

The Lawyer-Public Relations Counselor Dynamic

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I. Executive Summary

Public relations practitioners and lawyers each were asked to sort 34 statements roughly onto a most agree/most disagree continuum. By analyzing the subjective responses to these statements, two types of public relations practitioners and two types of lawyers emerged.

One public relations type, the Caring Collaborator, was marked by the desire for collaboration, understanding and forthrightness. The second public relations type, the Legal Eagle, was also collaborative in nature, but was more confident about her ability to assess problems from a legal perspective.

One legal type, the Cooperative Colleague, is also strongly collaborative and believes lawyers should take part in message development during crises. This lawyer believes public relations plays a unique and essential role in crisis management. The second legal type, the Confrontational Counselor, wants public relations to be involved, but is also strongly committed to controlling public statements. This lawyer believes “no comment” is a responsible reply to queries whose answers have not been fully evaluated.

Comparative analyses showed that lawyers were better able to predict the responses of public relations practitioners to the statements than were public relations professionals able to predict lawyers’ responses.

Q sorts were gathered using Q-Assessor, a unique program developed to complete sorts and interview responses via the World Wide Web. This study served as a field test for the new methodology. Q-Assessor provided notable efficiencies compared to traditional mail or personal administration methods.

II. Introduction

The relationship between public relations practitioners and lawyers has historically been troublesome. In 1956, Blaustein and Gross said public relations practitioners saw lawyers as a deterrent to their work. They found PR people agreed with statements like: “Lawyers don’t understand the importance of public attitudes” and “Lawyers are too rigid” (8-9). In 1969, Morton Simon dubbed legal and public relations professionals “the oil and water team” (7). More than thirty years later, many believe this rift between the professions remains.

Lawyers argue that PR people don’t understand the vagaries of the law – responses in a survey of public relations practitioners, validates that concern (Fitzpatrick, 1996). Lawyers have given evidence that they don’t understand the basics of public relations practice, too (Stein, 1993, 9). Some believe that because anything that is written or spoken can be used against their client in court, there should be as little communication as possible.

This documented division can be reinforced anecdotally. Conversations with top public relations counselors around the country brought forth comments like, “As we were going through this situation you had CEOs being hassled by their PR people and their legal counsel on how to deal with the press” and “When legal gets involved the game changes completely” (Cameron, Cropp & Reber, 1999). These interviews have illuminated a portion of the problem – one group sees the other as inept or ill-intentioned. But, another interviewee saw the legal team as something more like the cavalry riding to the rescue. The truth is likely somewhere in between.

In a society where litigation is always a threat that can damage an organization’s reputation as well as its bottom line, it is of utmost importance that public relations professionals and lawyers maintain a relationship that is based on mutual understanding, respect and trust. Expanding knowledge of the relationship between public relations and legal counsel as well as the way each faction operates, particularly in times of crisis, will undoubtedly lead to improved effectiveness of public relations.

III. Statement of Problem

In an environment where “you can win in court, but lose in the court of public opinion,” public relations and legal counsel need to better understand each other. Cross-cultural communication scholar William B. Gudykunst (1987) argues that in order to understand another, we must be able to “describe, predict, or explain” incoming communication stimuli, “including others’ behavior”. This predictive function is impeded when communication itself is lacking (850).

There is evidence that the relationship between legal and public relations personnel deteriorates in time of crisis, just when the client/organization most needs a unified team. A recent survey (David, 1998) showed that Air Force public affairs officers and judge advocates (lawyers) believed there was more conflict between the groups during times of crisis than under normal circumstances.

Crisis is defined by the Institute for Crisis Management as “a significant business disruption which stimulates extensive news media coverage. The resulting public scrutiny will affect the organization’s normal operations and also could have a political, legal, financial and governmental impact on its business” (About the Institute for Crisis Management, <http://www.crisisexperts.com/abouticm.html>). The definition alludes to the importance of both public relations (extensive media coverage and public scrutiny) and legal counsel (legal impact) in times of crisis, yet research shows that relationships that are difficult under normal circumstances are even more trying in times of crisis (David, 1998).

Fearn-Banks (1996) defines a crisis as “a major occurrence with a potentially negative outcome affecting an organization, company, or industry, as well as its publics, products, services or good name” (1). She notes that a crisis can interrupt normal business and in extreme instances jeopardize the very existence of the organization.

David (1998) found that 37% of public affairs officers he surveyed said that conflict “rarely” or “never” exists between themselves and judge advocates (military lawyers). But about two-thirds (63%) acknowledged there was “sometimes,” “usually” or “always” conflict between the groups. Thirty-nine percent of judge advocates said that conflict “rarely” or “never” exists between themselves and public affairs officers. Again, about two-thirds (61%) of judge advocates said there was “sometimes,” “usually”

or “always” conflict between the groups. Forty-seven percent of public affairs officers and 63% of judge advocates said there was more conflict during a crisis. David found that the majority of respondents in his survey – which included commanders (the equivalent to CEOs) – said that following a conflict between legal and public affairs functions, the Air Force usually achieves its legal goals, but loses public support.

Fitzpatrick (1996) surveyed 376 public relations practitioners about their relationships with legal counsel. About 85% of respondents said their relationship with lawyers was either excellent or good. Those who regularly work with an attorney cited far better relationships with legal than those who infrequently work with lawyers. One might deduce that those infrequent bouts occur in times of crisis and are therefore less amicable than routine interactions would be.

Fitzpatrick and Rubin (1995), in a content analysis of news coverage of sexual harassment cases, found evidence that “organizations [need] to reconcile the often contradictory counsel of public relations and legal professionals and take a more collaborative approach to crisis communication”(21).

They noted that these two groups of professionals have standard strategies for dealing with crisis communication that are very different. They suggest the traditional legal strategy is to say nothing or as little as possible (as quietly as possible) citing the legal sensitivity, private nature or company policy of the event in question. The legal strategy also argues for denial of guilt and shifting or, at worst, sharing blame with the plaintiff (Fitzpatrick & Rubin, 22).

The traditional public relations strategy, they suggest, is to be candid and state any appropriate company policy on the issue, announce that the allegations are being investigated, admit a problem if one truly exists and then quickly plan, announce and implement a remedy (Fitzpatrick & Rubin, 22).

In the content analysis of 39 cases dealing with sexual harassment litigation and the press coverage, Fitzpatrick and Rubin found that a legal strategy was applied in 24 of the cases, a PR strategy was employed in seven cases and a mixture of the two was applied in eight cases. This led them to conclude that legal strategy dominates organizational decision-making, at least as it relates to sexual harassment.

As corporate entities find themselves increasingly in a fish bowl, particularly when it comes to disputes, it seems that membership of public relations in the dominant coalition would take on a new level of importance. A study by the Institute for Crisis Management showed that business crises news stories increased by 19% in 1997. Among those sources most cited in news stories were corporate representatives and lawyers (Crisis report 1997, <http://www.crisisexperts.com/97report.htm>). Understanding between these groups, especially in times of crisis, is imperative because, as one author said: time “shouldn’t be wasted in bickering between lawyers and public relations people” (Birch, 1994, 33). Birch urges corporate managers to involve both legal and public relations counsel early in a crisis in order to educate the lawyers that a bunker mentality will not be useful to reputation preservation and to have legal counsel educate public relations personnel of the litigation liability.

Recent studies have shown that “[w]hen told a large company is accused of wrongdoing in a lawsuit, more than one-third of the population believe that company is probably guilty. And 58% of the public believe that a large company is guilty when its spokesperson responds ‘no comment’ to charges of wrongdoing” (DeMartino 1997, para 6).

In summary, the need for a broader understanding between legal and public relations counselors is easily seen in a concept that is so commonly acknowledged that it has become cliché – “you can win in the court of law but lose in the court of public opinion.” Because organizational crises are on the increase and research shows that when legal and public relations counsel become adversarial the organization in question comes out the loser, it is apropos to study what goes right and wrong in these relationships.

IV. Research Methodology and Design

Research Questions

There are numerous articles about the importance of public relations and legal advisors cooperating in organizational and crisis settings (Birch, 1994; Cooper, 1992; David, 1998; DeMartino, 1997; Fitzpatrick, 1993/94, 1995; Fitzpatrick & Rubin, 1995; Gibson, 1998; Levick, 1997; Lukaszewski, 1995, 1997; Lynn, 1997; Magid, 1995; Martinelli & Briggs, 1998; McCann, 1994; Roschwalb & Stack,

1992; “Turning...” 1989). Additionally, there are studies that look at how public relations counsel view legal counsel (Fitzpatrick, 1996; Guth, 1996; Plumley & Wilson, 1993), but there is remarkably little that looks at both perspectives. Therefore, the research questions are necessarily broad in an effort to build a foundation in this area of study.

The first three research questions provide insight into how public relations and legal professionals view themselves and their colleagues in the other profession. These questions allow some conclusions to be drawn based on common understanding between the professions as well as serve a heuristic function.

R1: How do public relations professionals view legal professionals?

R2: How do legal professionals view public relations professionals?

R3: Do the self-reports of each group square with the views held by the other group?

The fourth research question moves from being foundational in nature to providing a basic framework of how these groups can work more effectively together.

R4: How do these views affect the working relationship when legal and public relations counsel combine to attempt strategic conflict management?

The fifth research question addresses methodological issues. Traditionally, Q studies have been conducted in person or by mail. One existing process allows the sorting to be done via web-based technology, but the final research question in this study asks if web-based technology can be used to complete Q-sorting and the questionnaire process efficiently over the World Wide Web.

R5: Is it possible to efficiently gather Q sort data using the internet?

Research Methodology

Q-sorts (McKeown & Thomas, 1988; Sanders, 1990; Stephenson, 1953, 1968, 1994) followed by depth interviews (Lindlof, 1995) were the primary methodologies for this work.

The engaging Q process leads naturally into the depth interview that follows. The interview provides the researcher with the opportunity not only to identify choices made by the sorter, but to dig

deeper in an effort to understand the nature of those choices. It allows the researcher to detect what determines the importance of one choice over another (Stephenson 191).

Q methodology requires a smaller number of respondents than do other social scientific research methods. It requires the respondent to define his or her own subjectivity via a series of self-referential opinion statements on sort cards. The goal is to unmask deeply held opinions in such a manner that people who respond to the sort in specific ways can begin to be grouped into factors or types and defined according to similarities and differences in the attitudes, motives and wants they report. Q methodology is therefore an excellent exploratory tool and can effectively be used to build hypotheses.

The value of this method for this particular research project is to measure subjective responses of public relations and legal counsel regarding themselves and then regarding members of the other profession. “The purpose of conducting a Q-study is to gain insight into an individual’s point of view on any matter of social importance...and to give these opinions structure and form” (Cropp 60).

The depth interview, following the Q-sort, provides an opportunity to analyze responses to the sort as well as to identify the source of attitudes and extract useful anecdotal information. Singer (1996) found that these methods complemented each other well, as person factors that were identified in the Q-sort were reinforced anecdotally in the series of interviews she conducted.

In sum, the methodologies of Q-sorts and depth interviews will endeavor to provide initial understanding into the feelings and beliefs lawyers and public relations counselors have about each other.

Research Design

The population for this study was public relations and legal counsel. The ideal sample would have been paired, using the corporation as the unit of analysis. However, in nearly all cases this pairing of both legal and public relations counsel for the same organization did not occur.

The ideal sample yielded to the real when an alternative “snowball sample” based on professional relationships and drawn from among the membership of the Public Relations Society of America (PRSA) and the American Corporate Counsel Association (ACCA). The final sample consisted of 16 public

relations practitioners and 14 lawyers, made up of professional contacts, and PRSA and ACCA members. More than 350 electronic mail communiqués and 110 phone calls were exchanged in recruiting and interviewing the final sample. Participation of corporate counsel also was invited on the ACCA website (<http://www.acca.org>).

Respondents were asked to sort 34 statements, either on-line or from paper cards. The statements were arranged on a continuum of most agree to most disagree. The statements were gleaned from literature as well as from interviews with professionals (See Appendix for Q statements). An original universe of 212 statements was winnowed down to a sample of 34. Participants were asked to first sort the statements from their own professional perspective and then to re-sort them from what they believe would be the perspective of the other profession, i.e. lawyers did the second sort trying to predict the choices of public relations practitioners. Following the completion of this sorting, participants were asked to elaborate on their experiences in dealing with their professional counterparts.

The Q sort materials were delivered either via Q-Assessor, an on-line sorting system, or through traditional paper means by mail. Stanley E. Kaufman, M.D., Epimetrix Consulting Group, San Francisco, designed and administered Q-Assessor for this study.

Data analysis in Q methodology typically consists of the sequential application of correlation, factor analysis and computation of factor scores (McKeown and Thomas 45). Data was tabulated and factor analyzed using PQMethod, software developed specifically for analyzing Q data and providing arrays for analysis.

V. Research Findings

The goal of this research, and Q sorts generally, is to tease out subjective perspectives of public relations practitioners and legal counsel in regards to organizational crises. While the findings in this research are qualitative, they provide several insights into the relationships of public relations practitioners and legal counsel as well as what each views as appropriate action and relationships during difficult times.

Factor analyses were run on five data sets. Four of the data sets yielded two factors or “types” each. The fifth data set, consisting of public relations practitioners’ and lawyers’ self-reports combined, provided three factors (See Table 1).

Public Relations		Lawyers		Combined
<i>Self-Report</i>	<i>Perception of Lawyers</i>	<i>Self-Report</i>	<i>Perception of PR counsel</i>	
Caring Collaborator	Involved Suppressor	Cooperative Colleague	Suspicious Meddler	Up-front Professional
Legal Eagle	Quiet Associate	Confrontational Counselor	Conscientious Communicator	Cautious Editor
				Sensitive Spokesman

Public Relations practitioners

When public relations practitioners sorted the 34 statements from their own professional perspectives, two types emerged – eight practitioners in each type.

The Caring Collaborator and Legal Eagle have near consensus on several statements (See Table 2). This indicates that these types are highly correlated – in other words, members of the profession do think in a similar manner.

Most Agree	Most Disagree
17 <i>Involve the PR specialist early</i> Caring Collaborator, z = 1.657 Legal Eagle, z = 1.476	31 <i>Say as little as possible as quietly as possible.</i> Caring Collaborator, z = -1.335 Legal Eagle, z = -1.482
27 <i>A client is best served if counsel work in concert</i> Caring Collaborator, z = 1.643 Legal Eagle, z = 1.919	14 <i>When embroiled in actual litigation, PR should have little input.</i> Caring Collaborator, z = -1.255 Legal Eagle, z = -1.164
7 <i>Assess image as well as legal liability</i> Caring Collaborator, z = 1.632 Legal Eagle, z = 1.263	8 <i>Legal risk is greater than the need for PR.</i> Caring Collaborator, z = -1.229 Legal Eagle, z = -.890
30 <i>Voluntarily admit problems, then announce and implement corrections</i> Caring Collaborator, z = 1.407 Legal Eagle, z = .895	4 <i>Conduct all-out warfare against critics.</i> Caring Collaborator, z = -1.183 Legal Eagle, z = -1.690
19 <i>PR professional must become educated about legal issues</i> Caring Collaborator, z = 1.298 Legal Eagle, z = 1.131	13 <i>PR has no place in legal arena.</i> Caring Collaborator, z = -1.019 Legal Eagle, z = -1.034
5 <i>Acknowledge the concerns of the other side</i> Caring Collaborator, z = 1.230 Legal Eagle, z = .912	
18 <i>Poor crisis response stems from concern for legal issues without concern for relationships with publics</i> Caring Collaborator, z = .878 Legal Eagle, z = 1.392	

Statements are paraphrased. For complete statements see the Appendix.

The Caring Collaborator

This factor is evenly distributed among men and women – four of each – and explains 35% of the variance. The average length of this PR professional’s career is about 21 years (20.7).

One Caring Collaborator wrote: “The PR people must be at the table immediately... [W]e instituted a ‘situation management’ process involving all stakeholders including PR, legal, marketing, ... to identify issues before they became crises and to help stakeholders understand each others’ roles and perspectives before you are in the crucible of a crisis.” Another wrote: “Too often company executives do not involve PR professionals early enough so that they can provide strategic counsel – it’s a huge missed opportunity and represents a tangible cost.”

This type also thought a client is best served when legal and public relations counselors cooperate. In addition, this type believes corporate image should be taken into account during a crisis as well as legal liability. One Caring Collaborator wrote: “Legal and communications professionals must work together in order to create the best company image and protect the company’s interests.”

Among the things that most set the Caring Collaborator apart (see Table 3) was his belief that *the best crisis strategy is to voluntarily admit a problem, then announce and quickly implement corrective measures* ($z = 1.407$). “Sooner or later, ‘the truth will out,’” one Caring Collaborator said. “In handling a crisis, a company needs to know the truth, have details and facts and craft the best strategy to show a straightforward, honest manner in dealing with the crisis. If at fault, coordinate with legal, but show why it happened and what corrective steps will be taken.”

In stating his belief that public relations professionals should be well versed in legal issues one participant said, “In order to understand the nuances of the law, PR professionals need to spend time with legal counsel and become familiar with the law and regulations governing their businesses. It is impossible to speak intelligently without understanding legal issues.”

Finally he feels more strongly than the Legal Eagle that relationships need to be maintained. He believes in *acknowledging the concerns of the other side in the conflict* ($z = 1.230$). “Acknowledging

concerns is a key way to demonstrate a company's integrity – crucial for maintaining a solid reputation,” wrote one.

The Caring Collaborator most strongly disagrees with the idea that when embroiled in a conflict you should *deny guilt* ($z = -1.681$). He also disavows the concept of *talking tough with accusers* ($z = -1.450$). One said: “Talking tough and conducting warfare against critics and accusers will do nothing but damage a company's reputation. These actions will more likely cause more suspicion and perhaps encourage those who are neutral or even on your side to question the company.” This type does not believe that *any communication with any public can jeopardize a company's case* ($z = -1.188$). Another wrote: “Communication from the company to appropriate publics can be made without jeopardizing itself legally – if the legal and PR sides work together to craft appropriate positioning and public comments. If you don't at least respond with your position to the publics you run the risk of ‘winning’ the legal battle only – and losing customers, community support and supplier trust.”

Like the Legal Eagle he does not believe the best crisis strategy is to say little and release information quietly. “It just never works to say nothing, provided you are asked,” said one Caring Collaborator. “[M]ost people will forgive a mistake if someone takes responsibility.”

The Legal Eagle

The Legal Eagle factor includes five men and three women and accounts for 33% of the variance. The average number of years in public relations is about 14 (13.85) for the respondents in this factor.

“No one has a lock on wisdom, perspective and skills,” said one Legal Eagle, agreeing that public relations and legal counsel should work together. She believes the public relations specialist should be involved early, saying “PR professionals need to be involved from the outset so that they are helping to craft a message and not just doing damage control.”

The Legal Eagle strongly believes *a poor response to a crisis is often caused by excessive concern for legal issues and an absence of concern for relationships with publics* ($z = 1.392$). “I don't think any client should become so preoccupied with the ‘legalness’ of an issue that it clouds their good judgment regarding their standing in the eyes of their customers and the general public,” one said.

Additionally, this type believes *there is a growing need for lawyers and public relations practitioners to work together*, thanks to more crises being fueled by lawsuits ($z = 1.266$). Another said: “Both lawyers and PR professionals have important and meaningful considerations and viewpoints that should be discussed and weighed at the outset to achieve optimal outcomes – including ‘settlements’ that lessen the burden on the justice system and the financial burden of involved parties.”

Like the Caring Collaborator, the Legal Eagle strongly disagrees with all-out warfare against critics. “I believe that legal and PR people should defend their clients well,” one Legal Eagle said. “[B]ut I don’t think the strategy should necessarily include clobbering your opponent.” She also believes that *quietly releasing as little information as possible* ($z = -1.482$) is a bad crisis strategy. “Hiding things will only come back to haunt you in the end because typically they will come out in some forum,” one wrote.

She is set apart (see Table 3) by her disagreement with a strategy of *revealing as little as possible* ($z = -1.520$). She also does not agree that *public relations practitioners do not understand legal counsel* ($z = -1.225$). “I strongly believe that many public relations professionals have a very good feel for, if not outright understanding of the elements of law which are involved in any particular case,” a Legal Eagle said. She doesn’t buy the idea that *any conflict that arises between the two professions is due to a lack of understanding of the other discipline* ($z = -1.022$). “I don’t believe – generally speaking – that lawyers and PR people don’t respect each other’s function or that they don’t understand what the other is out to achieve,” one said. Another Legal Eagle noted, “We have sharp, sensitive, collegial lawyers with whom PR staffers enjoy working. There is abundant mutual trust and respect.”

Public relations practitioners answering from the perspective of Lawyers

To answer the first RQ (How do public relations professionals view legal professionals?) public relations practitioners were asked to do a second sorting of the statements, projecting how they believe a lawyer would do the sorting. Two factors or types of public relations practitioners emerged when they tried to don the guise of a lawyer. The public relations practitioners were roughly split between the two factors – nine in the first factor, seven in the second.

<i>Caring Collaborator</i>		<i>Legal Eagle</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree
22 Conflict between legal and PR comes from not understanding the other's discipline. z = .874	32 Deny guilt. z = -1.681	23 There is a growing need for lawyers and PR to work together. z = 1.266	6 Reveal as little as possible. z = -1.520
	33 The best way to deal with accusers is to talk tough. z = -1.450		11 PR professionals don't understand legal counsel. z = -1.225
	34 Any communication with any public could hurt a legal case z = -1.188		22 Conflict between legal and PR comes from not understanding the other's discipline. z = -1.022

Statements are paraphrased. For complete statements see the Appendix

The Involved Suppressor and Quiet Associate agreed on several statements (see Table 4) – both those at the positive and the negative ends of the spectrum. Again, this high level of agreement indicates a correlation among professionals.

The Involved Suppressor

This type is made up of five men and four women and accounts for 34% of the variance. The average job tenure among this group is about 18 (18.33) years.

The Involved Suppressor felt strongly that lawyers would agree that they should scrutinize all messages in the course of a crisis and that statements made can prove detrimental during legal proceedings. “My impression is that legal counsel for a company would prefer to review all documents [and] statements as to not weaken the company's legal arguments for later court events,” one respondent wrote. “They also feel anything outside preferred texts or rehearsed responses will/may jeopardize later legal proceedings.” Another wrote, “Lawyers, even those who understand the importance of public attitudes, want to control everything that's uttered.”

The Involved Suppressor thinks that lawyers believe PR increases the risk of legal liability by being too open. “After working with company and other lawyers over the years, it is my strong belief that they feel PR is a ‘high risk’ factor that often interferes with their legal strategy,” said one. His estimation of a lawyerly response (see Table 5) in the face of a crisis is to *say as little as possible and release it as quietly as possible* (z = 1.125). This type also thinks lawyers *don't want PR input when an organization*

is involved in litigation ($z = 1.054$). Finally, the Involved Suppressor suspects that a lawyer would strongly agree with a strategy of revealing as little as possible ($z = 1.001$). “I think that lawyers have a tendency to hold their cards close to their chest and anyone who does otherwise is viewed with suspicion,” one wrote.

Most Agree	Most Disagree
10 Lawyers should examine all public statements Involved Suppressor, $z = 1.867$ Quiet Associate, $z = 1.772$	29 Open disclosure of misdeeds is usually appropriate Involved Suppressor, $z = -1.721$ Quiet Associate, $z = -1.467$
3 Statements can prove detrimental in a later legal case Involved Suppressor, $z = 1.622$ Quiet Associate, $z = 1.536$	30 Voluntarily admit problems, then announce and implement corrections. Involved Suppressor, $z = -1.554$ Quiet Associate, $z = -1.036$
1 Legal should be involved in determining message Involved Suppressor, $z = 1.611$ Quiet Associate, $z = 1.832$	15 Saying “no comment” is like saying “we’re guilty” Involved Suppressor, $z = -1.360$ Quiet Associate, $z = -1.263$
8 Legal risk is greater than the need for PR Involved Suppressor, $z = 1.409$ Quiet Associate, $z = .903$	16 Talk publicly, early and often Involved Suppressor, $z = -1.295$ Quiet Associate, $z = -1.184$
9 PR exposes the company to legal risks by being too open Involved Suppressor, $z = 1.269$ Quiet Associate, $z = .987$	18 Poor response to a crisis often stems from concern for legal issues without concern for relationships with publics. Involved Suppressor, $z = -1.231$ Quiet Associate, $z = -1.588$
	12 Lawyers don’t understand the importance of public attitudes Involved Suppressor, $z = -.798$ Quiet Associate, $z = -1.842$

Statements are paraphrased. For complete statements see the Appendix.

The Involved Suppressor believes lawyers would strongly disagree that voluntarily admitting a problem, announcing and quickly implementing corrective measures is a good crisis strategy. “It is always important to look at implications of disclosure,” said one participant. “While voluntarily admitting may make a company feel good, it is opening itself for potentially even larger problems.” This type of PR professional suggests lawyers would think “no comment” is an appropriate response. “Generally, lawyers believe the less said, the better,” one Involved Suppressor noted. “That leaves them maximum wiggle room as the facts emerge into a case.”

He also has the idea that a lawyer would not want to acknowledge the concerns of the other side ($z = -1.314$). “Acknowledging the other sides’ ‘concerns’ may weaken the company’s entire case,” one responded.

“My experience,” one wrote, “has been that lawyers play cards close to the vest – and saying anything that comes close to admitting ‘guilt’ is taboo (because it could result in huge financial judgments). I think lawyers generally feel they do appreciate the ‘court of public opinion’ – it’s just that, generally speaking, there’s no financial ‘penalty’ associated with it.”

The Quiet Associate

The Quiet Associate is a profile of four men and three women and explains 30% of the variance. The professionals in this factor have average job tenure of about 15 (15.40) years.

When trying to anticipate a lawyerly response to the statements, this type most strongly agrees that legal counsel should be involved in determining message. “The potential for a given crisis to spawn legal action is great,” one said. “Thus it only makes sense that the legal function should be scrutinizing anything the company is saying publicly and that companies need to be very careful they don’t incriminate themselves by making some unfortunate statement that could have huge adverse future liability implications.”

The Quiet Associate (see Table 5) says lawyers agree *public relations professionals need to be educated about legal issues and procedures* ($z = 1.437$). This type finally believes lawyers think any *public communication can jeopardize an organization’s case* ($z = 1.008$). “I don’t think PR people really understand the importance of considering the legality of public statements, written or oral,” said one PR participant, donning the legal hat. “People could sue or misinterpret what is said or written so having legal input is imperative in all communications, especially during a crisis.”

The Quiet Associate most strongly disagrees, looking through the eyes of a lawyer, that lawyers don’t understand public attitudes. The Quiet Associate thinks a lawyer would strongly disagree with the idea that a poor crisis response rises from excessive concern for legal issues at the expense of relationships with publics. “Although lawyers can become myopic in their approach, they usually have a fairly keen sense of public attitudes and public opinion,” one said. “Smart lawyers know that a case can be lost if the public becomes vocal and mobilized.”

She also thinks that lawyers would reject visibly defending yourself by talking publicly. One said, “It is safest to say as little as possible. Also, admitting misdeeds can compromise the company’s legal standing.”

The Quiet Associate believes lawyers disagree that they *encroach on PR ground in times of crisis* ($z = -1.182$). One participant noted, “For maximum protection against costly future litigation it is essential that legal counsel be involved from the outset in any crisis situation. It is precisely this early involvement of legal counsel and their intense scrutiny of even the smallest tactical maneuver in time of company crisis that makes the critical difference between responding effectively and shooting oneself in the foot.”

Finally, the Quiet Associate believes a lawyerly response would be to disagree that *when legal and public relations counsel conflict, an organization achieves legal goals but loses public support* ($z = -.934$).

<i>Involved Suppressor</i>		<i>Quiet Associate</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree
31 Say as little as possible as quietly as possible. $z = 1.125$	5 Acknowledge the concerns of the other side. $z = -1.314$	19 PR professionals must become educated about legal issues $z = 1.437$	2 Legal encroaches on PR during crises $z = -1.182$
14 When embroiled in actual litigation, PR should have little input $z = 1.054$	4 Conduct all-out warfare against critics. $z = -.747$	34 Any communication with any public could hurt a legal case $z = 1.008$	28 After a conflict between legal and PR, the organization usually achieves its legal goals but loses public support. $z = -.934$
6 Reveal as little as possible. $z = 1.001$		24 PR and legal functions often offer competing approaches to problem-solving in a conflict. $z = .831$	

Statements are paraphrased. For complete statements see the Appendix

Legal Counsel

Fourteen lawyers, representing a wide diversity of backgrounds, broke into two factors. Within the two types, five agreement statements in common percolate to the top. Likewise, the two factors share three disagreement statements in common at the bottom. Like the public relations practitioners, lawyers showed remarkable consensus on the statements with which they most agreed and most disagreed (see Table 6).

Most Agree	Most Disagree
27 <i>A client is best served if counsel work in concert</i> Cooperative Colleague, $z = 1.961$ Confrontational Counselor, $z = 1.771$	4 <i>Conduct all-out warfare against critics</i> Cooperative Colleague, $z = -1.740$ Confrontational Counselor, $z = -1.549$
17 <i>Involve the PR specialist early</i> Cooperative Colleague, $z = 1.440$ Confrontational Counselor, $z = 1.369$	34 <i>Any communication with any public could hurt a legal case</i> Cooperative Colleague, $z = -1.516$ Confrontational Counselor, $z = -.922$
19 <i>PR professionals must become educated about legal issues</i> Cooperative Colleague, $z = 1.381$ Confrontational Counselor, $z = 1.274$	13 <i>PR has no place in the legal arena</i> Cooperative Colleague, $z = -1.496$ Confrontational Counselor, $z = -1.467$
1 <i>Legal should be involved in determining message</i> Cooperative Colleague, $z = 1.300$ Confrontational Counselor, $z = .910$	
3 <i>Statements can prove detrimental in a later legal case</i> Cooperative Colleague, $z = .972$ Confrontational Counselor, $z = 1.765$	

Statements are paraphrased. For complete statements see the Appendix

The Cooperative Colleague

This type consists of an equal distribution of men and women – four each – and accounts for 37% of the variance. The average number of years in their career is 19.71.

The Cooperative Colleague believes the public relations specialist should be involved early in the face of a crisis. “Because I am not a dentist, I don’t do my own dentistry,” one wrote. “I recognize that handling a crisis is an area of specialization. It involves a combination of media savvy, knowing what messages should be given to the public, to avert outrage. A legal crisis is a business risk, primarily, and a legal risk secondarily.”

The Cooperative Colleague (see Table 7) believes *legal counsel should scrutinize all public messages* in the face of a crisis ($z = 1.011$). She thinks *corporate images as well as legal liability should be assessed* ($z = 1.283$). The Cooperative Colleague believes that *concerns of the other side need to be acknowledged* ($z = 1.001$). “[T]he best way to handle any situation and to work toward resolution, is to understand the issues of the other side and to have demonstrated positive action in a crisis,” said one Cooperative Colleague. Another wrote: “By acknowledging the concerns of the other side you can often avoid or minimize litigation.”

The Cooperative Colleague strongly disagrees with the strategy of conducting all-out warfare. “There is seldom any legal benefit in conducting all-out warfare against critics,” one said. She does not

believe the *best way to deal with accusers is by talking tough* ($z = -1.392$). “[Conducting all-out warfare] can be the most troublesome temptation both legal and public relations counsel must cope with within an organization,” one wrote. “All legal matters have public relations as well as strictly legal consequences so I strongly disagree [that public relations has no place in the legal arena].”

This type disagrees that *public relations counsel should have little input when an organization is embroiled in actual litigation* ($z = -1.388$). “Strictly legal responses, covering [tail] and saying ‘no comment’ is usually inimical to public perception,” wrote one. “That kind of response can – if lawyers have it all their way – inflate the sense of public outrage and become a crisis itself.” In a similar vein, the Cooperative Colleague does not agree that in most cases the *legal risk outweighs the need for public communication* ($z = -1.018$). “PR and lawyers must work together, according to a fair role description,” said a Cooperative Colleague. “And that means, lawyers should not simply muscle and muzzle, but counsel collaboratively, and helpfully.” Finally, this type disagrees with the idea of *revealing as little as possible* ($z = -.967$) and *revealing as little information as possible as quietly as possible* ($z = -.885$). One wrote, “If you say nothing, the public will assume the worst about a situation. Carefully crafted, accurate disclosure can do a tremendous amount of good for business.”

The Confrontational Counselor

This type, made up of four men and one woman, accounts for 23% of variance. The average length of this lawyer’s career is 17.20 years.

Like the Cooperative Colleague (see Table 6), the Confrontational Counselor most strongly agrees that a client is best served if communications and legal counsel work in concert. One wrote: “The need to work in concert is imperative where mistakes and misjudgments are spread instantly and magnified by media attention. However, the concerns of counsel are rightly placed with legal exposure and liability, which usually mandate a limited disclosure of facts and then usually in a private setting. The PR person’s view is wider, and based on spreading a message to the public. Only good can come from both being exposed to the other soon and frequently.”

The Confrontational Counselor is much stronger than Cooperative Colleague in his belief that statements made can prove detrimental in a later legal proceeding. “[This] relates to the rules of evidence and specifically admissions against interests,” wrote one. “These rules require lawyers to counsel against admissions of culpability. Any legal relationship is best served when client and counselor work together.” Another said, “There’s a reason for the fifth amendment and that is the reason.” Still another wrote: “Litigation concerns should be paramount during the litigation with public relations concerns in the background. Traditionally, the less said the better. Although [the idea that statements can prove detrimental in later legal proceedings] may not *always* be the case, from personal experience, I know it to be true.”

The significant difference between these two types appears in a few statements (see Table 7). The Confrontational Counselor strongly agrees that because *so many crises are created by lawsuits there is an increasing need for legal and PR counsel to work together* ($z = 1.069$). “A multi-disciplinary team is the best approach for effective problem solving,” one wrote. “Any approach that favors one perspective without due consideration of competing perspectives is incomplete and more likely to fail.”

He also strongly believes you should *deny guilt* ($z = 1.019$). Finally, the Confrontational Counselor strongly agrees that *public relations and legal functions often offer competing and adversarial approaches to conflict problem solving* ($z = .936$). “In a legal crisis, counsel should drive decision-making with input from PR experts,” another said.

A distinguishing quality of this type is his strong disagreement with the idea that *saying “no comment” is tantamount to saying “we’re guilty”* ($z = -1.751$). “There is no need, from a legal perspective, to give plaintiff’s counsel evidence in a lawsuit. ‘No comment’ is the safest from this legal perspective,” said one Confrontational Counselor. Another wrote: “The short term pain experienced from a limited or non-disclosure of any facts is almost always better than an open approach, especially in the early stages of an ill-defined crisis. ‘No comment’ is clearly not an admission and, properly backed by reassuring statements of future disclosure, is best.”

The Confrontational Counselor doesn't believe that public relations has no place in the legal arena or that *lawyers don't understand the importance of public attitudes* ($z = -1.195$). One wrote: "As a lawyer, I recognize that I lack the ability (personally and ethically) to alone advocate the importance of public image outside of the Court. PR experts have been indispensable to me in managing legal crises for clients." He strongly disagrees that *conflicts between the professions arise out of jealousy* ($z = -1.045$) or *a lack of respect* ($z = -1.030$). Finally, this type does not believe that *legal counsel encroaches on public relations in times of crisis* ($z = -1.008$).

<i>Cooperative Colleague</i>		<i>Confrontational Counselor</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree
7 Assess corporate image as well as legal liability. Z = 1.283	33 The best way to deal with accusers is to talk tough Z = - 1.392	23 There is a growing need for lawyers and PR to work together Z = 1.069	15 Saying "no comment" is like saying "we're guilty" Z = -1.751
10 Lawyers should examine all public statements during a crisis Z = 1.011	14 When embroiled in litigation, PR should have little input Z = -1.388	32 Deny guilt. Z = 1.019	12 Lawyers don't understand the importance of public attitudes Z = -1.195
5 Acknowledge the concerns of the other side. Z = 1.001	8 Legal risk is greater than the need for PR Z = -1.018	24 PR and legal offer competing approaches to conflict problem solving Z = .936	20 Conflict between legal & PR arises out of jealousy Z = -1.045
	6 Reveal as little as possible. Z = -.967		21 Conflict between legal and PR functions arise out of a lack of respect Z = -1.030
	31 Say as little as possible as quietly as possible Z = -.885		2 Legal encroaches on PR during crises Z = -1.008

Statements are paraphrased. For complete statements see the Appendix

Lawyers answering from the perspective of public relations practitioners

To answer the second RQ (How do legal professionals view public relations professionals?), the lawyers in the study were asked to sort the statements a second time, trying to respond as they believe public relations practitioners would. A factor analysis of these responses yielded two types of lawyers. The two types were in consensus on their strong agreement with four statements (see Table 8). Likewise, they shared strong disagreement on five statements.

Most Agree	Most Disagree
17 <i>Involve the PR specialist early</i> Suspicious Meddler, z = 1.645 Conscientious Communicator, z = 1.709	13 <i>PR has no place in legal arena</i> Suspicious Meddler, z = -1.813 Conscientious Communicator, z = -1.250
7 <i>Assess image as well as legal liability</i> Suspicious Meddler, z = 1.502 Conscientious Communicator, z = 1.086	14 <i>When embroiled in litigation, PR should have little input.</i> Suspicious Meddler, z = -1.598 Conscientious Communicator, z = -1.325
27 <i>A client is best served if counsel work in concert</i> Suspicious Meddler, z = 1.357 Conscientious Communicator, z = 2.012	34 <i>Any communication with any public could hurt a legal case</i> Suspicious Meddler, z = -1.281 Conscientious Communicator, z = -2.012
23 <i>There is a growing need for lawyers and PR to work together</i> Suspicious Meddler, z = 1.101 Conscientious Communicator, z = .942	31 <i>Say as little as possible as quietly as possible</i> Suspicious Meddler, z = -1.029 Conscientious Communicator, z = -1.417
	6 <i>Reveal as little as possible</i> Suspicious Meddler, z = -.936 Conscientious Communicator, z = -1.022

Statements are paraphrased. For complete statements see the Appendix

The Suspicious Meddler

This factor accounts for 49 percent of the explained variance and includes 11 of the 14 participant lawyers. These lawyers, on average, have been practicing 13.5 years.

This lawyer believes a public relations professional would most resound with the statement that PR should be involved early in the process. One wrote: "PR has to be considered a separate discipline with co-existing but separate concerns and means. Legal concerns cannot automatically pre-empt PR considerations if the company is to function in the commercial public arena, as opposed to the purely legal arena."

She also thinks a public relations practitioner would strongly embrace the idea that *a company's poor crisis response is due to being overly concerned with legal issues and being unconcerned about relationships with publics* (z = 1.554) (see Table 9). "I think PR professionals believe that lawyers have too much influence over matters that can influence public perception in the context of legal proceedings or conflicts," one wrote. "A good PR professional would advocate for giving the company's public image equal standing, at least, with its legal position in a given matter."

This lawyer thinks PR practitioners agree *that legal counsel encroaches on public relations ground in times of crisis* (z = 1.196). She also suggests that public relations professionals believe that

lawyers don't understand the importance of public attitudes ($z = 1.131$). “I have observed several instances how lawyers spoil the message to the public, embarrass the company even,” one wrote. “As a PR manager, crisis response is my patch: ‘Lawyers: bug off!’”

Finally, this legal type suggests that public relations counsel would agree there is a growing need for legal and PR counsel to cooperate. One Suspicious Meddler said: “Too often lawyers are only concerned about a particular lawsuit and they fail to see or acknowledge the ‘big picture.’ In order to be effective, both legal and public relations must find a way to work together.”

The Suspicious Meddler believes public relations personnel would most strongly disagree with the idea that public relations has no place in the legal arena. “PR counsel has to be involved from the beginning,” one lawyer said, “to temper and inform the sometimes short-sighted considerations of legal counsel.”

This type of lawyer thinks PR counsel would strongly disagree that *the legal risk is greater than the need for public communications, in most cases* ($z = -1.481$). “PR would value communication over legal risk,” said one. She also suggests strong disagreement with the statement that *public relations professionals expose an organization to legal liability by being too open* ($z = -1.204$). “While information must be intelligently released, well-timed and truthful statements can reduce the fever-pitch generated by crises and eliminate the need for legal involvement in the first place,” one said.

The Suspicious Meddler thinks a public relations practitioner would disagree that *lawyers should scrutinize all public statements during a crisis* ($z = -1.103$). “If lawyers scrutinize all communications, often the process gets too bogged down, while legal carefully examines each word and phrase,” one said. “Sometimes it is more important to respond quickly, even if it means acknowledging error.”

The Conscientious Communicator

Only three lawyers, all men, loaded on this factor. But they had substantial experience, practicing an average of 32.33 years. This type accounts for 21% of variance.

The Conscientious Communicator agrees with the Suspicious Meddler that public relations practitioners would strongly agree a client is best served if the two professions work together and early

(see Table 8). Where this type differs from the previous type is in his belief that public relations personnel would agree that *voluntarily admitting a problem and announcing and quickly implementing corrections is the best way to deal with a crisis* ($z = 1.628$) (see Table 9). Another differentiation is his thinking that public relations professionals would agree that *PR should be educated in legal issues and procedures* ($z = 1.109$).

The Conscientious Communicator thinks PR professionals would most strongly disagree with the idea that any communication with any public can damage an organization's legal case. Where this type most disagrees with the previous type is with the idea of *conducting all-out warfare against critics* ($z = -1.189$) and *talking tough with accusers* ($z = -1.097$). The Conscientious Communicator also disagrees with *visibly defending yourself by talking publicly, early and often* ($z = -.954$).

<i>Suspicious Meddler</i>		<i>Conscientious Communicator</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree
18 Poor crisis response stems from concern for legal issues without concern for relationships with publics $z = 1.554$	8 Legal risk is greater than the need for PR $z = -1.481$	30 Voluntarily admit problems, then announce and implement corrections $z = 1.628$	4 Conduct all-out warfare against critics $z = -1.189$
2 Legal encroaches on PR during crises $z = 1.196$	9 PR exposes the company to legal risks by being too open $z = -1.204$	19 PR professionals must become educated about legal issues $z = 1.109$	33 The best way to deal with accusers is to talk tough $z = -1.097$
12 Lawyers don't understand the importance of public attitudes $z = 1.131$	10 Lawyers should examine all public statements during a crisis $z = -1.103$	3 Statements can prove detrimental in a later legal case $z = .989$	16 Talk publicly, early and often. $z = -.954$
15 Saying "no comment" is like saying "we're guilty" $z = .846$		29 Open disclosure of misdeeds is usually appropriate $z = .931$	

Statements are paraphrased. For complete statements see the Appendix

Legal and Public Relations practitioners combined

A second way of determining how lawyers and public relations perspectives differ is to combine all 30 sorts done for the practitioner's/counselor's own perspective and conduct a factor analysis. In doing this, three factors emerged (see Table 10). Public relations practitioners out-numbered lawyers 11 to 4 in the first and largest factor. So, the first factor is essentially a PR type and accounts for 34% of

variance. The second factor contained seven lawyers and no public relations practitioners, thereby making the second factor clearly a lawyer type. This factor contributed to 20% of variance. The third and smallest factor (17% variance) is again a PR type with three public relations practitioners to one lawyer. Because these factors did roughly break up by profession, it suggests that there are public relations and lawyerly ways of thinking and sorting the statements.

The Up-front Professional

This largely public relations type strongly agrees that *legal and communications counsel should work together* ($z = 1.837$) and that *corporate image should be assessed as well as corporate liability* ($z = 1.563$). She also thinks the *PR specialist should be involved early* in the planning process ($z = 1.556$) and that *PR professionals should be knowledgeable about legal considerations* ($z = 1.316$). Additionally, this type agrees that *concerns of the other side should be acknowledged* ($z = 1.117$). But what stands out about this factor, is her belief that the best crisis strategy is to *admit problems and quickly work to fix them* ($z = 1.115$). Finally, she agrees that *a company's poor response to a crisis stems from excessive concern for legal considerations to the detriment of relationships with publics* ($z = 1.004$).

The Up-front Professional most strongly disagrees that the best way to deal with accusers is to *talk tough* ($z = -1.539$). She also disagrees that *all-out warfare* is the best way to deal with critics ($z = -1.423$). She doesn't believe that *any communication with any public could jeopardize an organization's legal case* ($z = -1.395$). The Up-front Professional disagrees that the best strategy in a crisis is to *say little and say it quietly* ($z = -1.388$). This type does not agree that *in most cases the legal risk is greater than the need for communication* ($z = -1.365$). She also does not believe that *public relations input should be curtailed when an organization is involved in litigation* ($z = -1.298$). Finally, she does not agree that *guilt should be denied* ($z = -1.276$).

The Cautious Editor

This largely lawyer type agrees with the preceding type that a *client is best served if the two professions work together* ($z = 1.783$) and that *public relations counsel should be involved early on* ($z = 1.245$) (see Table 10). He also agrees that *PR practitioners should become knowledgeable about the*

legal implications of communication ($z = 1.265$) and that *corporate image as well as legal liability should be assessed* ($z = 1.105$). But the Cautious Editor most agrees with the idea that *public statements can prove detrimental or fatal in a later legal proceeding* ($z = 1.869$). He also agrees that *public relations and legal functions often offer competing and adversarial approaches* to problem solving in the face of a conflict ($z = 1.070$).

The Cautious Editor most strongly disagrees with *conducting all-out warfare* against critics ($z = -1.782$). He also strongly disagrees with the idea that *saying “no comment” is tantamount to saying “we’re guilty”* ($z = -1.675$). This type strongly does not agree that *public relations has no place in the legal arena* ($z = -1.422$). Neither does he believe that *conflicts between PR and legal grow out of jealousy* ($z = -1.146$). He disagrees with *talking tough* ($z = -1.069$) and defending yourself by *talking publicly, early and often* ($z = -1.115$). Finally, the Cautious Editor does not agree that *any communication with any public can jeopardize the organization’s legal case* ($z = -1.034$).

The Sensitive Spokesman

This basically public relations factor, like those that preceded it, strongly agrees that the *client is best served if the two professions cooperate* ($z = 1.834$), if the *PR specialist is involved early on* ($z = 1.610$), and if *public relations specialists are educated about legal issues that impact communication* ($z = 1.392$) (see Table 10). The Sensitive Spokesman is unique in strongly agreeing that the best strategy in a crisis is to *voluntarily admit a problem, announce and quickly implement corrections* ($z = 1.265$). She also strongly agrees that a company’s *poor crisis response often stems from over concern with legal issues to the detriment of relationships with publics* ($z = 1.162$). This type agrees with the strategy of *visibly defending oneself by talking public, often and early* ($z = .945$). Finally, the Sensitive Spokesman believes that because so many crises are created by lawsuits, *there is an increasing need for lawyers and public relations practitioners to work together* ($z = 1.127$). This type also strongly agrees that *corporate image should be assessed as well as legal liability* ($z = 1.136$).

The Sensitive Spokesman most strongly disagrees that *conflict between legal and public relations functions arise out of a lack of understanding* of each other’s disciplines ($z = -1.700$) or that such *conflict*

arises out of jealousy ($z = -1.169$). She also strongly disagrees that *PR professionals do not understand lawyers* ($z = -1.542$) and that *lawyers do not understand the importance of public attitudes* ($z = -1.139$). This type strongly disagrees that it is best to *conduct all-out warfare* against critics ($z = -1.418$). Finally, she disagrees with strategies such as *revealing as little as possible* ($z = -1.096$) and *saying it as quietly as possible* ($z = -1.100$).

The fourth research question (How do these views affect the working relationship when legal and public relations counsel combine to attempt strategic conflict management?) will be addressed in the discussion section.

The response to RQ5 (Is it possible to efficiently gather Q sort data using the internet?) is an unequivocal “yes”. The research question was addressed via the development and testing of a unique web-based Q sort delivery and retrieval process. The new process, named Q-Assessor, was developed by Stanley E. Kaufman, M.D., Epimetrics Consulting Group, San Francisco, California.

Q-Assessor

Q methodology studies traditionally have required personal administration to lead subjects correctly through the steps involved in the Q sort. The cost and time commitments of one-on-one supervision limit Q methodology’s potential applicability to geographically-scattered samples such as the one in this study.

In a validation study of Q-Assessor (Reber & Kaufman, 1999), six subjects performed Q sorts via Q-Assessor. They did a second paper-based sort. Q-Assessor compared favorably in the time required for subjects to complete the study, time required for the investigator to process the results into a database, and subject satisfaction with and preference for the study methodology.

Q sorts have traditionally been conducted by personal interviews, through which the investigator can assure that the subject follows the correct steps. The time and expense (particularly when travel is required) of these interviews limit the deployment of Q methodology. Mailed packets with instructions and Q sort materials reduce the logistical obstacles to Q methodology but are time-consuming.

TABLE 10 <i>Up-front Professional</i>		<i>Cautious Editor</i>		<i>Sensitive Spokesman</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree	Most Agree	Most Disagree
27 A client is best served if counsel work in concert z = 1.837	33 The best way to deal with accusers is to talk tough z = -1.539	3 Statements can prove detrimental in a later legal case z = -1.869	4 Conduct all-out warfare against critics z = -1.782	27 A client is best served if counsel work in concert z = 1.834	22 Conflict between legal and PR comes from not understanding the other's discipline. z = -1.700
7 Assess image as well as legal liability z = 1.563	4 Conduct all-out warfare against critics z = -1.423	27 A client is best served if counsel work in concert z = 1.783	15 Saying "no comment" is like saying "we're guilty" z = -1.675	17 Involve the PR specialist early z = 1.610	11 PR professionals don't understand legal counsel z = -1.542
17 Involve the PR specialist early z = 1.556	34 Any communication with any public could hurt a legal case z = -1.395	19 PR professionals must become educated about legal issues z = 1.265	13 PR has no place in legal arena z = -1.422	19 PR professionals must become educated about legal issues z = 1.392	4 Conduct all-out warfare against critics z = -1.418
19 PR professionals must become educated about legal issues z = 1.316	31 Say as little as possible as quietly as possible z = -1.388	17 Involve the PR specialist early z = 1.245	20 Conflict between legal and PR functions arise out of jealousy z = -1.146	30 Voluntarily admit problems, then announce and implement corrections z = 1.265	20 Conflict between legal and PR functions arise out of jealousy z = -1.169
5 Acknowledge the concerns of the other side. z = 1.117	8 Legal risk is greater than the need for PR z = -1.365	7 Assess image as well as legal liability z = 1.105	16 Talk publicly, early and often. z = -1.115	18 Poor crisis response stems from concern for legal issues without concern for relationships with publics z = 1.162	12 Lawyers don't understand the importance of public attitudes. z = -1.139
30 Voluntarily admit problems, then announce and implement corrections z = 1.115	14 When embroiled in litigation, PR should have little input z = -1.298	24 PR and legal often offer competing approaches to conflict problem solving z = 1.070	33 The best way to deal with accusers is to talk tough. z = -1.069	7 Assess image as well as legal liability z = 1.136	31 Say as little as possible as quietly as possible. z = -1.100
18 Poor crisis response stems from concern for legal issues without concern for relationships with publics z = 1.004	32 Deny guilt z = -1.276	1 Legal counsel should be involved in determining message z = 1.033	34 Any communication with any public could hurt a legal case z = -1.034	23 There is a growing need for lawyers and PR to work together z = 1.127	6 Reveal as little as possible z = -1.096
23 There is a growing need for lawyers and PR to work together z = .832	13 PR has no place in legal arena z = -1.049	10 Lawyers should examine all public statements during a crisis z = .991	21 Conflict between legal and PR arise out of lack of respect for each other's function. z = -.945	16 Talk publicly, early and often. z = .945	21 Conflict between legal and PR arise out of lack of respect for each other's function z = -.926

Statements are paraphrased. For complete statements see the Appendix

Computer-based technologies have been applied to the problem. The interactive capabilities of the World Wide Web (WWW) have been applied in at least one prior prototype system. (WebQ). This system however implements not the entire interview process but rather just the Q sort portion of it.

Q-Assessor was designed to:

- Support both an initial pre-sort as well as the final rank-order Q sort
- Permit subjects to change their minds at any time throughout the process
- Provide subjects with visual access to all statements at all times
- Ensure that the Q sort process occurs in the proper order (the subject sorts the top several statements first, followed by bottom several statements, and the remainder last)
- Acquire other required data elements of the study – consent forms, reflection questions, demographic information
- Automatically send results to the investigator via e-mail without subject access to the data.

Over its 60-plus years, Q methodology has been conducted in different ways. A prior innovation in delivery of Q sorts was the broad delivery of a study via U. S. Postal Service (Van Tubergen & Olins, 1979). When results from a large-scale mail delivery of 800 Q-sorts were compared to those of a control group of 50 participants to whom the sort was administered “in a conventional in-person manner by a trained and experienced Q-sort interviewer” (55). The data gathered by the two techniques was highly congruent, according to the researchers. Van Tubergen and Olins commended the robustness and flexibility of the method and its associated statistical methods. This suggested that Q methodology should be highly adaptable to the Internet.

Computer-based data gathering has become commonplace in virtually all aspects of modern-day life. Formal educational testing, such as graduate-school admission examinations, is now conducted through interactive computer programs. WWW-based systems to collect patient healthcare information have been created and validated. In one study, Bliven, Kaufman and Spertus (1999) found that health-

related quality of life measures could be reliably collected via the World Wide Web. They found that data collected in this manner were comparable to self-reported data collected by a traditional paper survey.

System

The Q-Assessor WWW-based system that implements the subject interview process of Q methodology was programmed using a combination of Hypertext Markup Language (HTML) and JavaScript. Only standard language capabilities were used in order to maintain compatibility with all current-generation WWW browsers (Netscape Navigator and Microsoft Internet Explorer).

Subjects access Q-Assessor through a password-protected gateway to the Q-Assessor site. The Q-Assessor application then loads onto the subject's browser and leads the subjects through the steps of the process, including securing consent for the study, performing the study itself, and collecting exit data. When the subject is finished, Q-Assessor sends the data back to the Q-Assessor site where the subject's responses are packaged into e-mail that is sent to the investigator. No special applications must be installed at either the subject's or the investigator's computer or institutional network in order to use Q-Assessor.

Validation study and findings

In a validation test of Q-Assessor (Reber & Kaufman 1999), six subjects with professional public relations or legal experience were asked to conduct two sorts of the same set of 34 statements. One sort was conducted on-line using Q-Assessor, the other sort was conducted via person-to-person administration with paper-based instructions, statement cards and recording grid. Three of the subjects were asked to do their first sort on-line, the other three were asked to do the paper sort first.

The mean time to conduct the sort process was 2.88 minutes greater using Q-Assessor than the paper-based sort. When asked which sort was *easier* for them, four chose paper and two chose the computer. However, when asked what their preference would be if they were to participate in a *future sort*, the break was four in favor of Q-Assessor and two in favor of paper.

Those who said the computer sort was easier said things like, “It was more efficient and much easier” and “I liked that everything I needed was there on the screen. The scrolling makes it easier than shuffling.”

Those who found the paper sort easier cited the agility of the paper sort, being able to change decisions more easily. One said, “The computer process...makes the comparative aspect of this exercise more difficult.”

The technological benefits of Q-Assessor for data management steps of the process are quite clear. By distributing all necessary materials via the Internet, Q-Assessor can be used to conduct Q methodology studies on a global, high-volume scale. In the final, larger study, data was collected internationally and from 11 U.S. states. Once the subject has completed her responses and clicked the “Send” button, the data are formatted and delivered directly to the investigator in a digital form ready for input into whatever subsequent database and analytical software she prefers. Transcription errors and labor are substantially reduced. Delivery time of both instructions and data is dramatically reduced. It is feasible via Q-Assessor, and was done in the final study, to deliver instructions to international participants and have her completed sorts within the course of a business day. In a more traditional administration of Q sorts, travel or mail delivery would dramatically draw out the data-gathering process.

Advantages of Q-Assessor identified include enhanced delivery of instructions and more tightly constrained adherence of subjects to the proper sorting steps, ease of distribution to subjects at distance from the investigator, greatly enhanced speed and reliability of data collection, and reduced time and labor for the investigator due to receipt of digital results by email.

VI. Applications/Discussion

Several themes identified from both the Q sorts and interviews will be discussed in this section. First, lawyers were more accurate in their projection of the PR response than public relations practitioners were in projecting a lawyerly response. Second, relationships seem to be all-important. Finally, the proverbial law/PR conflict may have taken on nearly mythic proportions.

Standardized z-scores of statement choices were used to make comparisons between types and in comparing the accuracy of projections between professions (See Appendix, Tables A and B, for comparisons between professions).

How well do you know me?

When asked to project themselves as the opposite profession, lawyers were remarkably good at predicting public relations practitioners' responses. Conversely, public relations professionals were unexpectedly poor at estimating lawyers' responses.

Lawyers were much more conciliatory and collaborative than public relations practitioners thought they were. In the in-depth interviews, one lawyer said, "The legal system doesn't function in isolation, so it can be affected by the kind of image, of publicity, that is created." Another noted that as a lawyer he should not be solely concerned with the best legal result, but with the best result for the client. It may be that corporate image is better served by an imperfect legal result, he said. Yet another said, "You have to be mindful that your client's interest include not only the legal concerns but include customer-related and public image-related concerns."

As Appendix Table A shows, lawyers correctly anticipated that public relations practitioners would agree that the *PR counselor should be brought in early* and that a *client is best served if legal and PR work together* (statements 17 and 27). Lawyers also correctly anticipated disagreement with the statement that *when in crisis it is best to say as little as possible as quietly as possible* (statement 31) and that *poor crisis responses arise from excessive concern for legal outcome at the expense of public relationships* (statement 18). Legal counselors noted that a public relations response would be *to admit problems and announce corrections to be implemented* (statement 30). They anticipated disagreement with the idea that *public relations counsel should have little input when litigation is a part of the picture* (statement 14).

Lawyers incorrectly believed that public relations practitioners would strongly agree that *legal counsel encroaches on PR during crises* (statement 2) and that they would strongly disagree that *lawyers should examine public statements made during crises* (statement 10). Lawyers did not anticipate the

statement that the Caring Collaborator found most disagreeable – that you should *deny guilt* (statement 32). The lawyers’ inability to anticipate that response from PR may come from the difference between the two professions’ interpretation of that rather vague statement.

Public relations practitioners were remarkably inaccurate at estimating lawyerly responses to most of the statements (see Appendix Table B). While lawyers showed a collaborative bent in their sorts choosing statement 27 – *A client is best served if legal and communications counsel work in concert* – as the statement with which they most agreed, public relations expected statements that signify encroachment to be most agreeable to lawyers – *A lawyer should scrutinize all public statements...during a crisis* (statement 10) and *Legal counsel should be involved in determining message* (statement 1). These choices illustrate that public relations practitioners may believe that lawyers are more power grabbing than they, in fact, are. One lawyer cited experience where management would take public relations’ side over legal when advice differed in times of crisis.

Especially telling is that some of the statements with which public relations practitioners believed lawyers would strongly agree were actually disagreeable to lawyers. The most notable among these statements were: *Legal risk is greater than the need for PR* (statement 8), *Say as little as possible as quietly as possible* (statement 31), *Reveal as little as possible* (statement 6), *Any communication could hurt a legal case* (statement 34), and *When in litigation PR should have little input* (statement 14).

Thus, it seems that lawyers have a pretty accurate view of public relations counselors, but the inverse is not true. The importance of this is related to how the two groups work together during times of crisis. If public relations counselors assume that lawyers are going to usurp their turf, when lawyers may actually be quite open, desirous in fact, of PR input, a collaborative crisis-solving relationship is difficult at best.

“The PR people and the lawyers become allies because they’re both dealing with external consequences,” said one senior lawyer. “[PR people and lawyers are] the ones who have to control the others in the organization.” He cited a case in which the public relations practitioner and the legal counsel had to convince management that it was not in its best interest to take a defiant stance in an

affirmative action case. “Labor negotiations is a place where management frequently wants to fight to the bitter end and PR and lawyers often are the only ones to consider the other side.” Such themes of collegial collaboration were frequently cited by members of both professions.

Relationships are all-important

Work together – Especially when facing a crisis

Both sort and interview responses indicate that a crisis is best handled by lawyers and public relations practitioners who have developed a positive working relationship prior to facing the emergency. This is evidenced by all four types of lawyers and public relations practitioners strongly agreeing *that a client is best served if the two professions work in concert* (statement 27). Further evidence is provided by the strong agreement by lawyers that *the public relations expert should be involved early in the managing of a crisis* (statement 17).

From the legal perspective

This factor analytic evidence is augmented by anecdotal interview data. “Prepare in advance of a crisis and involve the public relations specialist at that time,” one lawyer said. “Know how to respond and what your role is in the crisis management. It’s bad enough to have to cope with crisis, but if there’s an in-house bush fire then it really becomes difficult. If PR and the legal department does not have a good relationship, then it is difficult.”

Lawyers indicated an acknowledgement that public relations practitioners have specific “turf” as one lawyer termed it. They also noted that legal and PR departments are both working for the same client or organization and that the best legal outcome may not be the best result for the client. “Remember that the [legal] result you’re trying to obtain for your client is only one facet,” a lawyer said. “Balance the result you would like with other client interests.”

“In our organization we try to work in concert,” one general counsel said. “We both have things to learn from each other. In a large organization when a crisis occurs a team is put together that usually includes both areas. ... I don’t even talk to reporters before I talk to our PR people here. It’s the only intelligent way to do it – to work together.”

An attorney who says she has studied crisis management said, “If it’s a crisis, sometimes the commercial risk will outweigh legal risks – prosecutions, regulations, class actions – legal risks. If you take the attitude that legal risk is paramount, then you can damage brand value and create lasting market share loss. A crisis is a business problem primarily about image and market share. . . . In most cases, legal risk does not outweigh the need to tell the public what’s happened and what you’re doing about it.”

Certainly there were lawyers in this sample who were more stereotypical in their responses regarding crisis communication. One of these lawyers said, “The idea of having comments being made is frightening no matter how well intentioned or how truthful they may be. There may be things said that lead unnecessarily to liability. Caution is the first and last priority. That’s at odds to the public relations perspective where the point is to reassure the public and maintain confidence in the product or service.”

He continued, “No comment [is] an unsatisfying answer for a public looking for reassurance. As painful as that might be in a short time span, and as many questions as it may raise, it is better than making an admission before you have your arms around the crisis. Once the ball in is play, you can’t get it back from a legal standpoint.”

From the public relations perspective

A public relations practitioner noted the benefit of public relations and legal departments working together and early on a crisis. He had an experience in a large class action lawsuit, similar to lawsuits other companies had faced. The public relations and legal people were brought in early. “[O]ther companies did only the legal perspective [in their crisis management]. Their outcome showed me that ours was a better process,” he said. “Other companies waited a fair amount of time before they got their public affairs people involved. They didn’t have a chance because public opinion was already fixed and they couldn’t turn that around.”

“Two years ago,” one public relations professional said, “I went to one of our lawyers with a news release. I had the description of the product and the lawyer suggested wording that was more commercial in nature than I really expected. [I really appreciated that] they were able to put on a commercial hat.”

One senior practitioner suggested a reason that legal and public relations counsel who work together begin to act as a team. “I’ve been amazed at the ease, new insights, understandings of problems and issues that really do intersect both areas.” He noted that both professions “create...future vision[s]” of what damage can be brought to the organization. “The communication person sees a crisis of error as playing itself out in the loss of reputation, customers, which underlies the premise and performance of the organization. The general counsel sees the errors playing themselves out with associated punishments or decisions.” Therefore, he believes, the two professions – if they truly have the best interests of their organization in mind – naturally want to come together to fight for their common cause.

Some public relations practitioners argued that the relationship is inherently unbalanced. “PR professionals don’t have a tangible case,” one practitioner said. “Lawyers can base arguments on legal precedents, but PR professionals have to be more subjective. Law is tangible. Public perceptions are intangible.”

Another argued, in a similar vein, “sometimes the deck is stacked against the public relations counsel. They’re brought in late after a course of action has been set as suggested by legal counsel. Legal counsel is able to set forth examples of damages. Reputation damage is harder to defend with numbers. It falls to the leader [of the organization] to determine whether the legal or reputation damage is of more import.”

Mythic Battles or Mutual Respect?

The data in this study indicate that the anecdotes of a disastrous relationship between lawyers and public relations practitioners may be changing. The “oil and water team” may be learning how to blend their responsibilities.

When asked how highly they regard members of the opposite profession generally, both lawyers and public relations practitioners were kind, but cautious. One public relations counselor responded to the question with a one-word answer: “Average.” But when asked how highly she regards specifically the lawyers she works with, she said, “I’ve had a chance to work with lawyers who I highly respect and

who I believe value communications input.” This sort of appreciation for the professionals one knows and works with personally was evident among both lawyers and public relations practitioners.

In nearly every instance, in the interviews, if a respondent regarded the profession generally as less than stellar, she regarded the legal or PR professionals that she worked with as exemplary. Words like “very educated,” “dedicated,” “smart,” “remarkably focused,” “skilled in rhetoric and persuasion,” and “detail oriented” emerged when public relations practitioners were asked what they thought of lawyers. Lawyers, in turn, defined public relations practitioners as “educated,” “intelligent,” and “professional.”

One lawyer said, “Public relations as a function is incredibly important. A company’s brand is most valuable. Public relations is important in helping marketing with defining the brand. It is prudent and important.”

“[Public relations counselors] are educated, intelligent people in a demanding field,” said another lawyer. “In some ways, I see them as analogous to counsel. They provide a service that they are uniquely skilled to provide.”

Another lawyer critiqued, “I think often [PR practitioners] are not as well trained, as well schooled, as some other professionals.”

A senior public relations counselor said of lawyers, “[They have] something to teach me. Skills and abilities that I think I can use. I regard them very highly.”

“We, over the years, have developed a pretty good relationship between public affairs and legal,” said another senior PR director. “[W]e’ve found ways to work together to both of our benefits. We’ve provided them value and they’ve enabled us to do a good job representing the company’s image in the public front. Our relationship is an enviable one. I’ve had other practitioners relate that to me.” But he added, “That doesn’t always extend to lawyers that we contract. They usually don’t want our help. They view that as a complicating factor that they have to manage.”

“I regard highly the [lawyers] who are good listeners and help me find a solution rather than just say we can’t do something and leave it at that,” said another public relations practitioner. “I highly regard those who partner with me.”

Yet another public relations counselor noted that she believes lawyers have desirable traits beyond that of their profession. “The most civic-minded, the most generous people I know are lawyers,” she said. “I have a very high opinion of lawyers, much higher than the general public.”

But the lawyer/public relations practitioner world isn’t completely rosy. There were responses from both professions that indicated there’s still work to be done. “I would regard them as highly as they regard lawyers,” said one lawyer when asked how he would regard public relations practitioners generally. “They are a necessary evil. Contemporary distrust of institutions has resulted from people putting a favorable spin on messages. I think so much of [public relations practitioners’] work product is blatantly manipulative.” A public relations practitioner reflected on his opinion of lawyers: “As with any profession, there are lawyers who are brilliant and great with what they do. And there are those who graduated at the bottom of their class and whose ambitions may not be in the best interest of the public at large.”

VII. Implications

Theoretical Implications

The Q sorts and interviews yielded information that is instructional in light of previous theoretical work on the relationships of public relations practitioners and lawyers.

Data in this study reinforces findings by Fitzpatrick (1996) and Lee et al. (1999) that public relations practitioners generally believe their relationships with lawyers are good. The current findings suggest that lawyers, more than public relations counselors, believe their client is best served when PR and legal act as a team. But, both parties noted the importance of collaborative relationships.

The “traditional legal strategy” identified by Fitzpatrick and Rubin (1995) was somewhat in evidence in the responses of the Confrontational Counselor type. But the larger lawyer type, the

Cooperative Colleague, ran counter to this traditional legal strategy – disagreeing that any communication could be harmful to a legal outcome and believing that PR and legal should work together.

Encroachment by lawyers as identified in numerous studies (e.g., Fitzpatrick 1993/94, Lauzen 1992, Lee et al. 1999) was evident in both lawyer types. However, this desire for control was not as strong as the public relations practitioners anticipated.

Practical Implications

Perhaps the relationship between lawyers and public relations practitioners is not hopeless. The subjective responses that seeped out in this research indicate that lawyers believe public relations makes a meaningful contribution to crisis management. In fact, both lawyer types believed strongly that the public relations professional should be involved early in crisis management. This belief was underscored both in responses to the Q sorts and the interviews that followed.

Lawyers and public relations practitioners should make a point of working together before a crisis occurs – both on more routine projects and in preparation for crisis management. There is ample evidence, both empirical and anecdotal, that working relationships improve as familiarity and trust are developed. The solution is intuitive.

The Q sorts yielded distinct lawyer and public relations types when the 30 participants in the study were combined in one data set. This provides reasons to believe that public relations practitioners and lawyers do have distinctly different worldviews as evidenced by their subjective choices. This may be due to training, professional experience or personality type.

Finally, public relations practitioners need to work at understanding lawyers' values and motives. Public relations practitioners must become more intentional in building their understanding of lawyers. They should treat lawyers as they would any public – learning to know them and their ways of operating. Read case studies, work as often as possible with lawyers, and make an effort to understand the legal issues of most importance to your organization.

VIII. Appendices

Q-statements

1. Legal counsel should be involved in determining message.
2. Legal counsel encroaches on public relations ground in times of crisis.
3. Statements made can prove detrimental or fatal in a later legal proceeding.
4. Conduct all-out warfare against your critics.
5. Acknowledge the concerns of the other side.
6. Reveal as little as possible.
7. Assess corporate image as well as legal liability.
8. In most cases, the legal risk is greater than the need for public communications.
9. Public relations professionals expose the company to risk of legal liability by being too open.
10. A lawyer should scrutinize all public statements, written or oral, made by a company or its representative during a crisis.
11. Public relations professionals don't understand legal counsel.
12. Lawyers don't understand the importance of public attitudes.
13. Public relations has no place in the legal arena.
14. When an organization is embroiled in actual litigation, public relations counsel should have little input.
15. Saying "no comment" is tantamount to saying "we're guilty."
16. Visibly defend yourself by talking publicly, early and often.
17. Involve the public relations specialist early in the process.
18. A company's poor response to a crisis often stems from excessive concern for legal issues without consideration of how the company's relationships with the public will be affected.
19. It is imperative that public relations professionals become educated about legal issues and procedures that must be considered in communication planning.
20. Conflict between legal and public relations functions arise out of jealousy.
21. Conflict between legal and public relations functions arise out of lack of respect for each other's function.
22. Conflict between legal and public relations functions arise out of a fundamental lack of understanding of the other's discipline.
23. So many crises are created by lawsuits there is a growing need for lawyers and public relations practitioners to work together.
24. Public relations and legal functions frequently offer competing and adversarial approaches to problem-solving in the face of a conflict.
25. When PR and legal counsel work together, public relations people do more compromising than lawyers.
26. When PR and legal counsel work together, lawyers do more compromising than public relations practitioners.
27. A client is best served if legal and communications counsel work in concert.
28. Following a conflict between legal and public relations functions, the organization usually achieves its legal goals but loses public support.
29. I think open disclosure of misdeeds is appropriate most of the time.
30. I think the best crisis strategy is to voluntarily admit when a problem exists and then announce and implement corrective measures quickly.
31. I think the best crisis strategy is to say as little as possible and release information as quietly as possible.
32. I believe you should deny guilt.
33. The best way to deal with accusers is to talk tough.
34. Any communication with any public could jeopardize the company's case.

TABLE A Public Relations self-report				Lawyers' perceptions of PR practitioners			
<i>Caring Collaborator</i>		<i>Legal Eagle</i>		<i>Suspicious Meddler</i>		<i>Conscientious Communicator</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree	Most Agree	Most Disagree	Most Agree	Most Disagree
17 Involve the PR specialist early z = 1.657	32 Deny guilt. Z = -1.681	27 A client is best served if counsel work in concert z = 1.919	4 Conduct all-out warfare against critics z = -1.690	17 Involve the PR specialist early Z = 1.645	13 PR has no place in legal arena. Z = -1.813	27 A client is best served if counsel work in concert. Z = 2.012	34 Any communication with any public could hurt a legal case Z = -2.012
27 A client is best served if counsel work in concert z = 1.643	33 The best way to deal with accusers is to talk tough. Z = -1.450	17 Involve the PR specialist early z = 1.476	6 Reveal as little as possible. z = -1.520	18 Poor crisis response stems from concern for legal issues but not for relationships with publics Z = 1.554	14 When embroiled in actual litigation, PR should have little input Z = -1.598	17 Involve the PR specialist early Z = 1.709	31 Say as little as possible as quietly as possible Z = -1.417
7 Assess image as well as legal liability z = 1.632	31 Say as little as possible as quietly as possible. Z = -1.335	18 Poor crisis response stems from concern for legal issues but not for relationships with publics z = 1.392	31 Say as little as possible as quietly as possible. z = -1.482	7 Assess image as well as legal liability. Z = 1.502	8 Legal risk is greater than the need for PR Z = -1.481	30 Voluntarily admit problems, then announce and implement corrections Z = 1.628	14 When embroiled in litigation, PR should have little input. Z = -1.325
30 Voluntarily admit problems, then announce and implement corrections z = 1.407	14 When embroiled in litigation, PR should have little input. Z = -1.255	23 There is a growing need for lawyers and PR to work together. z = 1.266	11 PR professionals don't understand legal counsel. z = -1.225	27 A client is best served if counsel work in concert Z = 1.357	34 Any communication with any public could hurt a legal case Z = -1.281	19 PR professionals must become educated about legal issues Z = 1.109	13 PR has no place in legal arena. Z = -1.250
19 PR professionals must become educated about legal issues z = 1.298	8 Legal risk is greater than the need for PR z = -1.229	7 Assess image as well as legal liability z = 1.263	14 When embroiled in litigation, PR should have little input. z = -1.164	2 Legal encroaches on PR during crises Z = 1.196	9 PR exposes the company to legal risks by being too open. Z = -1.204	7 Assess image as well as legal liability. Z = 1.086	4 Conduct all-out warfare against critics. Z = -1.189
5 Acknowledge concerns of the other side. z = 1.230	34 Any communication with any public could hurt a legal case z = -1.188	19 PR professionals must become educated about legal issues z = 1.131	13 PR has no place in legal arena. z = -1.034	12 Lawyers don't understand the importance of public attitudes. Z = 1.131	10 Lawyers should examine all public statements during a crisis. Z = -1.103	3 Statements can prove detrimental in a later legal case Z = .989	33 The best way to deal with accusers is to talk tough. Z = -1.097
18 Poor crisis response stems from concern for legal issues but not for relationships with publics z = .878	4 Conduct all-out warfare against critics. Z = -1.183	5 Acknowledge the concerns of the other side. z = .912	22 Conflict between legal and PR comes from not understanding the other's discipline. z = -1.022	23 There is a growing need for lawyers and PR to work together. Z = 1.101	31 Say as little as possible as quietly as possible. Z = -1.029	23 There is a growing need for lawyers and PR to work together. Z = .942	6 Reveal as little as possible. Z = -1.022
22 Conflict between legal and PR comes from not understanding the other's discipline. z = .874	13 PR has no place in the legal arena. Z = -1.019	30 Voluntarily admit problems, then announce and implement corrections z = .895	8 Legal risk is greater than the need for PR z = -.890	15 Saying "no comment" is like saying "we're guilty" Z = .846	6 Reveal as little as possible. Z = .936	29 Open disclosure of misdeeds is usually appropriate Z = .931	16 Talk publicly, early and often. Z = -.954

Statements are paraphrased. For complete statements see the Appendix

*Shaded statements appear both in public relations practitioners' self-report and in lawyers' projections

TABLE B Lawyer self-report				PR practitioners' perceptions of lawyers			
<i>Cooperative Colleague</i>		<i>Confrontational Counselor</i>		<i>Involved Suppressor</i>		<i>Quiet Associate</i>	
Most Agree	Most Disagree	Most Agree	Most Disagree	Most Agree	Most Disagree	Most Agree	Most Disagree
27 A client is best served if counsel work in concert. Z = 1.961	4* Conduct all-out warfare against critics. Z = -1.740	27 A client is best served if counsel work in concert. Z = 1.771	15 Saying "no comment" is like saying "we're guilty." Z = -1.751	10 Lawyers should examine all public statements during a crisis. Z = 1.867	29 Open disclosure of misdeeds is usually appropriate Z = -1.721	1 Legal should help in determining message. Z = 1.832	12 Lawyers don't understand the importance of public attitudes. Z = -1.842
17 Involve the PR specialist early Z = 1.440	34** Any communication with any public could hurt a legal case Z = -1.516	3 Statements can prove detrimental in a later legal case Z = 1.765	4 Conduct all-out warfare against critics. Z = -1.549	3 Statements can prove detrimental in a later legal case Z = 1.622	30 Voluntarily admit problems, then announce and implement corrections Z = -1.554	10 Lawyers should examine all public statements during a crisis. Z = 1.772	18 Poor crisis response stems from concern for legal issues but not for relationships with publics Z = -1.588
19 PR professionals must become educated about legal issues Z = 1.381	13 PR has no place in legal arena. Z = -1.496	17 Involve the PR specialist early Z = 1.369	13 PR has no place in legal arena. Z = -1.467	1 Legal should help in determining message. Z = 1.611	15 Saying "no comment" is like saying "we're guilty" Z = -1.360	3 Statements can prove detrimental in a later legal case Z = 1.536	29 Open disclosure of misdeeds is usually appropriate Z = -1.467
1 Legal should help in determining message. Z = 1.300	33 The best way to deal with accusers is to talk tough. Z = -1.392	19 PR professionals must become educated about legal issues Z = 1.274	12 Lawyers don't understand the importance of public attitudes. Z = -1.195	8 Legal risk is greater than the need for PR Z = 1.409	5 Acknowledge concerns of the other side Z = -1.314	19 PR professionals must become educated about legal issues Z = 1.437	15 Saying "no comment" is like saying "we're guilty" Z = -1.263
7 Assess image as well as legal liability. Z = 1.283	14 When embroiled in litigation, PR should have little input. Z = -1.388	23 There is a growing need for lawyers and PR to work together. Z = 1.069	20 Conflict between legal and PR functions arise out of jealousy. Z = -1.045	9 PR exposes the company to legal risks by being too open. Z = 1.269	16 Talk publicly, early and often. Z = -1.295	34 Any communication with any public could hurt a legal case. Z = 1.008	16 Talk publicly, early and often. Z = -1.184
10 Lawyers should examine all public statements during a crisis Z = 1.011	8 Legal risk is greater than the need for PR Z = -1.018	32 Deny guilt. Z = 1.019	21 Conflict between legal and PR comes from a lack of respect Z = -1.030	31 Say as little as possible as quietly as possible. Z = 1.125	18 Poor crisis response stems from concern for legal issues but not for relationships with publics Z = -1.231	9 PR exposes the company to legal risks by being too open. Z = .987	2 Legal encroaches on PR during crises Z = -1.182
5 Acknowledge concerns of the other side Z = 1.001	6 Reveal as little as possible. Z = -.967	24 PR & legal often offer competing problem-solving approaches Z = .936	2 Legal encroaches on PR during crises Z = -1.008	14 When embroiled in litigation, PR should have little input. Z = 1.054	12 Lawyers don't understand the importance of public attitudes. Z = -.798	8 Legal risk is greater than the need for PR Z = .903	30 Voluntarily admit problems, then announce and implement corrections Z = -1.036
3 Statements can prove detrimental in a later legal case Z = .972	31 Say as little as possible as quietly as possible. Z = -.885	1 Legal should help in determining message Z = .910	34 Any communication with any public could hurt a legal case Z = -.922	6 Reveal as little as possible. Z = 1.001	4 Conduct all-out warfare against critics Z = -.747	24 PR & legal often offer competing problem-solving approaches Z = .831	28 After a conflict between legal & PR, legal goals are won, but public support is lost Z = -.934

Statements are paraphrased. For complete statements see the Appendix

*Shaded statements appear both in lawyers' self-report and in public relations practitioners' projections

**Bold-faced statements appear in both the self-report and the projection, but on opposite ends of the spectrum

Take Away Points

The Lawyer-Public Relations Counselor Dynamic

1. Lawyers seem to have an accurate view of public relations counselors, but the inverse is not true.
2. Cultivating relationships between public relations practitioners and lawyers is all-important.
3. Law and Public Relations relationships may be improving.
4. Public relations practitioners may believe that lawyers are more power grabbing than they, in fact, are.
5. Public relations practitioners should treat lawyers just as they would a public – learning to know them and their way of operating.

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