



## Fox Rothschild Podcast

### Featuring Litigation Partner John Gotaskie in Pittsburgh

*We are talking today about the risks of ignoring online critics with John Gotaskie on Fox Rothschild Podcast. John is a partner and litigator with Fox Rothschild in Pittsburgh. He represents clients in diverse legal matters, including franchising and complex commercial litigation as well as creditor's rights and social media matters. John, good morning.*

**John Gotaskie:** Good morning. Thank you.

**Question:** *John, you recently wrote an interesting post for Fox Rothschild's Franchise Law Update Blog entitled "Bad Idea: Ignoring Your Online Critics."*

**John Gotaskie:** Yes. I often get asked about the best practices for dealing with online critics. It's a growing issue which organizations just cannot ignore. And it involves a delicate balance of action, honesty and messaging.

**Question:** *What are you seeing in the marketplace that concerns you?*

**John Gotaskie:** There's a lot of different examples I could point to, but one of the most significant examples I've been watching is the story of Hasan Syed, who was persistent in complaints against a large international airline. When Mr. Syed believed that that particular airline was ignoring a case of lost luggage, and continued to tweet about it, and when he thought the airline just wasn't doing anything, he bought a promoted – or paid tweet – to air his dissatisfaction.

**Question:** *So Twitter was his weapon of choice.*

**John Gotaskie:** Among the many types of social media, yes he chose Twitter. And Mr. Syed's tweet went viral. Like really, globally viral. Eventually, his complaint reached at least 50,000 people on Twitter alone, and tens of thousands more, if not millions more, via retweets, British television reports and the internet. Only after suffering that wave of massive negative earned media did the airline finally apologize online and reach out to Mr. Syed offline.

**Question:** *How would you advise a client faced with that type of online criticism?*

**John Gotaskie:** In the brave new world of viral online communications, you need to stay in front of it, and all of those complaints coming at you. A recent article by David Barkholz in *Automotive News*, in fact, outlines four key points which I myself have found to be spot-on advice for dealing with negative online comments about your brand or business.

The first practice I recommend is to use commonly available software to monitor the Internet for mentions of brand or business, good and bad. You might also want to monitor mentions of the names of your key employees, for the same type of good or bad mentions.

*Question: What are some of the other things you recommend?*

**John Gotaskie:** Another key point is not to admit guilt. Instead, it's far better to apologize to the customer for its inconvenience or difficulty, and then make a good faith attempt to put things right.

*Question: What about negative complaints where the client's brand is at risk?*

**John Gotaskie:** It's always important for organizations undergoing online criticism to respond to those negative comments and reviews. That said, you should attempt to do so offline so as to avoid a public battle or what you might have heard called a "flame war" back and forth. Consider things like a tweet or a blog comment that apologizes for the inconvenience, and then provides the customer with a method to contact you directly to discuss further action. But don't make the problem worse by leaving, for example as some people have, a general customer service number that doesn't ring through to a live person. That's not going to help the situation.

*Question: What else can an organization do to counter negative comments?*

**John Gotaskie:** It's best to encourage happy customers to leave positive reviews on both social media and traditional review sites. Research has shown that the vast majority of customers are satisfied with their experience, but that, predictably, satisfied customers rarely post about their experiences. This is why you may have noticed hotels recently actively encouraging you to post about your experience at their property on sites like Trip Advisor. They know that, while the vast majority of customers have a good experience, those who had a poor experience are much more likely to post a review.

While not foolproof, following these steps will help you effectively diffuse online criticism – and to avoid potential legal liability for rash responses.

*Narrator: Well, thank you John. Listeners, to confidentially discuss how to address online critics, please contact John at 412-394-5528 or at jgotaskie – that's J-G-O-T-A-S-K-I-E – at foxrothschild.com.*

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