

**IN THE
SUPREME COURT OF ILLINOIS**

In the Matter of:

**APPLICATION BY AVVO, INC.
FOR COPY OF ATTORNEY OF
ATTORNEY REGISTRATION
INFORMATION PROVIDED ON
ARDC WEBSITE,**

AVVO, INC.,

Applicant.

Supreme Court No. M.R. 22482

Commission No. 08 ML 6010

NOTICE OF FILING

TO: See attached service list

PLEASE TAKE NOTICE that on July 3, 2008, I will file with the Clerk of the Illinois Supreme Court the **ADMINISTRATOR'S RESPONSE TO APPLICATION BY AVVO, INC., FOR MASTER ROLL INFORMATION**, by causing the original and one copy to be mailed to the Clerk of the Supreme Court of Illinois in Springfield, and one copy to be mailed to each party on the attached service list, by causing same to be deposited in the United States mail at One Prudential Plaza, 130 East Randolph Drive, Suite 1500, Chicago, Illinois 60601, with proper postage prepaid.

Respectfully submitted,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission.


By: 

Rosalyn B. Kaplan

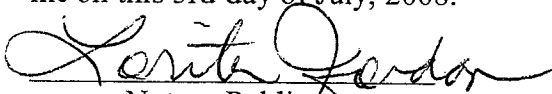
Rosalyn B. Kaplan
Counsel for Administrator
130 East Randolph Dr., #1500
Chicago, Illinois 60601
Telephone: (312) 565-2600

PROOF OF SERVICE

I, Vicki J. Andrzejewski, on oath state that I am causing the Notice of Filing and the **ADMINISTRATOR'S RESPONSE TO APPLICATION BYAVVO, INC., FOR MASTER ROLL INFORMATION**, on the individuals at the addresses shown on the attached service list, by regular mail, proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox located at 130 East Randolph, Chicago, Illinois, 60601 on July 3, 2008 at or before 5:00 p.m.


Vicki J. Andrzejewski

Subscribed and sworn to before
me on this 3rd day of July, 2008.


Notary Public



SERVICE LIST

Hon. Robert R. Thomas
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Supreme Court of Illinois
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AVVO, INC.,

Applicant.

**ADMINISTRATOR'S RESPONSE TO APPLICATION
BY AVVO, INC., FOR MASTER ROLL INFORMATION**

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Rosalyn B. Kaplan, responding to the Court with respect to the application of Avvo, Inc., seeking a copy of the Commission's registration information regarding Illinois attorneys, as maintained on the Master Roll and provided on the Commission's website, states as follows:

Introduction: Maintenance and Use of the Master Roll

Among the duties of the Administrator, as prescribed by Supreme Court Rule 756(b), is maintenance of the Master Roll of attorneys authorized to practice law in this State:

The Master Roll. The Administrator shall prepare a master roll of attorneys consisting of the names of attorneys who have registered and have paid or are exempt from paying the registration fee. The Administrator shall maintain the master roll in a current status. At all times a copy of the master roll shall be on file in the office of the clerk of the court. An attorney who is not listed on the master roll is not entitled to practice law or to hold himself or herself out

as authorized to practice law in this State. An attorney listed on the master roll as on inactive or retirement status shall not be entitled to practice law or to hold himself or herself out as authorized to practice in Illinois.

The obligation to maintain the Master Roll in a current status consists not only of the obligations, in part (g) of Rule 756, to remove attorneys from the Master Roll if they have not registered for a calendar year and, in part (h), to reinstate attorneys who were removed for failure to register and who eventually accomplished a late registration, but also to accept and process attorneys' requests to make changes to their registration information and to ensure that appropriate changes are made whenever new attorneys are admitted to the bar and any time that attorneys take retirement status, are disciplined, placed on inactive status, reinstated or restored to the roll. As such, the Master Roll is a dynamic record, and the Administrator employs a staff to maintain its accuracy, so that it may serve as a reliable source of information to the bench, the bar, and the public. Maintenance of the Master Roll is funded through the Commission's collection of annual registration fees and is not supported by general revenue tax dollars.

The Master Roll has not been viewed by the Court as a compilation to be disseminated, in its entirety, to any requesting entity or individual. On June 26, 1980, the Court adopted its Statement of Policy Regarding Use of the Master Roll. A copy of that Statement is attached as Exhibit 1 to this response. The Court's policy expressly limits use of the Master Roll to specified users for specified purposes, namely, Illinois bar associations, for membership solicitation or other association purposes or programs, Illinois continuing legal education organizations, to promote programs beneficial to the profession or the public, Illinois courts and court officers, to assist in conducting court

business, or “for any use specifically authorized by the Court.” Among the conditions attached to use of the Master Roll is the requirement that it not be used for any commercial purpose. The Commission is authorized, in the first instance, to determine whether a request for use of the Master Roll falls within the Court’s guidelines; a request for questionable purposes will either be disapproved by the Commission or submitted to the Court (see Exhibit 1).

The Commission has developed an application form, a copy of which is attached as Exhibit 2, to be completed by any party seeking to use the Master Roll. During 2008, twenty applications have been received. Seventeen of those requests, from Illinois bar associations, Illinois courts, and Illinois providers of continuing legal education, have been approved; three requests, including those of Avvo, the U.S. District Court for the Northern District of Indiana, and Lexis/Nexis Ohio, were denied as inconsistent with the policy of this Court.

The public has always been, and still is, welcome to obtain needed public information about a given attorney by telephoning or visiting the Commission offices. More recently, the Commission has made certain registration information available to the public through the Lawyer Search function on its website. The website makes clear, however, that the type and amount of information disseminated is restricted, allowing look-up only by entry of known last name, limiting results to seventy-five names, and excluding attorney numbers (Exhibit 3, “Lawyer Search introduction from Commission website); it also explains the site’s privacy policy, including the fact that the Master Roll is not made available for commercial purposes (Exhibit 4, “ARDC Website Privacy Policy”).

Description of Avvo, Inc., and Its Request

1. The Business Entity and Its Service

Avvo describes itself, in its application to this Court, as a web service that is designed “to help consumers make informed decisions in hiring lawyers.” Application, ¶ 1. It states that it provides “free unbiased information” regarding lawyers (Application, ¶ 2), and it explains that it aggregates information into “profiles” of lawyers to provide information about each lawyer’s “legal practice areas, work experience, educational background, professional awards and recognitions, publications and speaking engagements, association memberships and honors, and many other subjects” Application, ¶ 3. By “claiming” his or her profile with Avvo, an attorney may add information to that which Avvo has otherwise accumulated;¹ Avvo then applies a “proprietary algorithm” to arrive at a rating for every lawyer who has claimed his or her profile or whose information, as captured by Avvo, is sufficient for application of its formula. Application, ¶¶ 3, 4. According to the Terms and Conditions of Use as stated on the Avvo website (Exhibit 5), Avvo claims a proprietary interest as to all content on its site. It does not authorize any commercial use of its materials, the collection, use, distribution, or derivative use of those materials, or the use of “any data mining, robots or similar data gathering or extraction methods” (Exhibit 5, part 3).

On its website, Avvo indicates that its profiles of attorneys are created from “information from state courts and bar associations, websites, and lawyers themselves”

¹In order to “claim” a profile, Avvo’s website requires, “for verification purposes,” that the subject attorney supply a credit card number, type, and expiration date, together with an e-mail address.

(Exhibit 6). Avvo claims to have obtained information from thirty (unnamed) states,² Application, ¶ 8, and, citing its “internet and data mining expertise,” it reportedly has already been able to “extract data for 95-99%” of all Illinois attorneys. See Exhibit 7, June 11, 2008, Avvo Blog entry by Josh King, Vice President of Business Development and General Counsel of Avvo, from avvoblog.com (ARDC logo included on the blog entry).³ Apparently contradicting that statement regarding the amount of data it has “extracted,”

² The Administrator has attempted to contact his counterparts in other jurisdictions and has received the following information from several states. Arkansas, California, the District of Columbia, Kentucky, Massachusetts, Minnesota, Missouri, Ohio, and Washington State reported that they had not provided Avvo with a list of lawyers. Massachusetts explained that, while it had not received a request from Avvo, it was aware that Avvo might have been harvesting data directly from its website. The Washington State Bar and the District of Columbia Bar also believed that Avvo might have mined information from their websites. The Oklahoma Bar Association reported that it had received a request for information from Avvo, and that the request was still pending with its Board of Governors.

Utah reported receiving a request from Avvo and sending a response explaining that they could only provide, at a cost of \$1,000, a mailing list of lawyers who had not opted to be excluded from the list. The list was for a one-time only use, not to be incorporated in another database, and did not provide access to information about the attorneys included other than their mailing addresses. Avvo had not replied to Utah as of June 26, 2008.

The Administrator has been able to identify only the Florida State Bar and the New Jersey Supreme Court as entities that are reported to have complied with Avvo’s requests for use of their databases. He has received no information as to the extent of their compliance, but he has been advised that Florida law required provision of certain information to Avvo.

³ Mr. King stated in that entry that “[o]f course, we’ve got a little internet and data mining expertise here at Avvo, so we were able to access most of the attorney records in the ARDC site and include Illinois as one of the 10 jurisdictions covered by our June, 2007 launch.” Despite vaunting its own expertise in, and use of, these methods, such techniques are forbidden to other entities under the Terms and Conditions of Avvo’s website (see Exhibit 5). The Commission is incorporating similar prohibitions in its own website, in an effort to ensure that access to the whole of the Master Roll is acquired only as authorized by this Court.

however, is a June 24, 2008, statement from its website that reports 65,953 Illinois lawyers found (Exhibit 8). The Illinois Master Roll included over 84,600 lawyers by the end of 2007, so Avvo obviously cannot be reporting on all of the 95 to 99 percent of Illinois lawyers for which it claims to have information (*see* 2007 Annual Report, Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois at page 5, available on the Commission's website under the tab "ARDC Organizational Information").

Publicly available information discloses that Avvo was incorporated in the State of Washington as a for-profit corporation in 2006. See Exhibit 9, generated from a search of the Washington Secretary of State's website. A search of the Illinois Secretary of State's records shows, however, that the corporation apparently does not maintain a presence in this state (Exhibit 10). As of April 2007, Avvo was funded by \$13,000,000 in investments, according to an article of the Seattle Post-Intelligencer. See Exhibit 11, a copy of that article. By June of that year, it was reported that Avvo had achieved fourteen million dollars in funding. See Exhibit 12, June 10, 2007, entry on Poe News's website, and Exhibit 13, June 15, 2007, entry on news.cnet.com. A January 22, 2008, interview of Mark Britton, the Chief Executive Officer and founder of Avvo, reports his explanation that he anticipates generating a revenue stream for his company through advertising. See Exhibit 14.

2. Searching the Avvo Website.

On June 18 and 19, 2008, counsel for the Administrator visited the Avvo website and utilized the "Lawyer Search" function in order to understand and advise the Court of

the nature of Avvo's service. Counsel separately searched for ten Chicago lawyers, including the Mayor of the City of Chicago, the State's Attorney of Cook County, three other government lawyers (including the undersigned counsel), two solo practitioners, two partners in different large law firms, and one partner in a mid-sized law firm. A sample result of the searches is attached as Exhibit 15, the result for the undersigned counsel for the Administrator.⁴

None of the attorneys searched had "claimed their profiles," and the information provided for each search included a statement of how long the attorney had been licensed, a notation as to the absence of discipline, and a rating of "no concern." In searching for the Mayor, the response that was generated by Avvo also included his late father, with no notation that the individual was deceased. Each search result, at the top of the screen's entry, explained that the subject of the search had not claimed his or her profile, and that the information provided might, therefore, not be current. Every result also offered the names of two "similar lawyers that may interest you"; in each case, the two similar lawyers named on the result page were David Leibowitz, described as "60% bankruptcy/debt lawyer" with an "Avvo Rating" of "10.0/10 (Superb)," and Jonathan Paul Friedland, described as "100% bankruptcy/Chapter 11 lawyer," also with an "Avvo Rating" of "10.0/10 (Superb)" (see Exhibit 8).

⁴ The undersigned has been a government lawyer for almost twenty-seven years. During that time I have primarily worked as an appellate practitioner. I served as chief of civil appeals at the Office of the Attorney General from 1987 to 1991, when I was appointed Solicitor General, a post held from 1991 to February 1995, when I joined the Commission, where I am the chief of appeals and ancillary litigation. During my tenure at the Commission, I served as treasurer, secretary, vice president, and president of the Appellate Lawyers Association. None of this publicly available information appeared on the Avvo site.

To the best of the undersigned attorney's knowledge, none of the lawyers that she searched had any particular focus on bankruptcy practice, and the undersigned counsel for the Administrator has not been a bankruptcy practitioner. The Administrator has discovered no explanation on the Avvo site as to why Mr. Leibowitz and Mr. Friedland were identified as "similar lawyers" to those who were the subject of the searches described above.

Finally, lawyer search queries were entered by the undersigned with respect to the disciplined attorneys who were the subject of this Court's May 19, 2008, final orders. As of June 19, 2008, no record of those orders was found for the particular attorneys that had been disciplined, although some of the lawyers were designated as disciplined if they had been the subject of earlier orders of the Court.

3. Avvo's Application for Master Roll Data.

As previously noted (see footnote 5, *supra*), Josh King, the Vice President of Business Development and General Counsel of Avvo, reported that the company included Illinois as one of ten jurisdictions that it covered as of its June 2007 launch of its website (see Exhibit 7, avvoblog entry of June 11, 2008). The Commission's first records of Avvo's request for Illinois data show a January 4, 2008, letter from Mr. King (Exhibit 16) requesting the Master Roll for use in its "lawyer directory service," stating that Avvo covered, at that time, nine states and the District of Columbia; it did not explain that one of the states that it already covered was Illinois, on the basis of data that it had previously "mined" from the Commission's website. Avvo was supplied an application by which it could formalize its request, and, in a facsimile transmission on February 8, 2008 (Exhibit

17), Avvo submitted its request for use of the Master Roll, in which it sought:

To the extent such data is available on the roll: Name, year of admission, law school attended, others schools attended, business contact information current bar status (good standing, inactive, etc.), discipline data.

Avvo's application acknowledged that its request did not involve one of the enumerated, permitted purposes and explained that it wanted to incorporate the data on the Master Roll into its own directory of attorneys. It stated on the application that:

Avvo is a consumer-focused website that rates and profiles all lawyers in the states we serve so consumers can choose the right lawyer (importantly, profiles include disciplinary information). There is no commercial use of the data, as neither consumers or attorneys are charged for using the directory.

Avvo was notified, by letter dated February 8, 2008 (Exhibit 18), that its request had been denied by the Deputy Administrator for the reason that the request did not comply with this Court's policy for use of the Master Roll. Avvo resubmitted its request by facsimile transmission on March 7, 2008, this time indicating, by annotation, that "name only is fine," with regard to the requested information (Exhibit 19).

In a series of e-mail communications between Avvo representatives and the Commission, Avvo was informed of the Administrator's denial of its renewed request (Exhibit 20). Avvo then began to warn the Commission that, although it had "tried to be accommodating and work with the IARDC and its policy re the Master Roll," if it had to "press this further and seek judicial satisfaction, we will seek all of the data in the Master Roll...." (Exhibit 20, page 2, April 4, 2008, message from Josh King). On April 21, 2008, Mr. King advised the Administrator: "I need to know whether I'll be able to tell the press

that we are getting cooperation from the Illinois Supreme Court in keeping our database up-to-date.” (Exhibit 20, page 1).

In a letter to Mr. King dated April 23, 2008, a senior counsel for the Administrator, responding on behalf of the Commission to Avvo’s renewed requests, reiterated the scope of the Administrator’s authority to allow requests for use of the Master Roll and took issue with Mr. King’s assertion that the Master Roll is a public record pursuant to Supreme Court Rule 766 (Exhibit 21). Replying to that letter, Mr. King disagreed with the Administrator’s construction of Rule 766, concluding that he hoped his own explanation of that rule “will assist the IARDC in feeling more comfortable that it is acting within the confines – and, indeed, the requirements – of the Illinois Supreme Court Rules in providing Avvo with the information it seeks” (Exhibit 22).

Having failed to persuade the Commission that it should authorize use of the Master Roll in accordance with Avvo’s request, that entity has filed its application with this Court. It seeks “an electronic copy of the information provided on the ARDC website regarding lawyers licensed to practice in Illinois” (Application, page 2). It states that it “would not be averse” to a requirement that it not use the information to contact lawyers, although it notes that CLE providers are permitted to do so (Application at ¶ 21), and it asks that the Court authorize it to receive, up to four times each year (Application at ¶ 22), “a disk containing a copy of the information from the master roll of attorneys that is currently provided on the ARDC website...” (Application’s conclusion).

Discussion

1. Avvo's Request Is For A Commercial Purpose And Should Be Denied.

Although Avvo describes its business as providing a service that “is free for consumers and lawyers” (Application at ¶ 5), it must be recognized that Avvo is not a charitable or other type of non-profit organization, but a for-profit corporation reportedly backed, as of April 2007, by thirteen million dollars in investments (Exhibit 11), and, as of June 2007, by fourteen million dollars in funding (Exhibits 12, 13). Although the Administrator has no information on Avvo's financial plans or marketing strategies, this Court should recognize that Avvo's efforts to secure the Court's Master Roll information are directly linked to its intent to make money for itself and its investors through the use of information collected and maintained by the Commission for such purposes as are authorized by the Court. At least since adoption of its formal policy statement in 1980 (Exhibit 1), this Court has not permitted use of the Master Roll for commercial purposes. Avvo has provided no good reason for this Court to deviate from its policy for Avvo's ultimate financial benefit.⁵

It appears, from an examination of Avvo's website and statements, that its production of information regarding lawyers depends on what material it can obtain from lawyer registration agencies, as supplemented by subjective reports from the lawyer's own contributions and, perhaps, from clients or others who wish to share their views with Avvo.

⁵ The Administrator acknowledges that Avvo's dissemination of information about attorneys was held not to constitute the conduct of trade or commerce for purposes of the Washington Consumer Protection Act. *Browne v. Avvo, Inc.*, 525 F. Supp. 2d 1249, 1254 (W.D. Wash. 2007). In interpreting this Court's policy, however, the Commission has not drawn the distinctions that the federal court made in construing the Washington statute.

Given the dearth of information that Avvo currently supplies in response to searches of some very high-profile members of the Illinois bar, such as the Mayor of the City of Chicago and the State's Attorney of Cook County, as well as searches of lesser known attorneys who, nonetheless, are the subject of readily available public information, it appears reasonable to conclude that Avvo does not reach out for existing, publicly available information other than that compiled for attorney registration and disciplinary purposes. Avvo then hopes to entice lawyers to offer additional information about themselves and, perhaps, to persuade their friends and clients to do so, and Avvo eventually applies a "proprietary" formula to this information in order to offer its own ratings of the lawyers to the general public. It cannot be understood from the website how a lawyer comes to be rated as "superb" or, indeed, less than superb, or why a given lawyer's background or attributes render him or her "similar" to another lawyer.

In dismissing a complaint against Avvo filed by lawyers challenging Avvo's dissemination of information under the Washington Consumer Protection Act, the federal district court made clear that "the Avvo rating system is subjective," noting that "[h]ow an attribute is scored and how it is weighed in comparison with other attributes is not disclosed." *Browne v. Avvo, Inc.*, 525 F. Supp. 2d 1249, 1252 (W.D. Wash. 2007). Thus, the court concluded that the plaintiffs could not make a "federal case" on the basis of their ratings by Avvo, but it did observe that "[t]o the extent that their lawsuit has focused a spotlight on how ludicrous the rating of attorneys (and judges) has become, more power to them." *Id.*

This Court should, likewise, recognize that the information sought by Avvo will, if

released to that company, be used to formulate subjective ratings of Illinois lawyers, based on an unknown weighing process involving the Court's data together with apparently unverified information, all compiled into what may well result in another "ludicrous" rating system designed to make a profit for the rating company by disseminating that entity's unverifiable conclusions to the public. Avvo apparently does not provide any method for an attorney to opt out of its coverage (see Exhibit 23, "AVVO Refuses to Take Down Profiles on Request," on Larry Bodine Law Marketing Blog), nor does its request for use of the entire Master Roll explain why it seeks to include, in its database, attorneys who are registered as inactive or retired, attorneys who are employed by government bodies or corporations and are not available for hire by members of the public, or members of the Illinois judiciary.⁶

The Court should also take note of the fact that, if it provides Avvo with the information that the company seeks, Illinois' Master Roll information will apparently, according to Avvo's website, become proprietary information in the hands of that company (see Exhibit 5), used to formulate its subjective opinions regarding Illinois lawyers. Objective information about members of the Illinois bar is already available to members of the public through the Commission, and other entities already offer lawyer search websites, without having acquired the Illinois Master Roll for that purpose. *See, e.g.*, the services offered by LexisNexis and Martindale-Hubbell at martindale.com (Exhibit 25) and by findlaw.com (Exhibit 26). Provision of the Master Roll to Avvo would,

⁶ As previously noted, some jurisdictions have policies that allow attorneys to opt out of inclusion in any lists that are made available to the public. *See, e.g.*, D.C. Bar's Policy on Access to Members' Records (Exhibit 24).

presumably, lead to similar requests for this information from these and other entities that wish to provide information regarding attorneys to the general public.

Avvo has shown no reason in its application why this Court should ignore its longstanding policy of declining to allow use of the Master Roll in order to further the ultimately commercial purposes of a private entity that seeks to offer a subjective, unverifiable evaluation of lawyers to the public. Should this Court conclude, however, that provision of the Master Roll for these purposes may be appropriate, the Administrator suggests that the Court may wish to order certain discovery to be conducted, in order that it be better apprised of Avvo's business plans and practices, so that it may understand with more specificity how Avvo will make use of the information provided by the Court.

2. Avvo's Reliance on Rule 766 Does Not Compel a Different Result.

Avvo recognizes that Supreme Court Rule 766 describes "[p]roceedings" under its Rules 751 through 780 as public, subject to the exceptions enumerated in that rule. This Court has explained that the purpose of its Rule 766 is to "require[] that pending disciplinary proceedings remain confidential except in certain enumerated circumstances." *In re Tepper*, 126 Ill. 2d 109, 119-20, 533 N.E.2d 838, 842 (1988). Historical and Practice Notes that accompanied this rule, as they appeared in the former Illinois Revised Statutes, also explained that "Rule 766 addresses the difficult subject of the confidentiality of disciplinary proceedings. The changes made over the years reflect a movement toward more public disclosure of such proceedings." Albert E. Jenner, Jr., Philip W. Tone and Arthur M. Martin, Historical and Practice Notes, following 110A Ill. Rev. Stat. ¶ 766 (West Pub. Co. 1985) at page 644.

Avvo ignores the history and the stated explanations for this Rule when it concludes that the Master Roll, as provided for in Rule 756(b), is unquestionably a “proceeding” that the Court intended to make public through Rule 766. The Administrator suggests that, while the more recent exceptions to the rule may lend some ambiguity to the rule’s language, such as the trust account provision that was recently added to clarify for members of the bar that this information would not be disseminated absent an order from the Court,⁷ it does not appear that the Court ever intended to use recent amendments to Rule 766 to declare that the Master Roll was a public proceeding within the meaning of that rule. Given the Court’s own explanation of the purpose of Rule 766 and that of the Practice Notes, together with the fact that the Court, in 1980, adopted its Master Roll policy, which has been administered without incident since that time, it may be concluded that no statement regarding use of the Master Roll was specified in any rule because none was deemed necessary. It does not follow that the Court intended by its Rule 766 to declare that its Master Roll is a “public proceeding.”

The case law cited by Avvo, namely *Skolnick v. Altheimer & Gray*, 191 Ill. 2d 214, 730 N.E.2 4 (2000), and *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978), addresses the disclosure of material in litigation court files and is not pertinent to the interpretation of Rule 766. It may be noted, moreover, that this Court, in the *Skolnick* decision, observed that the public’s right to review court records had been codified in the

⁷ The Administrator became aware, soon after imposition of the trust account reporting requirement, that certain sectors of the bar quickly viewed the requirement as a fresh source of discovery that might be used in civil litigation against lawyers, and the ensuing discovery requests were brought to the Court’s attention. The amendment to Rule 766 followed, presumably to alert the bar that trust account information would not be routinely discoverable.

Clerks of Court Act. *Skolnick*, 191 Ill. 2d at 231, 730 N.E.2d at 16. Not only is the Commission not a clerk of the Court, but the Court's statement suggests that the right of review is directed to records of litigation proceedings, not to the records maintained by entities other than clerks' offices. Also, it has also been recognized that the public's right to review court records is not absolute, *Skolnick*, 191 Ill. 2d at 231, 730 N.E.2d at 16; does not deprive a court of the inherent power to control its own records, *Deere & Co. v. Finley*, 103 Ill. App. 3d 774, 776, 431 N.E.2d 1201, 1203 (1st Dist. 1981); and does not oblige the keeper of the records to reproduce the records. *Lee v. Pucinski*, 267 Ill. App. 3d 489, 493, 642 N.E.2d 769, 772 (1st Dist. 1994). Thus, neither the statutes, case law, nor Rule 766 supports Avvo's insistence that it is merely seeking public records to which, it suggests, it has a legal right.

Unlike Avvo, the Commission has a long history of addressing requests for information under Rule 766. Although none of the requests has resulted in a published opinion available for citation in the present proceeding, the Administrator can state, as an officer of the Court, that he is aware of no situation in which the Court has allowed any request by an entity similar to Avvo pursuant to Rule 766. The Master Roll has not been treated as a "proceeding" to which any member of the public presumptively has access, in any format that the requester seeks, for whatever purpose might be chosen by a would-be recipient of the information.

Finally, Avvo's argument that its request should be allowed in the interests of justice, pursuant to Rule 766(b)(2), should be given short shrift. Avvo has not made any showing why the interests of justice are implicated by its request, and its provision of a

subjective and unverifiable opinion as to the quality of a given lawyer cannot be equated with some authoritative commentary that serves legitimate judicial concerns. Certainly, Avvo's effort to equate its enterprise with those of CLE providers overlooks the fact that the offerings of CLE providers are subject to an objective, professional evaluation of the information that they provide by the targeted clientele that they serve. Also, use of the Master Roll is only provided to requesting CLE services from Illinois; Avvo, however, apparently has no Illinois corporate presence, and it is not clear if Avvo has consented to be subject to the jurisdiction of Illinois courts, should consumers of its services, or lawyers who are the subject of its efforts, wish to seek legal adjudication in a local forum of any issue they may have with Avvo. Avvo's offerings on its website would use the Master Roll as an undeterminable part of an unknown equation that provides the public only with Avvo's own assessment of the relative competence of attorneys, according, also in some undeterminable part, to information that the attorneys provide on their own behalf, in furtherance of the profit-making goals of that corporation. The interests of justice do not demand that this Court assist Avvo in its goals.

Conclusion

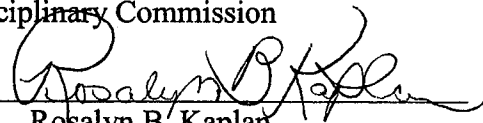
Avvo's application for use of the Master Roll does not meet the criteria of this Court's longstanding policy regarding use of its information. Avvo is not an Illinois entity, it is not the type of entity covered by the Court's policy regarding release of the Master Roll, and it is seeking the Court's carefully maintained information for incorporation into its own subjective product. Avvo has shown no persuasive reason why this Court should specifically authorize use of the Master Roll by Avvo for its stated purposes. Regardless

of the extent to which information on the Master Roll may be considered a public record, the Court still retains the inherent authority to determine the conditions under which it will make the totality of that record available for use by other public, and by private, entities. While Avvo undoubtedly has the right to share its own opinions with the public, that right does not carry with it a concomitant obligation on the part of the Court to facilitate either the compilation or the dissemination of Avvo's views.

Certainly, the Court has reserved to itself, in its policy statement, the ability to allow Avvo's request as an exception to the longstanding practices governing use of the Master Roll or, indeed, to relinquish its historic control over the use of its information and release it more generally to individuals or entities that seek to use it. The Administrator will await the Court's instructions as to the handling of Avvo's request. He renews his suggestion that the Court, if it is inclined to grant Avvo's request, first order certain discovery to be conducted with respect to Avvo's business plans and practices, in order that the Court fully understand how its data will be used by that entity.

Respectfully submitted,

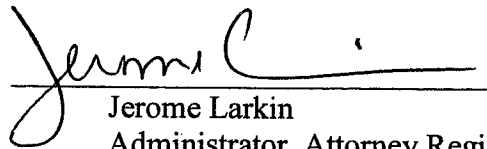
Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: 
Rosalyn B. Kaplan
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130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601
Telephone: (312) 565-2600

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Certification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Jerome Larkin
Administrator, Attorney Registration
and Disciplinary Commission

SUPREME COURT OF ILLINOIS
STATEMENT OF POLICY
REGARDING USE OF THE MASTER ROLL

Use of the Master Roll for purposes not specified by Supreme Court Rule will not be permitted except as follows:

1. By the state of a local bar association in Illinois for membership solicitation or for a legitimate association purpose or program which benefits the profession or the public;
2. By a continuing legal education organization in Illinois to promote programs beneficial to the profession or the public;
3. By a court or its officers in Illinois to assist in conducting its business; or
4. For any use specifically authorized by the Court.

Requests for use of the Master Roll should be submitted to the Commission for review. If the purpose is within the guidelines set by the Court, use will be approved by the Commission. If the purpose is questionable, the Commission will disapprove or submit the request to the Court.

Any organization or court which is permitted use of the Master Roll must agree to the following conditions:

1. The Master Roll will not be used for any commercial or political purpose;
2. The Master Roll will be used only for the purpose stated in the request; and
3. The integrity of the Master Roll will be maintained under the close supervision of a responsible person within the court or organization using it.

In addition, the court or organization using the Master Roll must agree to comply with the reasonable regulations established by the Administrator for its use and to pay the costs and expenses involved in producing it in the form requested.

Adopted June 26, 1980

Exhibit 2

Request for Use of ARDC Master Roll of Attorneys

Document hosted at JDSUPRA™

<http://www.jdsupra.com/post/documentViewer.aspx?fid=7bf62033-427d-4e3a-9321-e832da61fd36>

Instructions

The Attorney Registration and Disciplinary Commission is authorized to allow the use of the Master Roll of Attorneys registered to practice law in Illinois under narrow circumstances and with certain restrictions. If your purpose is one of the three specifically permitted purposes outlined below, check the appropriate purpose. Otherwise, describe the purpose for which you request the Master Roll in the other purpose section. Designate the data that you are requesting from the Master Roll and the preferred format. Fill in the applicant information section, including the designation of the person who will be responsible for close supervision of the Master Roll. Sign the application. Your signature constitutes your agreement to abide by the below listed conditions, including your undertaking to use the Master Roll only for the purpose proffered and not for any commercial or political purpose.

Return the application by mail to ARDC, Registration Department, 130 East Randolph Drive, Suite 1500, Chicago, Illinois 60601. You may also return the application by facsimile at 312-565-0997. If you have any questions regarding your request or the usage of the Master Roll, contact our Registration Department at 312-565-2600.

Purpose Requested

Specifically Permitted Purposes. Applicant hereby requests the use of the Master Roll of Illinois Attorneys for one of the following specifically permitted purposes: *(Select Applicable One)*

- by a court or its officers in Illinois to assist conducting its business
- by the Illinois State Bar Association or a local bar association in Illinois for membership solicitation or for a legitimate association purpose or program which benefits the profession or the public
- by a continuing legal education organization in Illinois to promote programs beneficial to the profession or the public
- other purposes. Applicant's request does not involve one of the above specifically permitted purposes.

Identify purpose:

Data Requested

Applicant requests the following data from the Master Roll:

Applicant requests that the Master Roll data be provided in the following format: (check preferred format)
format <http://www.jdsupra.com/post/documentViewer.aspx?fid=7bf62033-427d-4e3a-9321-e832da61fd36>

Labels Access Database
 List Other (Specify) _____

Conditions

If the Master Roll is provided, applicant agrees to comply with the following conditions:

1. The Master Roll will not be used for any commercial or political purpose.
2. The Master Roll will be used only for the purpose stated in this request.
3. The integrity of the Master Roll will be maintained under the close supervision of a responsible person within the court or organization using it.
4. Upon request of the Administrator, the costs and expenses involved in producing the Master Roll in the form request will be paid by the requestor.

Applicant Information and Signature

Applicant name Organization

Applicant signature Address

Title City, state and zip code

Telephone number Facsimile number

Request Decision

(ARDC Use Only)

Request approved Date Staff
Request denied Date Staff

Exhibit 3

ATTORNEY REGISTRATION & DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS[WEBSITE INFORMATION](#) | [SEARCH SITE](#) | [HOME](#)[Lawyer Search](#)[Lawyer Registration](#)[How to Submit a Request
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Schedules and Clerk's Office](#)[Client Protection Program](#)[Resources & Links](#)[ARDC Organizational
Information](#)

LAWYER SEARCH

Search for attorneys licensed by the Supreme Court of Illinois by filling in the attorney's last name and selecting an exact or phonetic last name search. Use one or more of the other search fields to narrow your search. The first few letters may be sufficient for the first name and city. Exact last name searches will display only up to 20 records per search. Phonetic last name searches will display only up to 75 records per search. If your search would yield more than the maximum number of records, you will be prompted to narrow your search.

Registration status changes may not be reflected on Lawyer Search until the following business day.

Last Name: RequiredMatch: Exact PhoneticFirst Name: Status: All Authorized to practiceCity*: State*: Country*: All


*Do not use these fields if you believe that the attorney may be a retired judge or a retired, inactive, or deceased lawyer, or may never have registered with ARDC. Addresses for these lawyers are not available, due to privacy considerations or because ARDC never received them. Including that data in a search will exclude those lawyers.

New Admittees

[IARDC @:online access to registration and discipline information regarding Illinois lawyers presented by the Illinois Attorney Registration & Disciplinary Commission.](#)

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[New Filings, Hearing Schedules and Clerk's Office](#) | [Client Protection Program](#)
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Exhibit 4



ARDC ATTORNEY REGISTRATION & DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ILLINOIS

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Lawyer Search
Lawyer Registration
How to Submit a Request For Investigation
Rules and Decisions
Ethics Inquiry Program
Publications
New Filings, Hearing Schedules and Clerk's Office
Client Protection Program
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Do We Use "Cookies"?

What If You Send Personal Information to Us?

What Happens When You Access Other Web Sites through Links on this Web Site?

How Do We Ensure Site Security?

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- date and time you access our site;
- pages you visit; and
- links you used to arrive at our web site if you came from another web site, including the address of that web site.

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- help us make our site more useful to visitors;
- learn about the number of visitors to our site; and
- develop procedures to better protect our site from damage or unauthorized use.

Do We Use "Cookies"?

We do not use "cookies," which are files that can be placed on your hard drive when you visit a web site. Cookies are used by some other web sites to record information about you and your web site visit.

What If You Send Personal Information To Us?

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How Do We Ensure Site Security?

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- prevent access that could otherwise cause damage to our web site.

IARDC ®:online access to registration and discipline information regarding Illinois lawyers presented by the Illinois Attorney Registration & Disciplinary Commission.

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[Resources & Links](#) | [ARDC Organizational Information](#)
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Exhibit 5



Ask A Lawyer Online Now

12 Lawyers Are Online! Ask A Question, Get An Answer ASAP

Freeland & Associates

Highland IN bankruptcy advice Aggressive & professional lawyers.

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Date of Last Revision: October 29, 2007

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Telephone Number of Designated Agent: (206) 734-4111

Facsimile Number of Designated Agent: (206) 340-6040

E-Mail Address of Designated Agent: dmca@Avvo.com

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Exhibit 7

« [Avvo Tackles the Midwest](#)

Avvo and Illinois Attorney Records

June 11th, 2008 by Josh King, VP of Business Development and General Counsel



Back in March, [Avvo successfully petitioned](#) the New Jersey Supreme Court to obtain the release of licensing data for all New Jersey attorneys. We're now making a similar [request](#) of the Illinois Supreme Court, where that state's attorney-regulating body (the [Illinois Attorney Registration and Disciplinary Commission](#)) has refused to release licensing and sanctions data for Illinois attorneys.

Our issues with Illinois illustrate the lack of transparency that continues to beset the legal industry. The ARDC has specific guidelines providing that it can release its "Master Roll" of attorneys to courts, local bar associations and continuing legal education service providers. The ARDC has apparently decided that this is the limit of its obligation to provide this information in a complete form to the public, and that Avvo, as a commercial enterprise not based in Illinois, is not entitled to the records.

What's curious is that this isn't a question of confidentiality. The information Avvo wants is freely available on the [ARDC website](#), but there's a catch -you've got to know the name of an attorney to do a search. In this way, the ARDC is making the information public, but in a functionally obscure way. A consumer can check up on an attorney they are thinking of hiring, but they can't search the ARDC database for an attorney.

Of course, we've got a little internet and data mining expertise here at Avvo, so we were able to access most of the attorney records in the ARDC site and include Illinois as one of the 10 jurisdictions covered by our June, 2007 launch. However, while we're confident we've been able to extract data for 95-99% of all Illinois attorneys, we know we haven't gotten all of them. In fact, several Illinois attorneys have proactively reached out to us and asked why they did not have profiles on Avvo. The bottom line is that there is no way we can offer consumers and lawyers a complete view of Illinois lawyers as long as we have to run this kind of data extraction program every time we update records.

So why would the ARDC oppose lifting the functional obscurity from data that it already makes public? It could be that the ARDC feels like the specific guidelines provided by the Supreme Court for the release of the Master Roll limit it from providing the data directly to Avvo. It could also be that the ARDC finds it anathema to provide this data to a for-profit business that is not a CLE provider. You would think that the ARDC, which counts among its principal missions the discipline of wayward lawyers, would welcome with open arms Avvo's offer to publicize ARDC disciplinary decisions. Instead, we're mired in the question of whether Avvo should have the key - a simple list of names - with which to unlock the data the ARDC already makes public.

Ultimately, the ARDC is playing off the same out-of-date rulebook we've encountered in places like New Jersey - the mindset that says the attorney regulators and lawyers should control how much information is available to consumers. We've seen these walls come down in industries from travel to real estate - remember when the travel agent would key furiously into a proprietary machine to produce three potential travel itineraries, or MLS data could only be accessed by a realtor? Avvo is trying to bring that same level of access to the legal profession. While I hope entanglements like this will be few and far between, we won't hesitate to keep fighting them in an effort to bring consumers a comprehensive picture of the legal community.

Josh

This entry was posted on Wednesday, June 11th, 2008 at 3:29 pm by Josh King, VP of Business Development and General Counsel and is filed under [Josh King Posts](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can [leave a response](#), or [trackback](#) from your own site.



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








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

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License Expiration Date	02/28/2009
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Seattle Post-Intelligencer

http://seattlepi.nwsourc.com/business/312288_avvo19.html

Startup Avvo completes second round of funding

Secretive firm has raised \$13 million

Thursday, April 19, 2007

Last updated 7:10 a.m. PT

By JOHN COOK

P-I REPORTER

Avvo Chief Executive Mark Britton still isn't saying much about his new online legal services startup.

But the former general counsel and senior vice president at Expedia certainly received a warm reception when he let venture capitalists in on the secret concept over the past two months.

After receiving multiple offers from investors, Britton today is announcing a \$10 million second round of funding led by Ignition Partners.

Brad Silverberg, co-founder of Ignition and a former senior vice president at Microsoft Corp., is joining a board that already includes Zillow.com Chief Executive Rich Barton. Total investment stands at \$13 million, with Silicon Valley powerhouse Benchmark Capital participating in both rounds of funding.

Britton promises that more details about the 12-person company will be unveiled this summer, at which time it plans to launch what the former Preston Gates & Ellis lawyer describes as "something really cool within the legal space."

"Lawyers have done a phenomenal job of building a great industry. It is an industry that helps consumers and helps all of us in a lot of ways, but the problem for consumers is that it is just hard to navigate," he said.

"Getting to that understanding of what lawyers do and what they do for (consumers) and what they do well, it is just hard. We would like to take some of that pain and remove it from the legal industry."

Britton declined to name possible competitors, saying that would give away too much. He also declined to say whether the company plans to make money through online advertising, referrals or other means.

Silverberg, who was introduced to the company last year, believes that Avvo is attacking a big opportunity.

"Just look at the amounts of money consumers spend on lawyers each year," he said. "It's a high-stakes proposition for the consumer and yet very confusing -- scary, even -- landscape for them. If we can help consumers navigate that space in a significantly better way, we believe that it will be worth a lot of money."

Silverberg, who described the deal as "highly competitive," declined to elaborate on how Avvo plans to help consumers find the services they need.

There are already multiple places on the Internet where people can find lawyers or legal resources, including FindLaw, LawInfo and Nolo. And there are other models emerging.

LegalZoom.com, a Los Angeles company co-founded by attorney Robert Shapiro, just scored a venture capital round from Polaris Venture Partners. It helps consumers and small businesses take care of legal matters such as wills, divorces and copyrights without hiring expensive lawyers.

FreeAdvice, which started its online site in 1995 and now attracts about 1 million visits per month, operates a forum where people can post questions about legal issues or upload their case to have it reviewed by an attorney.

The Sausalito, Calif., company also runs an online database called AttorneyPages that allows people to search for lawyers who specialize in specific practice areas, say, patent law, auto accidents or child custody. Attorneys pay to be listed in the database.

FreeAdvice Chief Executive Gerry Goldsholle, who was aware of Avvo but did not know the company's overall direction, said consumers are increasingly turning to the Internet to get legal questions answered.

"Consumers are extraordinarily confused by legal matters, and there is a huge gap between the legal knowledge of consumers and the resources that are available to large businesses," Goldsholle said. "The cost of legal services is prohibitive, and people are looking to do more and more things themselves."

Goldsholle, who said that Avvo has impressive executives and venture backers, was curious to find out how the company would differentiate itself from others in the market.

Steve Martinez, director of business development at LawGuru.com, a 10-year-old Los Angeles online legal forum, said the market is growing as more consumers get comfortable with obtaining legal information over the Internet. Because of that, Martinez said, a lot of big changes are just now starting to occur.

"Before, a lot of the industry operated behind the curtains. and I think that is what made it difficult for people," he said. "They didn't really know enough about the different sources or what they should be looking for, and I do think there is a real opportunity on the Internet to really help and improve this for the common guy on the street to actually get better legal representation."

Greg Gottesman, a partner at Madrona Venture Group in Seattle, said that Avvo attracted a lot of interest from investors because the startup has assembled a strong team of entrepreneurs and programmers. In addition to Britton, the company's top executives include former Classmates Online senior director Paul Bloom and former Expedia developer Sendi Widjaja.

Britton declined to say how many people he plans to hire with the new money, adding that the goal is to stay "lean and mean." As part of that philosophy, Britton continues to share an office with a colleague.

P-I reporter John Cook can be reached at 206-448-8075 or johncook@seattlepi.com.

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Exhibit 12

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Bubble 2.0 - Avvo The \$14 Million Wreck

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Not Rated - Rate This!

A venture capital-backed Web site called Avvo that launches Tuesday claims to offer a "game-changing" alternative to the Yellow Pages for anyone interested in hiring a lawyer.

Avvo's plan is ambitious: to award a numeric score to every attorney in the United States, along with a profile, client recommendations and peer endorsements.

"It's the most critical piece of guidance that we provide," Mark Britton, a former vice president of Expedia who is Avvo's chief executive, said about the numeric score. "It's our assessment of how good a job that lawyer is going to do for you." Avvo says it has received \$14 million in funding, including money from Benchmark Capital and Ignition Partners, co-founded by Microsoft alum and Avvo board member Brad Silverberg.

In tests, however, Avvo's pages seemed to be riddled with bizarre errors, profiles of attorneys who have been dead for more than a century and inexplicable scores in which some felons received better ratings than law school deans and internationally renowned litigators.

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Exhibit 13



June 15, 2007 1:19 PM PDT

Avvo lawyer-rating site slapped with class action

Posted by Declan McCullagh

14 comments

A lawyer-rating site that inexplicably gave convicted felons higher numeric scores than law school deans is, in a move that was entirely predictable, being sued.

Avvo.com, which launched on June 5, compiles data from state bar associations and tries to compute a numeric score between 1 and 10 for nearly every attorney in the country. It's received \$14 million in funding from Benchmark Capital and Ignition Partners, co-founded by Microsoft alum and Avvo board member Brad Silverberg.

Washington lawyer: Abraham Lincoln

Is this you? Click here to update your profile for free. Why?

Overview Experience

Abraham Lincoln
Is this you? Update your profile for free. Why?

Abe Lincoln's Avvo.com profile

But the scores have proved to be somewhat arbitrary. Our review of the site noted that Avvo execs or board members received higher scores than Supreme Court justices. In addition, Avvo includes active profiles of attorneys who have been dead for more than a century, including Clarence Darrow and Abraham Lincoln.

Steve W. Berman, a managing partner at Hagens Berman Sobol Shapiro in Seattle, received a handsome 9.2 rating. But, sensing a promising financial opportunity, Berman decided to file a class-action lawsuit (on behalf of wrongly-scored attorneys) against Avvo anyway. Whether it actually becomes a class action is up to a federal judge.

Hagens Berman has a history of filing class action lawsuits against technology companies. It's gone after Apple for its iPod (allegedly too loud), eBay (allegedly a monopoly), Expedia (allegedly too expensive), and Apple, again, for the iPod Nano (allegedly too scratch-prone).

Berman sent out a press release saying: "When the site launched, they had a very slick media campaign that led consumers to believe the site would give them accurate and insightful information about attorneys. In reality, we believe the site's rating methodology is prone to error and wide open to manipulation."

For its part, Avvo CEO Mark Britton replied: "We are just serving the consumer here, and we are trying to get consumers more information than they ever had before. Before Avvo was launched, everybody was pretty much going to the yellow pages and search engines, which are not the most efficient places for people to find a lawyer. By providing that information and guidance, it just helps consumers get the legal help they need."

Avvo currently gives Berman a 5 of 5 stars in professional conduct. But it's worth noting his complaint against the company cited examples of odd Avvo scores that we published in our News.com article -- and didn't cite us. Perhaps Avvo should include a new category of "adequate legal footnotes."

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by SteveDave2 June 15, 2007 2:24 PM PDT

Just because they cited the same examples doesn't mean they learned of them from you. Ergo, no need to cite to News.com -SD-

[Reply to this comment](#) | [View reply](#)**Ah....Yes....Music to my ears...**

by Walt Connery June 16, 2007 4:23 AM PDT

Lawyers suing lawyers. There's just something wonderfully wholesome and refreshing about that. Here's hoping they sue each other right into insolvency...;) I would love to see this develop into a trend nationally--they'd be so preoccupied with jilting, cheating, conning, and lying to each other that they'd leave the rest of us alone. I'm entertaining the prospect of a class-action suit against class-action lawyers in the US (because they keep 98% of the cash they supposedly win for the class they pretend to represent.) But could I find a lawyer noble enough, honest enough, to do it? There's the rub.

[Reply to this comment](#)**There's not much difference...**

by josephrot June 16, 2007 4:34 AM PDT

RE: << Lawyer-rating site slapped with class action suit >> Frankly, the differences between convicted felons and most lawyers in today's society is such that they are both alike in most ways. There are pitifully few good lawyers. And remember... judges are lawyers. There are pitifully few good judges.

[Reply to this comment](#) | [View reply](#)**It's completely reasonable**

by dunnsanfrancisco June 16, 2007 8:31 AM PDT

I can understand why Awo execs and board members scored higher than some Supreme Court justices. After all, none of the Awo execs or board members elevated George Bush to the presidency against the popular vote of the American people. Do so much surely be some serious strikes against one's career.

[Reply to this comment](#)**It's completely reasonable**

by dunnsanfrancisco June 16, 2007 8:31 AM PDT

I can understand why Awo execs and board members scored higher than some Supreme Court justices. After all, none of the Awo execs or board members elevated George Bush to the presidency against the popular vote of the American people. Doing so much surely be some serious strikes against one's career.

[Reply to this comment](#)**Up she blows**

by wildchild_plasma_gyro June 16, 2007 6:29 PM PDT

Ok then mr murdok you have made that stupid mistake, you've shown your colours to soon. So you want to make the markets go up and don't want this fairness thing. I suppose this is so you can good up so more millionares and bring back your people. No chance your not very clever judging by your actions and i'll just absorb all your new millionares. They'll be Imine And IBM is edging closer to me and i know Japan won't be far behind. !Oh year Ummmmmmml what happens next hey mr murdoc Well i'll tell you one thing now that i have accomadation and have wipped your doctors arss and have a mr Brown on the way plus have sused all this world out except a black area in China to which i have no desire to know. I will be working on taking that unfair sick pay out the picture and doing some more work. loh year mr murdok like you can't imagine with that yellow tigrade with that bulky eye. Job uses you know i don't tell lie. All hell the all knowing one

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by BrandonEubanks June 17, 2007 8:00 PM PDT

As much as I enjoy watching stuff like this unfold for the lunacy, I have to say that on the surface this makes sense because there is a real potential for damage to lawyers and their enterprise due to an arbitrary rating system. Perhaps they are hinging on a few isolated incidents but, if this is a systematic problem then the company should be held liable.

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Exhibit 14



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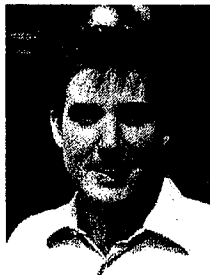
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Mark Britton, CEO of Avvo

Mark Britton, CEO and Founder of Avvo tells how his startup is looking to bring visibility to the legal marketplace by taking the guesswork out of finding the right lawyer.

Interview conducted by Nathan C. Kaiser on Tuesday, January 22, 2008 in Seattle, WA.



3 votes



I'm here with Mark Britton of Avvo. Mark, would you mind giving us an introduction to the startup to Avvo?

Avvo is the only website that rates and profiles every lawyer to help consumers choose the right lawyer. Choosing the right lawyer is an incredibly important decision, yet most people have no idea how to go about it.

We deliver the information and guidance that people need to choose the right lawyer via our rankings, but also to make good choices when they are trying to navigate their way through the complex legal industry.

How do you determine a ranking for a specific lawyer?

With all the information that we have on the site, some of it contributes to the Avvo rating and some of it does not. For example, client ratings, they do not go into the Avvo rating. However, other attorney ratings will go into the Avvo rating because that is a form of industry recognition.

In general, everything that is in a lawyer's profile is contributing to the Avvo rating.

The Avvo rating, it is the most critical piece of guidance that we can provide. It is our best attempt at evaluating a lawyer's background.

You are a lawyer by training, correct?

That is correct, I have been a lawyer for 15 years. During my entire career, I have been asked by friends and family and sometimes even far off acquaintances for help in choosing a lawyer. All lawyers will confirm that they are constantly bombarded by questions about other lawyers or how to find a lawyer in a different field.

We all try to point people in the right direction. That essentially is the goal for Avvo. To determine the rating system, we created a mathematical model that considers things like their experience, their disciplinary sanctions, professional achievements, etcetera and we also developed it with input from hundreds and lawyers and thousands of consumers.

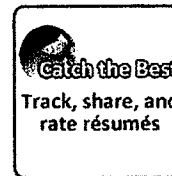
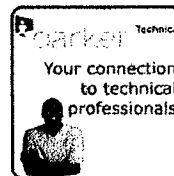
You are trying to bring much more visibility to this market.

The thing about the legal profession is that it really is not that difficult. The legal profession is just a part of commerce, yet, it has very big words and serious consequences and complicated procedures. As a consequence, you have many consumers that are simply frightened by it; being involved in a legal situation, they have no idea where to turn.

We conducted a survey that found that only 18% of the people that we surveyed said that it was easy for them to research detailed information on attorneys. 17% said that they were confident in their ability to choose the right lawyer if they needed one.

The number that really surprised us is that in the last two years 25 million individuals have needed a lawyer, but did not select a lawyer, because the didn't know how to

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How do you plan to monetize this service?

<http://www.jdsupra.com/post/document/viewer.aspx?id=7bf62033-427d-4e3a-9321-e832da61fd36> Add nPost jobs to your site

Advertising. We are confident that we can have a robust advertising model that with all of the content we have on the site. The first job is to give the consumers as much information and guidance as possible. If we succeed in that, I think that we can advertise around that content and have a viable robust business model.

How many people do you need to be coming to the site per month in order to be generating a positive cash flow and then what percent of the total market you need to capture to ensure that?

It is hard to say. We have not rolled out our advertising platform because we are focused on building our marketplace and getting consumers the help that they need. Looking at the yellow pages, they had 311 million lookups last year for attorneys. It is their #1 revenue category.

Also, search engines see a CPC of \$50-70. The reason for that is the legal market is incredibly competitive. You have 1.3 million licensed lawyers in the United States, and they tend to congregate around the large metro areas.

For example, we launched in nine states plus the District of Columbia. By launching in those nine states plus D.C., we had over 50% of the licensed and practicing lawyers in our database.

You have worked at InterActiveCorp, Expedia, Hotels, HotWire and now with Avvo. In transitioning from being a lawyer to an entrepreneur, what are the key lessons you have learned?

A lawyer is taught from a fairly early point in their career to identify the issues or the problems with a given situation. As you become a more senior lawyer within a firm, it becomes incumbent upon you to switch hats and start understanding the opportunities that you might present to your client, whether it be through certain applications of the law or even some things that you see in their business.

Most successful entrepreneur are just drunk with opportunity. In every situation, the first thing that clicks through their mind is "What are all of the opportunities that are available to me, available to my company in this situation?" The biggest evolution that I've seen for myself is that as I've worked from being a young associate in a law firm all the way to running my own start up is that I've really completed the full cycle of going from one end of the spectrum of being a great issue spotter to where I think I'm a pretty good opportunity spotter.

Once you spot the right opportunity how do you balance your optimism with naysayers?

The first thing that you have to do is surround yourself with a strong team, and that's something that we've certainly done at Avvo. It must be a democracy with whoever the CEO is, they're hiring bright people and they're listening to them. As long as you have that feed back loop and you have a very open and honest communication, sometimes brutal communication within your organization, where all the way down to your most junior developer, for example, they have the avenue and they have a voice to tell the Emperor that they have no clothes. That, I think, is the best way to keep that balance. I think that where I've seen some companies get into trouble is where you have one person, that they are visionary, but they will not listen to anyone else or anyone else's point of view. I think that that is a recipe for failure almost every time.

What would you say are the key characteristics that they have that you looked for in the team that you brought together?

When hiring someone for a startup, you want someone that is drunk with the idea of what you're doing, such as Avvo in this instance. You can just see when you're hiring someone, whether they understand the concepts and the ingenuity, the opportunity that you're bringing to the marketplace.

What are your long term plans for Avvo?

Our focus will continue to be that we want to get consumers the information and guidance they need in the legal marketplace. We are continuing to innovate within the legal marketplace.

[« Back to interviews](#)



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Exhibit 15



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IL



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- 2
- 3
- 4
- 5

4 reviews

Jonathan
Paul
Friedland
Chicago, IL



100%
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Avvo Rating

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Rosalyn B. Kaplan

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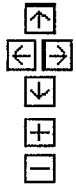
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We have not found any information in this lawyer's background that is, in our opinion, concerning.
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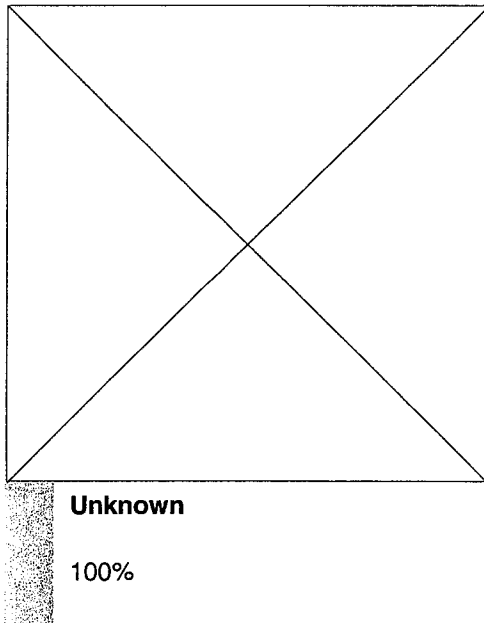
License & Disciplinary Sanctions

27 years since Rosalyn B. Kaplan was first licensed to practice law in IL. See details.

We have not found any disciplinary sanctions for this lawyer.

Legal Practice Areas

Rosalyn B. Kaplan's current areas of practice:



Fees & Payments

Fees No information

Payment types No information

Hi there!

This profile belongs to Rosalyn B. Kaplan. If that's you, please claim your profile to enter your own personal greeting.

What is the Avvo Rating?

The Avvo Rating is our effort to evaluate a lawyer's background. The rating is calculated using a mathematical model that considers the information shown in a lawyer's profile, including a lawyer's years in practice, disciplinary history, professional achievements and industry recognition - all factors that, in our opinion, are relevant to assessing a lawyer's qualifications. For some lawyers, the only information we have been able to collect is the publicly available information from state bar associations or other organizations that license lawyers. If that is all we have, then we display an Avvo Rating for the lawyer of either "Attention" or "No Concern." Tell me more.

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When you update your free Avvo lawyer profile, you can personalize it with your professional experience, achievements, and practice areas, as well as request peer endorsements and reviews from clients. Completing your profile makes it easier for the right clients to find you on Avvo, and may have a positive impact on your Avvo Rating.

Legal fee refers to the billing structure and the rate attorneys charge for their services.

A retainer is fee charged in advance to retain the services of a lawyer.

Transactional lawyers: all matters are being referred to as "cases" for the purposes of this chart, as that term is best understood by consumers.

Exhibit 16



AVVO, INC.
317 Pine Street
Seattle, WA 98101

January 4, 2008

Sent via fax - (312) 565-0897

ARDC
Attention: Registration Department
130 East Randolph Drive, Suite 1500
Chicago, IL 60601

Re: Request for Master Roll of Illinois Attorneys

Dear Sir or Madam:

I am writing to request the master roll of attorneys licensed in Illinois for use in Avvo, Inc.'s lawyer directory service. Avvo is a consumer-focused web site that rates and profiles all lawyers in the states we serve so consumers can choose the right lawyer. To date, we cover 9 states and the District of Columbia, representing approximately 50% of all lawyers in the United States.

Key to our service is centralizing, for each state, bar admission and discipline data and providing that information in an easy-to-access profile for each lawyer admitted in the state. While we have been able to obtain some information for Illinois lawyers via the ARDC website, we would like to ensure that the information we have is correct, complete and up-to-date. We are looking for the following data on each attorney licensed in Illinois:

- Name
- Year of admission to the bar
- Law school attended
- Business contact information
- Current bar status (good standing, inactive, etc.)
- Discipline data

We will only use this information within our website, and not for any business solicitation or mass mailings. We would like to obtain the information in electronic form, and will of course cover the ARDC's costs incurred in making it available.

Please let me know at your earliest convenience how we might proceed. If there are any questions whatsoever, don't hesitate to contact me directly at (206) 734-4113 or josh@avvo.com.

Sincerely,

Josh King
Vice President, Business Development &
General Counsel

Request for Use of ARDC Master Roll of Attorneys

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Instructions

The Attorney Registration and Disciplinary Commission is authorized to allow the use of the Master Roll of Attorneys registered to practice law in Illinois under narrow circumstances and with certain restrictions. If your purpose is one of the three specifically permitted purposes outlined below, check the appropriate purpose. Otherwise, describe the purpose for which you request the Master Roll in the other purpose section. Designate the data that you are requesting from the Master Roll and the preferred format. Fill in the applicant information section, including the designation of the person who will be responsible for close supervision of the Master Roll. Sign the application. Your signature constitutes your agreement to abide by the below listed conditions, including your undertaking to use the Master Roll only for the purpose proffered and not for any commercial or political purpose.

Return the application by mail to ARDC, Registration Department, 130 East Randolph Drive, Suite 1500, Chicago, Illinois 60601. You may also return the application by facsimile at 312-565-0997. If you have any questions regarding your request or the usage of the Master Roll, contact our Registration Department at 312-565-2600.

Purpose Requested

Specifically Permitted Purposes. Applicant hereby requests the use of the Master Roll of Illinois Attorneys for one of the following specifically permitted purposes: *(Select Applicable One)*

- by a court or its officers in Illinois to assist conducting its business
- by the Illinois State Bar Association or a local bar association in Illinois for membership solicitation or for a legitimate association purpose or program which benefits the profession or the public
- by a continuing legal education organization in Illinois to promote programs beneficial to the profession or the public
- other purposes. Applicant's request does not involve one of the above specifically permitted purposes.

Identify purpose:

Incorporation of data into Avvo, Inc.'s online directory of attorneys. Avvo is a consumer-focused web site that rates and profiles all lawyers in the states we serve so consumers can choose the right lawyer (importantly, profiles include disciplinary information). There is no commercial use of the data, as neither consumers or attorneys are charged for using the directory.

Data Requested

Applicant requests the following data from the Master Roll:

To the extent such data is available on the roll: Name, year of admission, law school attended, other schools attended, business contact information, current bar status (good standing, inactive, etc.), discipline data.

Applicant requests that the Master Roll data be provided in the following format: (check preferred format) Document hosted at JDSUPRA™
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If the Master Roll is provided, applicant agrees to comply with the following conditions:

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2. The Master Roll will be used only for the purpose stated in this request.
3. The integrity of the Master Roll will be maintained under the close supervision of a responsible person within the court or organization using it.
4. Upon request of the Administrator, the costs and expenses involved in producing the Master Roll in the form request will be paid by the requestor.


Applicant Information and Signature

JOSH KING
Applicant name

Applicant signature
VP, GENERAL COUNSEL
Title
(206) 734 - 4113
Telephone number

AVVO, INC.
Organization
217 PINE STREET, SUITE 300
Address
SEATTLE, WA 98111
City, state and zip code
(206) 340 - 6040
Facsimile number

Request Decision

(ARDC Use Only)

Request approved _____ Date _____ Staff _____
Request denied 2/8/08 _____  _____
Date _____ Staff _____

Revised 4/29/02
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Josh King
Avvo, Inc.
217 Pine Street, Suite 300
Seattle, WA 98111

Chicago
February 8, 2008

Dear Mr. King:

The Deputy Administrator has reviewed your request for use of the master roll. The Commission has determined that your request does not comply with the policy guidelines established by the Supreme Court for use of the master roll. Therefore, we are unable to provide the information requested.

You might want to try Sullivan's Law Directory here in Illinois at 877-556-0722, or at www.sullivanlawdirectory.com.

If you have any questions, please call me at the Chicago Office. Thank you.

Very truly yours,

Thomas Peters
Registrar

Request for Use of ARDC Master Roll of Attorneys

The Attorney Registration and Disciplinary Commission is authorized to allow the use of the Master Roll of Attorneys registered to practice law in Illinois under narrow circumstances and with certain restrictions. If your purpose is one of the three specifically permitted purposes outlined below, check the appropriate purpose. Otherwise, describe the purpose for which you request the Master Roll in the other purpose section. Designate the data that you are requesting from the Master Roll and the preferred format. Fill in the applicant information section, including the designation of the person who will be responsible for close supervision of the Master Roll. Sign the application. Your signature constitutes your agreement to abide by the below listed conditions, including your undertaking to use the Master Roll only for the purpose proffered and not for any commercial or political purpose.

Return the application by mail to ARDC, Registration Department, 130 East Randolph Drive, Suite 1500, Chicago, Illinois 60601. You may also return the application by facsimile at 312-565-0997. If you have any questions regarding your request or the usage of the Master Roll, contact our Registration Department at 312-565-2600.

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- by a court or its officers in Illinois to assist conducting its business
- by the Illinois State Bar Association or a local bar association in Illinois for membership solicitation or for a legitimate association purpose or program which benefits the profession or the public
- by a continuing legal education organization in Illinois to promote programs beneficial to the profession or the public
- other purposes. Applicant's request does not involve one of the above specifically permitted purposes.

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Data Requested

Applicant requests the following data from the Master Roll:

To the extent such data is available on the roll: (Name) year of admission, law school attended, other schools attended, business contact information, current bar status (good standing, inactive, etc.), discipline data.

NAME ONLY IS FINE

Applicant requests that the Master Roll data be provided in the following format: (check preferred) **JD SUPRA**
format <http://www.jdsupra.com/post/documentViewer.aspx?fid=7bf62033-4276-4e3a-9321-e832da61fd36>

Labels Access Database
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3. The integrity of the Master Roll will be maintained under the close supervision of a responsible person within the court or organization using it.
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Applicant Information and Signature

JOSH KING
Applicant name
[Signature]
Applicant signature
VP, GENERAL COUNSEL
Title
(206) 734-4113
Telephone number

AVVO, INC.
Organization
P.O. BOX 80333B
Address
CHICAGO, IL 60680-3338
City, state and zip code
(206) 340-6040
Facsimile number

Request Decision

(ARDC Use Only)

Request approved [Signature]
Date 4/29/02
Request denied 3/9
Date

Staff _____
Staff [Signature]

Revised 4/29/02
::ODMA\PCDOCS\ADMIN\392114

Peters, Tom

From: Joshua King [josh@avvo.com]
Sent: Monday, April 21, 2008 4:30 PM
To: jlarkin@iardc.org
Cc: Peters, Tom
Subject: RE: Avvo Information

I'm following up on this request – with the success of our recent launches in Florida and Massachusetts, we're going to be relaunching our service in Illinois. I need to know whether I'll be able to tell the press that we are getting cooperation from the Illinois Supreme Court in keeping our database up-to-date. Thanks,

Josh

From: Joshua King
Sent: Tuesday, April 15, 2008 11:43 AM
To: 'jlarkin@iardc.org'
Cc: 'Peters, Tom'
Subject: RE: Avvo Information

Mr. Larkin –

Tom Peters tells me he has forwarded the information below to you, and that the Commission expects to make a decision on our request some time next week. If possible, I would appreciate it if the decision could be expedited. We are in the process of launching some states neighboring Illinois, and we would like to refresh our data on Illinois lawyers at the same time.

I also wanted to take the opportunity to explain that we are, in many ways, pursuing aims complementary to those of the IARDC. The mission of Avvo is to provide easily-accessible information about the legal system to consumers. We do this by creating a profile of every lawyer in the states we cover, based on the data we receive from the states. Importantly, these profiles include sanctions data – and highlight it in a very visible way. In this way, Avvo offers an additional means of enforcing and publicizing the work the IARDC does around attorney discipline. Here's an example of how a sanctioned IL lawyer appears in Avvo:
<http://www.avvo.com/attorneys/60510-il-warren-sylvester-1029140.html>

All of Avvo's services are free for consumers and lawyers. We're just getting started, but we've gotten the attention of the legal industry – the American Bar Association called us a “phenomenon” – and media from the Wall Street Journal to the Financial Times have reported on our groundbreaking approach to profiling and rating attorneys. We'd love to work cooperatively with you to ensure that the data we use is as up-to-date as possible.

Again, I'd appreciate a decision on this as soon as possible. If you have any questions whatsoever, please don't hesitate to call.

Josh King
Vice President, Business Development & General Counsel
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m: (425) 879-1110
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4/23/2008

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From: Joshua King
Sent: Friday, April 04, 2008 3:48 PM
To: Peters, Tom
Subject: RE: Avvo Information

Tom, we're going to need to take a different approach to this. We've tried to be accommodating and work with the IARDC and its policy re the Master Roll, but the Administration's denial of our request has left us with little recourse. I appreciate your efforts on our behalf, and ask that you forward this to the appropriate person in the Administration.

The Master Roll of attorneys is a public record pursuant to Supreme Court Rule 766. While we can appreciate the IARDC's concern with the use of the Master Roll for direct mail purposes, such a policy is at odds with the fact that the Master Roll is meant to be public.

As I've mentioned before, Avvo is not interested in direct mail. We are happy to take records of attorney names only. However, if we need to press this further and seek judicial satisfaction, we will seek all of the data in the Master Roll. Should there be any doubt about our seriousness, please take a look at our recent action to compel New Jersey to release such records:

<http://www.newsday.com/news/local/wire/newjersey/ny-bc-nj--courtreports0401apr01.0.7149371.story>

I know Illinois can be better than New Jersey. Our goal is simply to provide IL consumers with the best possible information when choosing a lawyer – and that means making sure that our directory is complete and up-to-date. I hope the IARDC can see its way clear to providing this information to us on an amicable basis.

Josh King

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From: Peters, Tom [mailto:tpeters@iardc.org]
Sent: Friday, March 14, 2008 2:17 PM
To: Joshua King
Subject: RE: Avvo Information

Josh,

Just received the results. The Administration is very picky when approving master roll requests. Sorry to say that your's have been denied again.

Tom

From: Joshua King [mailto:josh@avvo.com]
Sent: Friday, March 14, 2008 1:44 PM

4/23/2008

To: Peters, Tom
Subject: RE: Avvo Information

Tom, any word on this?

Josh

From: Joshua King
Sent: Monday, March 10, 2008 12:30 PM
To: 'Peters, Tom'
Subject: RE: Avvo Information

Sure – this should work better.

Josh

From: Peters, Tom [mailto:tpeters@iardc.org]
Sent: Monday, March 10, 2008 12:01 PM
To: Joshua King
Subject: RE: Avvo Information

Josh,

Could not print out the attachment. Can you send it by way of pdf file?

From: Joshua King [mailto:josh@avvo.com]
Sent: Monday, March 10, 2008 1:58 PM
To: Peters, Tom
Subject: Avvo Information

Tom, attached is some high-level information on Avvo. This is a presentation I'm using in outreach to Washington law firms to increase attorney participation in Avvo via our "firm claim" program. It provides some background information and screen shots of Avvo, and details the benefits of Avvo to attorneys.

As discussed, Illinois is one of the states we've already launched in, but it's important that we keep our database as up-to-date as possible. We are not doing any sort of direct mail, so all I need is a list of names of licensed attorneys.

I am happy to provide further information on Avvo – just let me know.

Josh King
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m: (425) 879-1110
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4/23/2008



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(217) 522-6838 (800) 252-8048
Fax (217) 522-2417

Josh King
Vice President, Business Development
& General Counsel
Avvo, Inc.
217 Pine St., Suite 300
Seattle, WA 98104

COPY

Chicago
April 23, 2008

Dear Mr. King:

I have been asked to respond to your recent communications requesting the Attorney Registration and Disciplinary Commission's ("ARDC's") Master Roll of attorneys.

The ARDC Administrator is authorized to allow outside entities use of the Master Roll of Illinois attorneys for certain narrow purposes. Those purposes are: (1) for use by a court or its officers in conducting its business; (2) for use by the Illinois State Bar Association or a local bar association in Illinois for membership solicitation or for a legitimate association purpose or program which benefits the profession or the public; and (3) for use by a continuing legal education organization in Illinois to promote programs beneficial to the profession or the public. Avvo, Inc., is not court, a bar association or a CLE provider, and the purpose for which Avvo, Inc., has requested the Master Roll is not one for which we are authorized to release it.

Your April 4, 2008 e-mail asserts that the ARDC Master Roll is a public record pursuant to Illinois Supreme Court Rule 766. Your assertion is incorrect. Rule 766 does not reference the Master Roll, but rather addresses issues related to the public or confidential nature of disciplinary proceedings and the disclosure of confidential information by the ARDC Administrator.

For the reasons stated above, we are unable to comply with Avvo, Inc.'s request.

Very truly yours,

Althea K. Welsh
Senior Counsel

AKW:ck
MAINLIB_#292632_v1

Avvo

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F 206 340 6040

www.avvo.com

April 28, 2008

Althea K. Welsh
Senior Counsel
Attorney Registration and
Disciplinary Commission
130 Randolph Drive, Suite 1500
Chicago, IL 60601

Dear Ms. Welsh:

Thank you for your letter of April 23, 2008 responding to Avvo's request for a list of the names of all attorneys licensed by Illinois (the "Master Roll" of attorneys). In your letter, you state that Illinois Supreme Court Rule 766 "does not reference the Master Roll, but rather addresses issues related to the public or confidential nature of disciplinary proceedings and the disclosure of confidential information by the ARDC Administrator."

The Master Roll is established pursuant to Supreme Court Rule 756(b). Supreme Court Rule 766(a) reads that "Proceedings under Rules 751 through 780 shall be public with the exception of the following matters, which shall be private and confidential . . ." (emphasis added). The rule goes on to delineate 11 categories of such "private and confidential" information, none of which include the Master Roll of attorneys.

Despite your contention to the contrary, Rule 766's mandate of public accessibility is not limited to disciplinary proceedings. Rules 751 through 780 concern both attorney registration and discipline, and there is no logical reading of Rule 766 that would apply the Rule only to disciplinary proceedings. The "private and confidential" exceptions to disclosure are evidence enough of this, as these categories in Rule 766 include such non-disciplinary matters as:

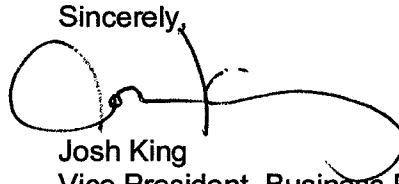
" . . . (10) Information concerning trust accounts provided by lawyers as part of the annual registration pursuant to rule 756(d); and

(11) Information concerning pro bono services and monetary contributions in support of pro bono services provided by lawyers as part of the annual registration pursuant to Rule 756(f)."

I trust this will assist the IARDC in feeling more comfortable that it is acting within the confines – and, indeed, the requirements – of the Illinois Supreme Court Rules in

providing Avvo with the information it seeks. I await your speedy response, and in the meantime I am ready and willing to answer any questions you or the Court may have about Avvo or our request. You can reach me at (206) 734-4113 or josh@avvo.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh King". The signature is stylized with a large loop on the left and a long horizontal stroke extending to the right.

Josh King
Vice President, Business Development &
General Counsel



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION

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Fax (217) 522-2417

Josh King
Vice President, Business Development
& General Counsel
Avvo, Inc.
217 Pine St., Suite 300
Seattle, WA 98104

COPY

Chicago
May 16, 2008

Dear Mr. King:

We have received your April 26, 2008 correspondence.

Our decision to deny your request for the Master Roll of Illinois attorneys is unchanged.

Very truly yours,

Althea K. Welsh
Senior Counsel

AKW:ck
MAINLIB_#294703_v1

Posted on June 12, 2007 by

AVVO Refuses to Take Down Profiles on Request

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A Washington, DC, marketing director contacted the controversial AVVO website, where lawyer profiles are put online and they are ranked on a 1-10 scale. She requested removal of the lawyers at her firm from the site. See [Bizarre Errors on AVVO Lawyer Rating Website](#) and [Lawyer threatens to sue A v v o Lawyer Rating Site](#).

Here is the response she got back by email:

"Thank you for contacting Avvo. Profiles on Avvo.com cannot be deleted entirely. The information in a lawyer profile is pulled from public records and publicly available information.

If you are concerned that public information we share on our website is incorrect, please contact your state's association directly. Once the information is updated in the public record, it will be updated on our site."

A marketer from Philadelphia told the LawMarketing Listserv, "I don't know what public records they are pulling from - I looked up a handful of our attorneys and all had an incorrect street address."

Profiled lawyers are going on the attack. Steve Berman, the Seattle lawyer who took on Enron and the tobacco companies, announced he plans to file a lawsuit as early as this week against AVVO.

"You have consumers who are going to be making decisions about whether or not to hire a lawyer based on a rating system that is completely deceptive," said Berman. "It is not reliable. It is not based on any valid criteria. And, in fact, the publisher of this site should know there is something wrong."

Avvo Chief Executive Mark Britton, the former general counsel at Expedia who founded the Internet startup in February 2006, said he stands by the attorney ratings and suggested that a potential lawsuit is being driven by "a small vocal minority" of lawyers who don't like negative information being publicly aired.

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Inside the Bar

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Membership Committee's Proposed Revisions

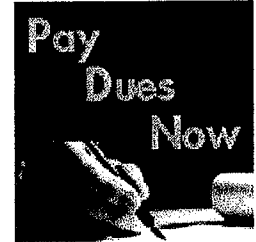
Existing Policy on Access to Members' Records

It is the policy of the D.C. Bar to provide certain information contained in its members' records as part of its mission to serve the D.C. Court of Appeals, the public and the membership.

- I. Access by the D.C. Court of Appeals
Upon an oral or written request by an individual authorized to act as a representative of the D.C. Court of Appeals, the Bar staff will provide any information contained within a member's file. The staff will also provide any historical information available in the membership data base.
- II. Access by the Public
Upon an oral or written request of any person, and without regard to the purpose for which the request is made, the Bar staff will state whether an individual is a member of the Bar, and what his/her status is (i.e., active, inactive, judicial). If requested, the Bar staff may state: the member's business address or if none is given, the home address and the member's business telephone number or if none is known, the home number. Also, the staff may provide the member's facsimile number, if available and E-mail address, if available subject to restrictions of the following paragraph. The staff will also provide, upon written request, historical information on each of the above subjects

The provision of a member's fax number or E-mail address is prohibited until the expiration of a members' notification period on June 30, 1997. Thereafter, this specific information is subject to restriction by the member and any member has the right to modify the availability of this specific information by notifying the Bar in writing.

- III. Access for Commercial Use
The D.C. Bar may sell mailing labels containing members' names and preferred addresses to educational organizations, government agencies, law firms and other entities. Within thirty (30) days after each member's admission to the D.C. Bar, the Bar will give the member an opportunity to remove his or her



name from these lists. Thereafter, any member has the right to modify the availability of his or her file by notifying the Bar in writing.

The Bar will not provide the fax numbers or E-mail numbers of its members to any external entity for its commercial use.

IV. Internal Use

The D.C. Bar may use its membership data base only for activities that are consistent with the organization's Purposes as defined by the D.C. Court of Appeals Rules governing the Bar.

V. Other Conditions

Requests for information from government entities other than the D.C. Court of Appeals not covered by Sections II or III are subject to the review and approval of the Executive Director.

All members will be offered at least one opportunity to exclude themselves from participating in any commercial use of their file by the Bar or any Bar entity. The Executive Director will have the sole responsibility for determining what constitutes a commercial use.

Any request by a member for mailing restrictions not covered by this policy must be submitted to the Executive Director in writing for review and approval.





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Exhibit 26

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