he might give advice that isn't accurate in a foreign jurisdiction. Bill responded, that's why he says it's bad/marginal legal advice. Good advice is only good in one state. Bad advice is bad everywhere.

Can't argue with that. ;-)

Cheers,

David Allen Hiersekorn, California

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California Business and Professions Code is pretty specific. Section 6411(d) provides: "The practice of law includes, but is not limited to, giving any kind of advice, explanation, opinion, or recommendation to a person about that person's possible legal rights, remedies, defenses, options, selection of forms or strategies."

My opinion: these Yahoos are engaging in UPL under California law. The question of whether Yahoo could be considered to be aiding and abetting is more of a stretch.

Brian Freeman

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Let's see if I have this right:

1. You posted answers to 40 questions in 2 days and would have posted more, but that was their limit.
2. Someone, maybe a competing lawyer, objected to you citing your website as a legal authority.
3. Yahoo agreed with objection and removed all of your posts advertising your website.
4. You appealed Yahoo's decision and lost.
5. Now you are worried about all the poor people reading those posts without the benefit of your advice.
6. Now you have formed the opinion that non-lawyers postings are UPL.

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7. Now you have formed the opinion that Yahoo is engaged in criminal conduct for abetting UPL.

8. You posted to this list because you want others to analyze your supposition.

I'll get back to you on that.

D.A. "Duke" Drouillard, Nebraska

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I wonder how Handel is getting away with it. Maybe it's the disclaimer, as David suggests.

Mike Phillips

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I would disagree with your #7 - I have not formed the opinion that Yahoo is engaged in criminal conduct. I was extending the question out there as a hypothetical for mental exercise.

Thank you for taking the time to clarify my posts in to a numerical list of conclusions. I'm eagerly awaiting your scholarly analysis of an issue that doesn't really matter and won't make anyone money.

Back to marketing.

Best,

Brian Freeman

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"My question is how is Yahoo Answers not aiding & abetting the UPL by allowing non-lawyers to give bad legal answers to people on their service? Is there some kind of safe harbor as an ISP or website provider to allow (and encourage) non-lawyers to give legal advice?"

Seems like the first amendment comes into play here, and allows people to post answers we may think are stupid.

Michael Blake

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Making lemonade out of lemons:

<http://www.brianwfreeman.com/bad-internet-advice-abounds/>

Brian Freeman

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I hesitate to put this out into the world, but we lawyers really don't know what we're facing. Try this...

So, what if I created a site that allowed laypeople to share legal advice? Actual legal advice from actual lawyers. See, we are sharing our advice all the time. What's to stop clients from sharing it with others?

Imagine a site where people can go look up the answers to questions. They can enter information about their situation - jurisdiction and factual issues. The site would make it easy to narrow your search based on specifics. So, I have a legal question. I log onto the site and start my search. I can read the situation and the outcome, but not the advice. I can flag up to five potential answers. Then, I pay \$20 on my credit card. That reveals the answers. I can read all five answers. But, I vote for the most helpful answer.

The person who posted that answer gets \$8. The site keeps \$12.

A person could conceivably earn a profit on their attorney's advice by selling it back to the world. It wouldn't be practicing law, because you would just be saying "here's where I was, here's what I did, and here's what happened."

Honestly, we are going to lose the battle over advice and information. We can't keep that genie in a bottle for long. Sorry to be the bearer of bad news.

Cheers,

David Allen Hiersekorn

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That's an awesome business plan! And I'm not being sarcastic. That would be some really useful technology and information sharing if it came to fruition. It would probably be hugely popular for the fee-sharing idea too.

I agree with you David that the information age and technology is going to radically impact our profession (it already is). We're in a knowledge-service business, and technology is becoming more and more "artificially intelligent." The Internet is exploding with more data than anyone could possibly consume in 100 lifetimes.

Now, if I just had a TurboTax program that could generate my pleadings and motions.

Brian Freeman

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Besides, people aren't always looking for the right answer, but rather the answer that sounds right to them. I've had plenty of people come up to me and say, "my lawyer said x. Is he right?" and I'm like, "I've been in law school for 3 days and this person has been practicing law for 10 years, but it's MY opinion you trust?"

Sincerely,

Dwayne Allen Thomas, New York

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