

Revealing the Face of the Attacker

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With new advances come unique problems in need of innovative solutions. In a technological world that changes every day, those solutions can be hard to find. However, Whitney Gibson, a partner and litigation attorney at Vorys, Sater, Seymour and Pease LLP, has found a solution to a problem an increasing number of people are facing online.

Large and small businesses, reputable individuals, and even innocent children have become the victims of online "attackers." These attackers are damaging reputations, causing financial harm, and hurting their victims. Gibson and a team of Vorys attorneys have found a way to successfully address this problem.

"We have developed a unique and effective practice that allows us to identify the attackers, stop their attacks, permanently remove their defamatory remarks, and, in some cases, recover damages," Gibson says.

When Gibson began at the firm as a summer associate while attending the University of Cincinnati College of Law, he worked litigation matters for a number of companies. He noticed that some clients were facing situations where their online reputations were being tarnished by attacks from competitors, disgruntled former employees, former partners, and former investors, among others. Gibson also discovered that many companies were working with online reputation management companies that primarily use search engine optimization techniques to try and combat these attacks. "These companies tried to place positive information on the Internet to move the negative information down in search results and make it less likely to be seen by an average person," Gibson says. "We found these techniques were often ineffective, and that companies were forced to continually pay the online reputation companies to keep the negative information buried."

Gibson began to look for a more permanent and cost-effective solution. By working with cyber investigators, Gibson was able to develop a solution that successfully identifies the attackers. With this information, he is able to get a court order signed by a judge and have the information taken down.

"We discovered that the search engines, such as Google, Yahoo! and Bing, will remove defamatory comments with a court order signed by a judge," Gibson says. "This eliminates the worry that the defamatory material will someday reappear in search results and prevents the client from paying seemingly endless fees."

For more than a year, Gibson has focused exclusively on these problems. Gibson and the team of Vorys attorneys handle 30 to 40

cases at one time across the nation. He is one of the few attorneys who focus their legal practices solely on Internet defamation.

"It's a new thing that not all attorneys can do," Gibson says. "You have to have the legal skills and an understanding of how the Internet works. In addition, you have to know what cyber investigators can do, what PR firms can do, what online reputation management companies can do, and you have to have good relationships with people who offer these services."

Gibson likes to call his team the "Internet Crisis Group" because they step in if "your reputation is being damaged by someone." However, Gibson is quick to point out that not all negative information is defamation. "We're not going around trying to take everything on the Internet down, or trying to take away the right to anyone's opinion. If a customer has an opinion, that's fine," he says. "We pursue instances when someone is mad and trying to hurt an individual or a company by making false and hurtful statements, and by displaying private information."

There are many kinds of Internet defamation. Gibson's team has handled cases of cyber bullying, where someone is personally attacked. They have also worked to stop attacks involving invasion of privacy, harassment, stealing of trademarks, and false advertising. In addition, the team has handled cases in which a business' competitors created false reviews by posing as an unhappy customer.

Gibson said this problem is becoming more common because "a lot of people think they can remain

anonymous. They may create different screen names or use their own techniques, but we work with talented cyber investigators and we are oftentimes able to identify these attackers and stop them."

The problem is also becoming more impactful for companies because online reviews are more influential than paid advertisements in the eyes of consumers. An Econsultancy survey found that 70 percent of online consumers trust reviews from unknown users, while just 14 percent trust advertising.

Gibson and the Vorys Internet Crisis Group in recent months have assisted financial companies, online retailers, doctors, parents concerned about cyber bullying, celebrities, and many more groups and individuals.

"People can feel helpless in this situation, but they don't have to anymore," Gibson says. "We have a talented group whose goal is to become the white hat for good people and companies that are being unjustly attacked."

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