

**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

**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;<sup>1</sup> 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”

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<sup>1</sup>In 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,<sup>2</sup> 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).<sup>3</sup> Apparently contradicting that statement regarding the amount of data it has “extracted,”

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<sup>2</sup> 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.

<sup>3</sup> 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.<sup>4</sup>

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).

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<sup>4</sup> 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.<sup>5</sup>

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.

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<sup>5</sup> 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.<sup>6</sup>

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 LexisNexus and Martindale-Hubbell at [martindale.com](http://martindale.com) (Exhibit 25) and by [findlaw.com](http://findlaw.com) (Exhibit 26). Provision of the Master Roll to Avvo would,

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<sup>6</sup> 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,<sup>7</sup> 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

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<sup>7</sup> 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

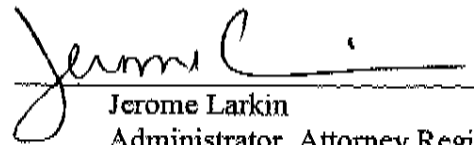
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**Certification**

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