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**A STUDY OF THE RELATIONSHIP BETWEEN ATTORNEYS AND  
PUBLIC RELATIONS COUNSEL DURING TIMES OF  
ORGANIZATIONAL CRISIS IN THE 21ST CENTURY**

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## Abstract

This thesis takes a mixed-method approach to the exploration of the relationship between public relations officials and attorneys during a time of organizational crisis. There has not been a significant amount of literature dedicated to the study of this relationship since the turn of the century, but the nature of business operations has changed significantly since then. The advent of social media and the increase in number of lawsuits filed by consumers against corporations and retailers means that the dynamic between attorneys and public relations professionals have likely changed (Radhakant & Diskin, 2013). Social media has become a large part of the way litigators and public relations professionals do business, and they pose problems from both a litigation and public relations perspective. (Radhakant & Diskin, 2013). In order to examine the state of this relationship completely, this study used surveys to understand how the relationship operates today, what has changed about their respective fields since the last body of research was published, and how those changes have affected their relationships with each other.

A STUDY OF THE RELATIONSHIP BETWEEN ATTORNEYS AND PUBLIC RELATIONS  
COUNSEL DURING TIMES OF ORGANIZATIONAL CRISIS IN THE 21<sup>ST</sup> CENTURY

By

Selin Demir

B.A., University of Massachusetts, Amherst, 2016

Thesis

Submitted in partial fulfillment of the requirements for the degree of Master of Sciences in

Public Relations

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## INTRODUCTION

In a society where a cultural and technological shift has made winning in a court of law and in a court of public opinion even more difficult, attorneys and public relations professionals must be able to understand each other more than ever. The relationship between attorneys and public relations counsel can become strained during times of crises and there is evidence to show that those relationships, in general, may not have been foundationally strong before the time of crisis.

Attorneys and organizations have worked together in different ways for decades. When attorneys work with organizations, they are often working with either the in-house public relations counsel, or an external public relations professional retained by the organization. The most common situations where the two professions find themselves working together include the following:

In-house: Both professionals are employed by the same organization. The legal department and the public relations department consult management together on specific projects, or on an ongoing basis;

In-house public relations professional is working with an external lawyer hired by the organization to help with an ad-hoc issue, or to serve the company on an on-going basis;

An in-house lawyer is working with an external public relations professional whom management hired to deal with an issue, or to serve the company on an ongoing basis;

A law firm is hiring, or recommending the client to hire, a public relations firm for help with the client's communication with various stakeholders.

A law firm is hiring an external public relations firm or an in-house communication specialist to promote the firm's reputation, to market the firm's services, and to develop

relationships with the firm's stakeholders. The law firm's internal communication department might, or might not, provide communications services to the firm's clients (Toledano, Peleg, & Drori, 2017).

In any capacity in which an attorney works with an organization as their client, one of their most important goals is to shield their client from liabilities. Attorneys are obligated to abide by the state's rules of professional conduct, normally enacted and codified by the appellate division of the state's court system. A violation of these rules may result in a range of punishments, including disbarment. Public relations professionals and most CEOs, outside of the restrictions of the Securities Exchange Act, are not bound by ethical standards in the same way. CEOs are bound by other laws; however public relations professionals are generally not bound unless they serve as officers of the corporation. Although Thomas Bivins (1992) has argued that communications professionals are bound by certain moral obligations and other ethicists believe that corporate behavior can and should be judged from a moral perspective, these represent moral guidelines as opposed to requirements to maintain a license to practice. In a society where litigation is an ever-present threat that can damage an organization's finances as well as its reputation, it is important that communications professionals, attorneys, and CEOs maintain relationships based on mutual respect, trust, and ethical boundaries (Reber, 2000).

The focus of this research is the relationship between attorneys and public relations professionals working in-house at an organization during a crisis. During times of crisis, there are multiple competing viewpoints within an organization. The three that are often at the forefront of the crises are the viewpoints of the attorney, the communications director, and the CEO. These three key players in crisis situations often have different goals, which can create inconsistent and ineffective crisis response and communication strategies. The study of these

three viewpoints and where there are commonalities and tensions is not widely researched. There has been research that suggests the relationship between attorneys and their client's organization is at its weakest in times of crisis, ironically when a unified team is the most necessary (Reber, 2000). In discussing the type of situation that would qualify as a crisis, the scope of my research did not include a delineation between legal crises and reputational crises.

Research from University of Missouri (Reber, 2000) suggests that organizational crises are on the rise and many organizations are finding themselves in a "fishbowl" and it was therefore important to study the tensions in the relationship between lawyers and public relations professionals (Reber, 2000). Since the University of Missouri study was published, technological innovations have increased the ways in which organizations may be open to liability and has proved the "fishbowl" prediction true. Organizations and corporate behaviors are more visible than ever, meaning increased opportunities for crises. The purpose of this paper is to help determine the goals and objectives of attorneys, communications professionals, and CEOs and, based on those, determine where the commonalities and tensions lie.

In her book, *Legal and Ethical Considerations for Public Relations*, Gower (2008) asserts that public relations professionals need an understanding of both law and ethics as the two are intrinsically linked. Attorneys, however, in their goal to shield the organization from liability, may sacrifice transparency and therefore risk the organization's relationship with their public (Gower, 2008). CEO's concern are often more financially motivated in that they want to understand how the actions of the attorneys and the communications director are going to affect the organization's bottom line. Previous studies of public relations professionals revealed that they consider themselves only somewhat familiar with the law despite its significant implications for organizations (Gower, 2008; Lauzen, 1991). Another study further showed that public relations



practitioners do not have an accurate view of attorneys and their attitudes toward the importance of public opinion. Lawyers, however, had a generally accurate view of the role of communications professionals, but still encroached on the role of the public relations counsel. (Gower, 2008; Fitzpatrick & Rubin, 1995).

This paper also briefly examines cross-cultural communication theory to explain the tension between attorneys and public relations professionals. Then, the researcher examined the commonalities and tensions that give rise to distinct points of view during a crisis is examined using quantitative research in the form of surveys. Finally, the findings are analyzed and conclusions are drawn as to suggest how attorneys and communications professionals may better balance their interests to produce a more favorable outcome for the organization they represent.

## LITERATURE REVIEW

There is not a significant body of literature on the relationship between attorneys and public relations professionals in times of institutional crisis, and much of what was written was written over a decade ago. The literature that exists on this topic speaks to the concerns of attorneys and public relations professionals working for corporations during a crisis, their feelings and understandings of the others field, and their opinions on the strategy that will best serve their clients' interests.

### **Organizational Crisis**

#### *What is a crisis?*

In their book, *Effective Crisis Communication: Moving from Crisis to Opportunity*, Ullmer, Sellnow, and Seeger (2017) define organizational crisis as a “specific, unexpected, and nonroutine event or series of events that create high levels of uncertainty and simultaneously present an organization with both opportunities for and threats to its high-priority goals” (p. 7). Coombs (2014) defined crisis broadly, saying that a crisis is a breakdown in a system that creates shared stress. He theorized that crises can fall into either an organizational crisis or disaster. Coombs specified that an organizational crisis is “the perception of an unpredictable event that threatens important expectancies of stakeholders related to health, safety, environmental, and economic issues, and can seriously impact an organization’s performance and generate negative outcomes” (Coombs, 2014, p.2). Figures 1 and 2 illustrate those distinctions.

Fig. 1 Types of Crises

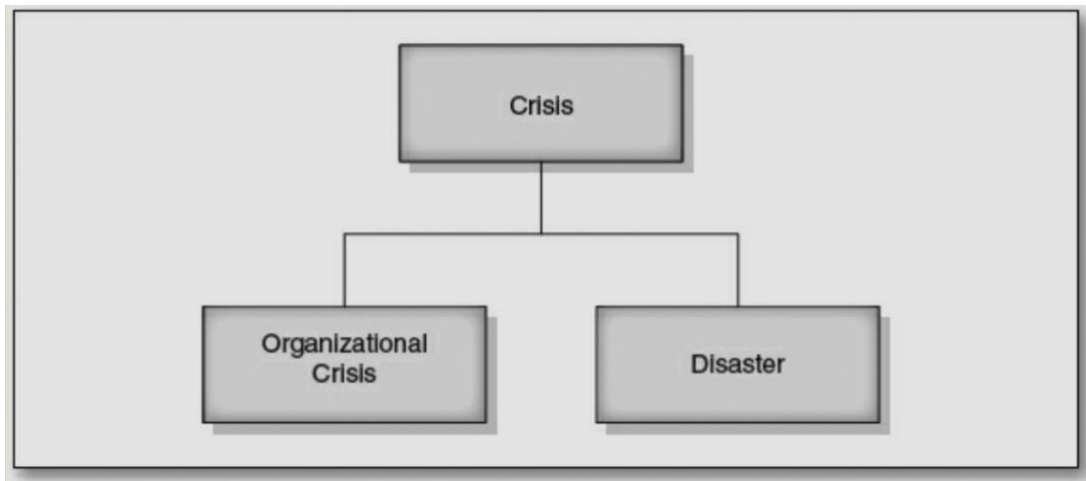
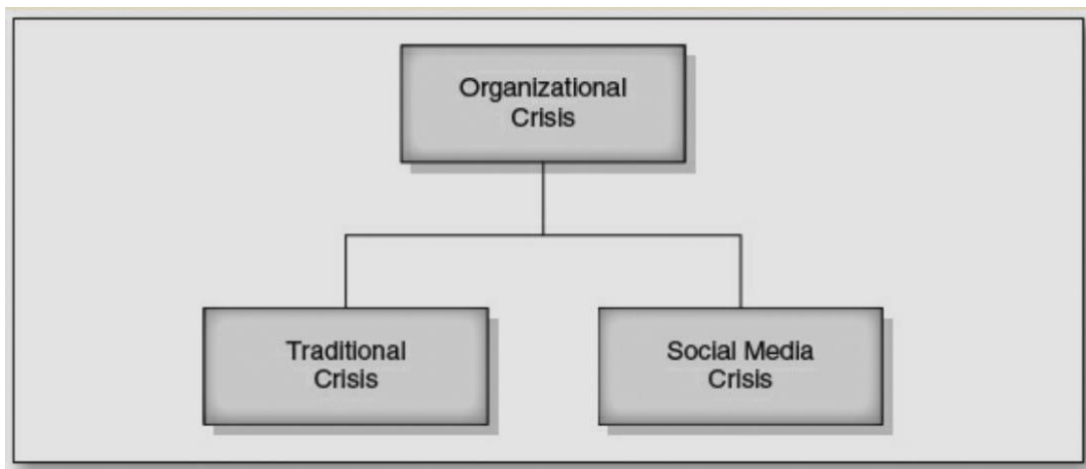


Fig. 2 Types of Organizational Crises



Source: Coombs, W. T. (2014). *Ongoing Crisis Communication*. Thousand Oaks: SAGE Publications.

Coombs's distinctions can be applied to the current atmosphere of organizational crisis. Ullmer et al., (2017) expand on Coombs's theory and explain that organizational crises have become increasingly significant in the past two decades because consumers have become more dependent on organizations and are therefore more affected by organizational crises. As an example, the technologies that we rely on in our daily lives were in their infancy twenty years

ago. Today, we rely heavily on the services and products that companies like Apple provide. Ullmer et al., (2017) argue that this relationship exposes consumers to feeling the effects of organizational crises.

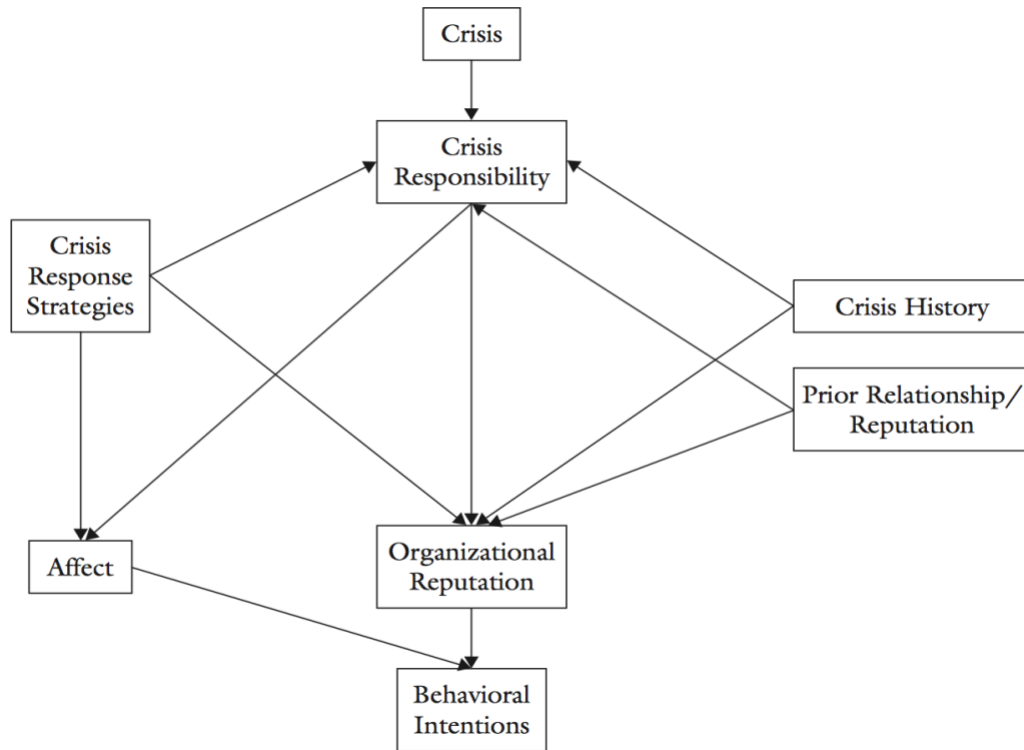
Effective crisis management from a public relations perspective, particularly in a digital age, includes managing and distributing information, maintaining the organizational image, keeping control of media images and messages, and strategically handling relations with internal and external stakeholders (Kersten, 2005). It is often advised to focus crisis management efforts on preventative measures (Callison, 2004). If there is no crisis, stakeholders are not harmed and the organization suffers no damage legally, financially, or reputation wise. Crisis management is often seen as reaction because mainstream news media and social media often focus on what an organization does in response to a crisis. Preventative measures are as important in an organizational crisis as is crisis response.

#### *Situational Crisis Communication Theory & Crisis Response*

Coombs (1995) developed a highly influential theory in the field of crisis communications. His Situational Crisis Communication Theory (SCCT) is an empirically tested method for selecting crisis response strategies. Coombs introduced the SCCT in 1995 and has refined, and developed it in the decades since. As it stands now, SCCT consists of three core elements: (1) the crisis situation, (2) crisis response strategies, and (3) a system for matching the crisis situation and crisis response strategies. The SCCT builds on elements from other theories or approaches, including attribution theory (how people make judgements about the causes of events) and reputation management (how communication acts as a tool in the initiation, nurturing, and maintenance of organization-public relationships) (Kerkhof, Shultz, & Utz, 2011).

According to the SCCT, organizations should select a crisis response strategy that is determined by the amount of crisis responsibility attributed to the organization (Coombs, 2007; Coombs & Holladay, 2002). Research has confirmed that in case of a preventable crisis, crisis managers should use accommodating strategies, like an apology (Coombs & Holladay, 2002). A preventable crisis is one that could have been prevented by the organization, and for which the organization holds a high degree of responsibility (Coombs, 2007; Coombs & Holladay, 2002). In case of a victim crisis, crisis managers can use defensive denial strategies (Coombs & Holladay, 1996; Huang, 2006). A victim crisis is one for which the organization holds a low degree of responsibility because there was little they could have done to prevent it, like a natural disaster (Coombs & Holladay, 2002). Any crisis that inflicts even a mild reputational threat is enough to warrant providing stakeholders with objective information about the crisis without adding an additional crisis response strategy (Coombs, 2004). Figure 3 illustrates Coombs and Holladay's model for crisis communication variables. This model examines the factors that should be considered by the organization and their crisis response team in determining a crisis response strategy.

Figure 3. Model for the situational crisis communication theory variables



Source: Coombs, W. T., & Holladay, S. J. (2012). *The handbook of crisis communication*. Chichester, West Sussex: John Wiley & Sons.

A crisis response includes the first public statements a spokesperson makes about the crisis. This first statement typically is delivered through the mass media or the Internet, hence the concern in crisis management with digital media discussed in a later section. The emphasis on the initial response stems from the fact that first impressions form quickly and are likely to influence the remainder of stakeholders' reception of the crisis communication efforts (Sen & Egelhoff, 1992). The organization must deliver consistent messages to stakeholders, and a unified response from the organization is a strong example of consistent messaging (Coombs, 2014). A typical struggle in crisis management is between the legal perspective for limited disclosure of crisis-related information and the public relations perspective for higher

transparency, if not full disclosure (Fitzpatrick & Rubin, 1995; Kaufmann, Kesner, & Hazen, 1994; Twardy, 1994; Tyler, 1997).

In terms of the form of crisis communications, recommendations from public relations practitioners are often to be quick and open. Public statements made during a crisis have significant ramifications for the success of the crisis management effort, such as the effect of first impressions mentioned earlier. Public relations goals in the crisis response process are to prevent or minimize damage, maintain the organization's operations, and repair reputational damage. Clear communication is essential to each of these goals.

Managing these goals and mitigating collateral damage to the organization is complicated by executives tendencies to turn to legal counsel for advice on matters normally reserved for public relations counsel (Fitzpatrick, 2005). One of the most commonly cited examples of attorneys and public relations counsels diametric opposition during organizational crisis is the comment/no comment approach. Attorneys often favor the 'no comment' approach, particularly in situations where legal stakes are high, holding to the belief that any statement from the organization can and will be used against them in a court of law (Fitzpatrick, 2005). On the other hand, public relations professionals argue in favor of a more transparent approach because what the organization does not say can and will be used against them in the court of public opinion (Fitzpatrick, 2005).

In the years since the earliest research on this topic was published, studies have shown that the 'no comment' approach versus a transparent approach has remained a point of contention between public relations professionals and attorneys (Fitzpatrick & Rubin, 1995; Reber, 2000; Shomper, & Soon, 2000; Schneier, 2013; Tyler, 1997). This tension has become exacerbated in

recent years by the rise in globalized technology, which has made it more difficult weather a crisis ‘under the radar’ with little comment.

### **Technology’s Impact on Public Relations Practices and Legal Risks**

New technology has dramatically expanded over the past two decades. New features on websites, powerful mobile devices, and the subsequent restructuring of news services have dramatically changed both public relations and the legal field. These advances make the transmission of communication easier and faster, but with it bring new risks. Advances in communication technologies have shaped crisis management because they make the world, and therefore any crisis, more visible. Events that would have gone unnoticed twenty years ago, or even as recent as ten, are now highly visible. The 24-hour news networks, concerned individuals, or jilted consumers, can reveal or initiate crises via social media or mainstream media (Weber Shandwick, 2015). Moreover, crises are now global because communication is global. News of an event in an isolated area can appear rapidly around the world. Organizations no longer have isolated crises because with advances in technology, even consumers outside of organization’s targeted publics can have effects on their reputation (Engel, 2013).

Social media not only allows public relations practitioners to reach out to and engage their publics in conversation, but also provides an avenue to strengthen media relations. Traditional public relations efforts and social media are based on communication but social media, with almost immediate global reach, can amplify a message. This allows statements to be stronger and more impactful (Lawlor, 2018; Gesualdi, 2019). The result of this is that content published via online news releases, emails, can live longer, spread faster and reach further with the help of social media (Lawlor, 2018). Previously, public relations was targeted at specific individuals such as investors and business partners, but social media has caused the definition of



an organization's targeted publics to be expanded to include all persons vital to the success of a business. Given its wide range of impact, social media is both a benefit and a liability to crisis communicators (Kerkhof, Shultz, & Utz, 2011).

Litigation, especially around social media, is increasing. One of the reasons that litigation is increasing so rapidly is that the laws have not kept up with advances in technology and courts are being asked to interpret laws that were written at a time where social media was not something that legislators conceived of. In essence, social media has provided a new way for organizations to damage their reputation and expose themselves to legal liability. Public relations professionals are now responsible for managing brand voice and protecting the organization's online reputation via the publication and promotion of additional content, community engagement, media monitoring and measurement (Lawlor, 2018).

Failure to monitor social media for brand mentions and have a plan in place for responding to customer feedback could mean a missed opportunity at best or a full-scale crisis at worst. The nature of public comments on social media increases client's need for communication services. At the same time, public relations practitioners are increasingly dependent on legal advice in several ways. Complicated legal issues have arisen in recent years including tampering with and theft of information, spreading of disinformation, and evidentiary issues regarding information released on the internet (Cohen, 2016), all of which can have an impact on a public relations practitioner's job.

### **Lawyers in Public Relations**

Crisis managers may be quick to see an obvious crisis but can fail to see to see that potential litigation that commonly follows such events can be a crisis on its own. This may be particularly true if public relations practitioners fail to properly educate themselves on legal

ramifications of an organization's activities, or their own actions as public relations counsel. (Claeys & Cauberghe, 2012).

Litigation may stem from a crisis, but it carries with it its own dangers. Attorneys, therefore, focus their efforts on minimizing long-term damage to the company (Kim & Wertz, 2013). Accordingly, though some lawyers acknowledge that their concern over litigation may subordinate other costs of the crisis, such as reputation loss or need for image repair, they remain steadfast that advocates of full disclosure or high transparency underestimate legal costs, whether direct, indirect, or both (Kaufmann, Kesner, & Hazen, 1994). Reber, Gower, and Robinson (2006) identified two major goals for this sub-field, often known as litigation public relations. These major goals are to influence the outcome of a court case and to protect the client's reputation.

Walsh and Lesly (1991) also discussed considerations of law in public relations. They noted that the legal system experiences significantly slower growth than the public relations field, and the law surrounding public relations activities is continuing to develop, challenging both public relations practitioners and attorneys (Walsh & Lesly, 1991). Walsh and Lesly articulated a key principal in legal considerations in the practice of public relations; that legal counsel and public relations practitioners must become familiar with each others respective fields because the organization is best served when both attorneys and public relations counsel work in concert (Walsh & Lesly, 1991). When there is a lack of familiarity and respect between the two parties, there is a risk of encroachment.

Lauzen (1992) explained that encroachment occurs when there is interaction between departments with domain similarities. Domain similarity refers to the concept of two fields that operate in the same professional jurisdiction. Lauzen (1992) noted that this is often a result of

perceived power differences between those departments and turf wars often develop with one department intruding on the activities traditionally in the domain of the other. She coined the term “imperialism” to define this behavior and found that it has important consequences for public relations. Expertise in fields such as marketing, law, human resources, or engineering occupy the senior public relations position in an organization. When encroachment occurs, public relations will become little more than a technical support function rather than a central management function (Lauzen 1992). As Fitzpatrick (1995) argued, perhaps due to public relations counselors' unfamiliarity with laws, legal counselors have generally head the crisis decision-making team and dominate crisis management and development of response options. Kelly (1994) indicated that public relations and organizational management, i.e. C-suite level decisions makers, are likely to affect the level of encroachment by other agents into public relations functions especially during unstable times. Similarly, Lee (1997) suggested that the quality of subordinate relationships that group or team members have with their superiors affected whether team members cooperate with one another

In examining the influence that attorneys have in public relations, Fitzpatrick (1996) determined that public relations professionals are not playing leading roles in public relations issues because attorneys more frequently make final decisions than public relations professionals do. She noted that in an increasingly litigious environment, public relations professionals were becoming more involved in crises that involve potential legal liability. In her study, she surveyed 1,000 members of the Public Relations Society of America (PRSA). That study found that the majority of public relations professionals had at least a quarter of their work reviewed and pre-approved by attorneys (Fitzpatrick, 1996).

Tao and Kim (2017) expanded on Fitzpatrick's research and found that while Fitzpatrick's 1996 findings that attorneys dominated final decision-making in public relations issues, public relations professionals gained greater influence over time. They explained this as a result of a "turf war" between public relations professionals and attorneys, where it takes public relations professionals longer to earn decision-making authority than it takes attorneys (Tao & Kim, 2017). Public relations professionals have expressed worries about the impact of that hierarchy on an organization's response strategies; if an organization will not prioritize communications goals, it will have a negative effect on stakeholders and potentially cause long-term damage to their reputation (Lauzen, 1992). The hierarchy that has positioned attorneys above public relations practitioners is often cited as the cause of delays that damage the organization's reputation (Lauzen, 1992).

In explaining why these hierarchies exist, and why communication can be difficult between these two professions, it is helpful to explore seminal research in cross-cultural communications theory.

### **Cross Cultural Communication Theory**

In his book, *The System of Professions* (1988), Andrew Abbott explored central questions about the role of professions. Abbott encouraged researchers to think of professions as ecologies or systems rather than fixed entities. For him, the process by which an occupation gains and maintains what he refers to as 'exclusive jurisdiction' over tasks is subject to societal changes. This concept and framework are useful in understanding the ways in which legal advisers and public relations counsel compete and collaborate in advising clients, especially in the multi-faceted communication environment of the digital age.

Cross-cultural differences are studied in order to better understand how actors who interact on the basis of differing values systems and perceptions communicate. Gudykunst and Ting-Toomey (1988) define culture as a script shared by a large group of people and enculturation involves learning the script (the values, beliefs, behaviors, worldview, and preferences shared by the culture of which the developing person is a part). When people of different cultures interact, the rules that have served to guide their expectations no longer hold, and this leaves them confused and anxious. Based on that understanding, Gudykunst (1992) created a sub-theory of cross-cultural communications known as Anxiety and Uncertainty Management (AUM) theory.

AUM focuses on interactions resulting in effective communication between members of a cultural group and strangers, people who are not members of the group. In this context, public relations professionals and attorneys are strangers to each other and, depending on the scenario, one group may significantly outweigh the other in numbers making them the in-group. Gudykunst defined the terms 'uncertainty' and 'anxiety', as they do not carry their ordinary meanings in the context of this theory (Gudykunst, 1992; Gudykunst & Ting-Toomey, 1988; Presbitero & Attar 2018).

Uncertainty refers to cognitive differences; thinking differently in similar contexts. Uncertainty can affect the way people perceive and think about others. Gudykunst (1995) argues that uncertainty makes people uneasy and uncomfortable, making them ineffective when communicating with others. Anxiety refers to affective differences; feeling differently in similar contexts. It is a sign that one's self-confidence or self-respect is endangered, preventing individuals from fully benefitting from interpersonal and intergroup interactions. This type of avoidance or withdrawal from interaction stalls any form of communication and prevents further

human interaction from taking place (Presbitero & Attar, 2018). Another important concept in AUM is that of mindfulness, which means that communicators reflect on their communication processes and work consciously to choose to make those communications more effective. In other words, individuals can communicate effectively if they are able to manage their levels of anxiety and accurately predict the attitudes and behaviors of others (Presbitero & Attar, 2018).

When asked to define the “client’s best interest,” lawyers and public relations practitioners emphasized different goals. Public relations professionals have said they took into consideration the organization’s long term reputation, employee morale and motivation, investor relations, specific stakeholder relations, media coverage, and potential community responses. (Toledano et al., 2017). When a legal counselor heads the crisis team, however, the team is likely to neglect the impact the crisis has on an organization's relationships with important publics (Lee, Jares, & Heath, 1999).

Research has suggested that, as individuals become more cooperative in accomplishing work-related goals with other group members (e.g., decision-making), they exchange more information; share ideas and resources; show concern and interest in what others want to accomplish; provide assistance; are more responsive, supportive, and open to each other's needs; and consult and discuss issues to reach mutually satisfying agreement (Lee et al., 1999; Fitzpatrick, 1995; Fitzpatrick & Rubin, 1995). It has been further suggested that a cooperative relationship between attorneys and public relations departments in decision-making would be critical to manage organizational crises effectively (Fitzpatrick, 1995).

### **Relationship Between Public Relations and Legal Counsel in Organizational Crisis**

While a cooperative relationship between attorneys and public relations departments in decision-making is thought to be critical in managing organizational crises, the goals of these

two professions often experience the most tensions during that time. Public relations literature suggests that organizations should aspire to transparency to build relationships with key publics based on mutual trust. However, in many crisis situations public relations practitioners are faced with legal limitations on what, if anything, they can reveal about the organization's level of fault or actions being taken in response to the crisis (Meyers, 2015). As Coombs and Holladay (2004) note, apology is not without risks; apologies may become evidence at trial as an admission of wrongdoing, not to mention the risk in the court of public opinion as an attribution of fault to the organization. Legal departments, therefore, correctly advise public relations practitioners and spokespersons that public apologies can make a potential trial more difficult at best, or at worst, trigger litigation and ultimately cost an organization thousands in legal fees and judgments. This frequently creates tension between public relations and legal departments who struggle between acknowledging organizational fault and legally denying all responsibility (Coombs, 1995; Coombs, 2014; Lee & Chung, 2012).

In their article, Fitzpatrick and Rubin (1995) stated that legal strategies dominate organizational decision-making processed in times of crisis. She concluded that favoring legal strategies over public relations strategies is “short sighted and potentially costly” and the solution is for organizations to reconcile the two perspectives and take a collaborative approach in crises scenarios (p. 21). They chose thirty-nine cases involving institutions against which there were allegations of sexual harassment. Twenty-four of those institutions used only a legal strategy to handle the crisis, versus only eight that used a combination of both public relations and legal strategies, what they refer to as “mixed methods” (Fitzpatrick and Rubin, 1995). The fact that a significant majority of these institutions did not combine a public relations strategy with their

legal strategy lead to the conclusion that institutions were more concerned about legal liability than reputational harm (Fitzpatrick, 1995).

In his thesis on the attorney-public relations professional dynamic, Reber (2000) used Gudykunst's cross-cultural communication theory to argue in favor of an increase in understanding and communication between public relations professionals and attorneys. Reber (2000) explains that Gudykunst argued that we must be able to "describe, predict, or explain" incoming communications, including other people's behaviors. (Reber, 2001). The need for a broader understanding between attorneys and public relations professionals is never more apparent than during times of crisis, Reber notes, and when attorneys and public relations counsel become adversarial, the corporation loses. Reber studied how public relations professionals and attorneys view each other, and how those views affect the way in which they perform their respective jobs (Reber, 2000).

In his research with public relations professionals, Reber (2000) was able to group them into several categories based on their answers. One group, the Caring Collaborators, thought that clients are best served when the problem is voluntarily admitted, and public relations professionals and attorneys work quickly to implement a solution (Reber, 2000). Compared to the Legal Eagle group, the Caring Collaborators put a strong emphasis on maintaining a relationship with attorneys and acknowledging concerns from other aspects of the conflict (Reber, 2000). The Legal Eagle, however, is distinct in that they take care to not allow legal concerns to overtake the concern for the corporations' publics. The Involved Suppressor group believes that lawyers disagree with the crisis strategy of admitting a problem and not wanting to acknowledge the other side's case over concerns of weakening their own case (Reber, 2000). The



Quiet Associate believe that lawyers think that any public communication or visible commentary jeopardizes an organization's case (Reber, 2000).

Huang and Su (2009) published a study on the factors affecting the autonomy of public relations professionals and the dominating presence of attorneys during a crisis communication scenario. The authors solicited survey responses from Taiwan's top companies; however, much of the literature and research methodology used was implemented with similar results in the United States. Crisis communication strategies were identified as one of the most crucial factors affecting the ethics of successful business communications as well as a good predictor of the success of a crisis scenario (Huang & Su, 2009). However, because crisis scenarios are rarely straightforward, communications can be delivered ineffectively and with varying ethical consequences (Huang & Su, 2009). There also is often a perceived choice between protecting the reputation of the corporation and minimizing the risk of legal liability.

Huang and Su's (2009) article investigated the effects of strategic orientation of crisis situation analysis, the levels of autonomy given to public relations counsel, and the dominance of legal counsel on crisis response with the control elements of corporate size, ranking and type. Strategic orientation is the theory that a strategic analysis of the crisis situation at its inception results in an effective response strategy for the organization (Huang and Su, 2009). Elements that affect the perceptions of a crisis response were identified, including the crisis type, history of organizational performance, severity of the crisis, and evidence of causing the crisis event (Huang and Su, 2009). The authors cited a 1998 study by Marra which investigated the factors that explain and predict why crises are managed successfully or not (Huang and Su, 2009). Marra held that the underlying communication culture of the organization and the level of

autonomy given to the communications department, via the director of communications, is paramount to the success of the crisis strategy (Huang & Su, 2009).

A turf war between public relations counsel and attorneys has been noted by Huang & Su (2009), Reber (2000), Fitzpatrick (1995), and Tao & Kim (2017) to be a detriment to the corporate culture and therefore to the success of the crisis strategy. Huang and Su named several organizational factors as well, including company type, ranking, and size, that they found to affect the effectiveness of the communications strategy (Huang and Su, 2009). For example, the larger in size a corporation is, the more complex its information processing and policy changes. Huang and Su found that larger companies are more likely to engage in misconduct and high levels of dysfunction are found at larger companies (Huang and Su, 2009).

It is worth noting that Reber and Mara's work, and much of the literature written on this topic, was written immediately before the turn of the century. This topic became popular as corporate crises scenarios required an increased collaboration between lawyers and public relations counsel (Reber, 2000). The development of new media and the twenty-four-hour news cycle meant that corporations had more opportunities for both reputational and legal damage. Coupled with the aftermath of the national fascination with the O.J. Simpson murder trials, it became impossible for high-profile public figures to escape the constant media cycle, particularly while engaged in litigation (Babb, 2014). Since these articles were written, however, the increased opportunities, discussed by Reber (2000), for legal liabilities and reputational damage have dramatically increased.

As mentioned by Ullmer et al., (2017), organizations and the impact of their crises have changed, as has their underlying corporate culture, public relations autonomy, and legal dominance aspects. The technological shifts in the last twenty years are more obvious than the

progressions in the last decade, but their significance and impact on companies and their communications needs are also worth revisiting.

### **Research Questions**

This research began with the foundation established by the existing body of literature and revisit many of the methods and findings. The research that was conducted as part of this study provided a modern view of corporate culture, how public relations officials and attorneys view each other, and whether their role has become more complementary and less adversarial in the past two decades.

This study focused on four research questions:

**RQ 1:** How do public relations professionals view the role of attorneys in times of institutional crisis and is it different than their view twenty years ago?

**RQ 2:** How do attorneys view the role of public relations professionals in times of institutional crisis and is it different than their view twenty years ago?

**RQ 3:** How do the way public relations professionals and attorneys view each other affect an organization's crisis communication strategy?

**RQ 4:** What are the benefits of using Fitzpatrick's (1995) "mixed methods" of crisis communication as opposed to purely legal or public relations strategies?

## **METHODOLOGY**

The objective of this research is to understand how attorneys and public relations professionals view their own roles in relation to each other and how the advent of social media has shifted the relationship between attorneys and public relations professionals. To explore this topic, the author chose to use surveys with both attorneys and public relations counsel. Quantitative research methods allowed the researcher to gain a perspective on the relationship between attorneys and public relations professionals.

### **Methods**

Since the 1970's, quantitative survey research has been widely used in private industries and in many academic fields (Neuman, 2014). They are recognized as providing accurate, reliable, and valid data when executed effectively (Neuman, 2014). This study expanded the current body of literature by using a survey to gauge participants' general concept of their own roles in an organization as well as their concept of the roles of others. The survey employed the use of a Likert scale that allowed participants to express their level of agreement with certain statements, as well as the level of significance of certain roles in an organization.

### **Recruiting Methods**

Participants for the survey were solicited via e-mail and Amazon Turk software. Before administering the survey, general interest emails were sent to law firms and public relations firms to gauge the number of individuals who would be willing to participate in a survey

### **Site of Data Collection**

The survey was administered over the internet using Survey Monkey. The results from the survey were placed into a data analysis software to produce a spreadsheet, separated by whether the participant was an attorney or a public relations professional.

## **Participants**

The attorney participants in this research were self-identified attorneys who have worked with organizations and their public relations team during times of crisis. Overall, the survey garnered 75 participants; 42 attorneys and 33 public relations professionals.

The public relations professional participants in this research were self-identified public relations professionals who have worked with organizations and their attorneys during times of crisis.

## **Research Instruments**

The survey was created by drafting 27-questions that were used to survey attorneys and public relations professionals.

The survey's questions were formed based on survey questions used in past research, cited throughout this thesis.

## **Measures**

The 27-question survey was designed to measure attorneys and public relations professionals' familiarity with each other's professions, attitudes on their respective roles in public relations decisions, attitudes on the relationship between public relations counsel and attorneys, and attitudes on which strategies better serve the organization. The theories and topics discussed in the previous chapter were used to frame the survey questions.

### *Familiarity with professions*

To measure attorneys' and public relations professionals' familiarity with each other's professions, a 5-point Likert scale ('1' = 'Strongly disagree' to '5' = 'Strongly agree') was used to ask four statements. These statements measure each profession's perception of the other's job function and their understanding of the other field's motivations and purpose.

*Attitudes on respective roles in decision-making*

To measure attorneys' and public relations professionals' attitudes with regard to each professions respective roles in decision-making, a 5-point Likert scale ('1' = 'Strongly disagree' to '5' = 'Strongly agree") was used to ask six statements. These statements measured each profession's perception on the source of conflicts between the two and which issues take precedence in decision-making.

*Attitudes on the ideal relationship between public relations counsel and attorneys*

To measure attorneys' and public relations professionals' attitudes on the ideal relationship between them, a 5-point Likert scale ('1' = 'Strongly disagree' to '5' = 'Strongly agree") was used to ask nine statements. These statements asked survey participants to assess what the relationship between attorneys and public relations professionals should look like when responding to a crisis situation and what, if any, cooperative communications efforts should be made to best serve the client.

*Attitudes on strategies that best serve the organization*

To measure attorneys' and public relations professionals' attitudes on strategies that best serve the organization, a 5-point Likert scale ('1' = 'Strongly disagree' to '5' = 'Strongly agree") was used to ask ten statements. These statements measured attitudes on which strategies, traditional legal approaches, traditional public relations approaches, or a combination of both, should be used in responding to a crisis. These statements also asked which strategies, combination of strategies, and relationship between public relations counsel and legal counsel best serve the clients interests.

## **Reliability**

Reliability is concerned with how dependable a research instrument is in yielding similar results when applied to different studies over time (Frey, Botan, & Kreps, 2000). A study will be reliable when it is found to yield the same answers however and whenever it is administered or carried out (Frey et al., 2000). Morse, Barrett, Mayan, Olson & Spiers (2008) articulated that consistency is used to establish trustworthiness in qualitative research, while reliability is used for quantitative research, such as the survey used in this study.

### *Reliability Test for Surveys.*

Likert scales offer an efficient method for capturing a wide range of response variance in self-reported attitudes. Likert scales have been found to have high response rates and reliability can be established through a reliability test in SPSS, a statistics software. The author also maintained consistency in the survey in order to increase its reliability by sending the survey to only self-identified attorneys who have been retained by or employed as in-house counsel for organizations during a time of crisis. Consistency is created and maintained in public relations professionals' surveys by only sending them to self-identified public relations professionals who have been retained by or employed as in-house counsel for organizations and their attorneys during times of crisis. In addition, consistency is created by the criteria that both the public relations practitioners and attorney surveyed have been employed in those respective fields for no less than five years.

## **Validity**

There are two types of validity; internal and external validity. Internal validity refers to the extent to which a research instrument measures what it is supposed to measure, while external refers to the generalizability of the research findings. (Frey et al., 2000). The internal

validity of a specific study refers to the credibility of the causal relationships between independent and dependent variables inferred from data.

Survey methods have sometimes been considered inferior to controlled laboratory experiments in this respect; however, as mentioned previously, quantitative survey research has been widely used in academia for nearly five decades, having been recognized as providing accurate, reliable, and valid data (Neuman, 2014).

With respect to external validity, the ideal research procedure involves selecting a random sample from the relevant real-world population (Pew Research Center, n.d). This survey used a sample of random participants meeting the relevant criteria through the anonymous crowdsourcing Internet marketplace software, Amazon Turk. Therefore, this survey meets the criteria of external validity.

### **Data Analysis**

After the surveys were administered and had garnered a sufficient response, the researcher first extracted the data from Survey Monkey. Survey Monkey was the initial way that the data was analyzed through the charts and graphs that it forms. The information from the Survey Monkey analysis, which eliminated participants who did not complete the survey, was extracted and further analyzed on IBM's SPSS statistical analysis software to discover data trends.

SPSS is the abbreviation of Statistical Package for Social Sciences and it is used by researchers to perform statistical analysis. The SPSS software called "split file" was utilized as well. The split file feature was used because it split the data between attorney responses and public relations professional's responses and allowed them to be compared side-by-side. Here, SPSS generated data that illustrated how participants from a particular occupation answered a



specific question and compared each professions answers to a given question. Thus, data from the survey answers were analyzed for conclusions based on patterns presented in the data.

## RESULTS AND DISCUSSION

### Answering RQ1-RQ4

To answer RQ1 through RQ4, an analysis of survey responses was used. Survey responses were then applied to previous research to form conclusions that answered RQ1 through RQ4. Tables 1 through 4 show some of the results that were yielded. The median data represents the average level of agreement with the survey statements. The standard deviation quantifies the dispersion of the data. A lower standard deviation ( $< 1$ ) indicates that most of the data points are closer to the mean, while a higher standard deviation ( $> 1$ ) indicates that data points are more spread out.

#### **RQ 1: How do public relations professionals view the role of attorneys in times of institutional crisis and is it different than their view twenty years ago?**

Public relations professionals view attorneys as a necessary component of effective communications. The average response to the statement “Public relations and legal counsel should keep their roles entirely separate during organizational crisis” from public relations professionals was disagreement ( $M = 2.6$ ). Public relations professionals also hold the opinion that if legal and public relations counsel fail to work together during organizational crisis, the organization may achieve its legal goals but loses public support ( $M = 3.3$ ).

While understanding that clients are best served when public relations counsel and legal counsel work together harmoniously ( $M = 3.3$ ), there is also an agreement among public relations professionals that public relations counsel and legal counsel frequently offer adversarial approaches to problem solving ( $M = 3.6$ ) and that attorneys do not understand the importance of public attitudes ( $M = 3.2$ ). However, public relations professionals agree that legal counsel should be involved in determining message ( $M = 3.3$ ). While public relations practitioners agree

that sometimes, public statements in response to a crisis can expose the organization to legal risks (M = 3.4), they disagree with the idea that public relations in general expose the organization to legal liability by being too open (M = 3.1).

These results are similar as compared to Reber's (2000) findings in his survey of public relations practitioner's perception of attorneys. He found that public relations practitioners most agreed with the notion that legal counsel should be involved in determining message, and that public relations practices expose the organization to legal risks by being too open (Reber, 2000). One important distinction, however, is public relations practitioner's perception on whether attorneys understand the importance of public attitudes. As mentioned above, results showed that public relations practitioners believe that attorneys do not understand the importance of public attitudes. Reber (2000) found that public relations practitioners generally disagreed with that same statement.

The difference in these perceptions is particularly interesting considering the rise in social media in the years since Reber's study. Social media has changed the consumer-organization relationship, with consumers having easier access to direct communication with companies. Consumers expect to be heard and have their concerns acknowledged by brands, and their consumption behaviors are affected by their experiences with brands via social media (Lawlor, 2018). One may reasonably conclude that widespread use of social media would mean that attorneys, many of whom are users of social media for both personal and professional purposes (Attorney At Work, 2017), have become more aware of the importance of public attitudes towards organizations. This discrepancy warrants further inquiry in future research.

**RQ 2: How do attorneys view the role of public relations professionals in times of institutional crisis and is it different than their view twenty years ago?**

Attorneys view public relations counsel as a necessary component of an effective crisis communication strategy. Similar to the perception of public relations practitioners, surveyed attorneys disagree with the notion that public relations counsel and legal counsel should keep their roles separate during a crisis ( $M = 2.6$ ) and hold the opinion that if legal and public relations counsel fail to work together during organizational crisis, the organization may achieve its legal goals but loses public support ( $M = 3.2$ ). Both attorneys and public relations practitioners believe that attorneys often compromise more than public relations counsel when they work together ( $M = 3.3$ ). Attorneys, however, disagree with several assertions that may be imperative to a positive working relationship with public relations counsel.

Surveyed attorneys did not agree that an organization's poor response to a crisis often stems from prioritizing legal concerns over the organization's relationship with their publics ( $M = 2.9$ ), nor did they believe that a client's best interest is served if both legal and public relations counsel work in concert ( $M = 2.6$ ). Attorneys also believe that any communication with any of an organization's publics could put their legal case in jeopardy ( $M = 3.2$ ) and the best crisis strategy is to only reveal what is necessary and to do so with little fanfare ( $M = 3.1$ ). In addition, attorneys view conflicts between themselves and public relations counsel as a situation that arises out of a lack of respect for each other profession ( $M = 3.4$ ) as opposed to public relations practitioners who believe that those conflicts arise out of a lack of understanding ( $M = 3.4$ ).

The consensus items among attorneys survey differ from Rebers'(2000) findings. Attorneys surveyed in 2000 most agreed with the idea that a clients interest is best served if legal counsel and public relations counsel work in concert, but strongly disagreed that any

communication with the public could hurt a legal case. There was also significant disagreement that there is a growing need for attorneys and public relations counsel to work together (M = 2.9) as compared to the positive consensus that statement garnered twenty years ago (Reber, 2000). Fighting back against critics of the organization was strongly disagreed with in Rebers survey, but generated a more positive response from this survey (M = 3) (Reber, 2000).

Despite these differences in results, some perceptions have held consistent throughout the last twenty years. There is still a strong consensus among attorneys that they should be involved in determining message (M = 3.2). There is also still a belief that legal concerns take precedence over public relations concerns and that in execution of a crisis communications strategy, executives will prioritize those concerns. Therefore, the problems of legal encroachment in public relations, cited and discussed over the past two decades, are still prevalent.

**Table 1. Familiarity with professions**

**Key: (A = Attorney; PR = Public Relations Professional; M = Median; Min = Minimum; Maximum; SD = Standard Deviation)**

<b>Familiarity with professions</b>	M	Min	Max	SD
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	2.9 (A) 3.1 (PR)	1	5	1.04 (A) .95 (PR)
Public relations professionals don't understand legal counsel.	3.1 (A) 3.1 (PR)	1	5	1.18 (A) 1.09 (PR)
Lawyers don't understand the importance of public attitudes.	3.2 (A) 3.2 (PR)	1	5	1.2 (A) .92 (PR)
Public relations counsel and legal counsel frequently offer adversarial approaches to problem-solving during organizational crises.	3.2 (A) 3.5 (PR)	1	5	1.07 (A) .97 (PR)

**Table 2. Attitudes on respective roles in decision-making**

<b>Attitudes on respective roles in decision-making</b>	M	Min	Max	SD
Legal counsel should be involved in determining message.	3.2 (A)	1	5	.84 (A)
	3.3 (PR)			.8 (PR)
Legal counsel encroaches on public relations in times of crisis to the detriment of public relations counsel	3.2 (A)	1	5	.96 (A)
	3.2 (PR)			.8 (PR)
Conflict between legal and public relations functions arise out of lack of respect for each other's function.	3.4 (A)	1	5	1.01 (A)
	3.1 (PR)			.87 (PR)
Conflict between legal and public relations functions arise out of a fundamental lack of understanding of the other's discipline.	3.2 (A)	1	5	.89 (A)
	3.4 (PR)			1.1 (PR)
When PR and legal counsel work together, public relations people do more compromising than lawyers.	2.5 (A)	1	5	1.06 (A)
	2.7 (PR)			.94 (PR)
When PR and legal counsel work together, lawyers do more compromising than public relations practitioners	3.3 (A)	1	5	.78 (A)
	3.3 (PR)			1.06 (PR)

**RQ 3: How do the way public relations professionals and attorneys view each other affect an organization's crisis communication strategy?**

The responses received in this research indicate that attorneys believe that public relations makes meaningful contributions to crisis management and vice versa. In answering how their viewpoints would affect a crisis communication strategy, their points of agreement and disagreement must be analyzed.

The survey indicated that public relations practitioners and attorneys both agree that legal counsel should be involved in determining message and that their roles should not be kept separate, but also that lawyers do not adequately understand the importance of public attitudes. They also agree that legal counsel often encroaches on public relations in times of crisis to the

detriment of public relations counsel. As applied to a crisis situation, it is likely that legal counsel would be involved in determining message but legal interests would take priority over public relations interests. This conclusion is also supported by the history of legal functions encroaching on public relations and communications functions (Lauzen, 1991; Gesualdi, 2019; Neill & Jiang, 2017).

One of the most important points of contention between public relations practitioners and attorneys is the interpretation of “no comment.” Attorneys disagree with public relations practitioner’s feelings that saying “no comment” is tantamount to admitting fault or liability for the crisis. Empirical research has shown, however, it is becoming increasingly important for organizations to not only avoid litigation, but also protect organizational reputation by winning in the court of public opinion (Kim, Krishna, & Plowman, 2019; McCann, 1994; Schneier, 2013). Understanding that crisis communicative strategies have been shown to affect publics’ perceptions of an organization’s credibility and trustworthiness (Huang & Su, 2008), the disagreement on the use and interpretation of “no comment” can prove highly problematic for the attorney-public relations counsel dynamic.

**Table 3. Attitudes on strategies that best serve the organization**

<b>Attitudes on strategies that best serve the organization</b>	M	Min	Max	SD
Public statements made can prove detrimental or fatal in a later legal proceeding.	2.8 (A) 3.4 (PR)	1	5	.9 (A) 1 (PR)
Fighting back against critics is always an effective strategy.	3 (A) 3.5 (PR)	1	5	.98 (A) .93 (A)
Acknowledging the concerns of your critics is always an effective strategy.	3.2 (A) 3.1 (PR)	1	5	1.04 (A) 1.01 (PR)
Revealing as little as possible about a crisis is always an effective strategy.	3.1(A) 3.4 (PR)	1	5	1.01 (A) 1 (PR)

Saying “no comment” is tantamount to admitting fault and/or liability.	2.8 (A)	1	5	1.08 (A)
	3.2 (PR)			1.27 (PR)
During an organizational crisis, it is an effective strategy to defend the organization publicly, early and often.	3 (A)	1	5	1.12 (A)
	3.5 (PR)			1.04 (PR)
A client is best served if legal and communications counsel work harmoniously.	2.6 (A)	1	5	1.37 (A)
	3.2 (PR)			1.4 (PR)
The best crisis strategy is to voluntarily admit when a problem exists and then announce and implement corrective measures.	3.2 (A)	1	5	.88 (A)
	3.5 (PR)			.86 (PR)
The best crisis strategy is to say as little as possible and release only necessary information as quietly as possible.	3.1 (A)	1	5	.93 (A)
	3.1 (PR)			1.08 (PR)
Any communication with any public could jeopardize the company’s case.	3.2 (A)	1	5	.75 (A)
	3.06 (PR)			.94 (PR)

**Table 4. Attitudes on the ideal relationship between public relations counsel and attorneys**

<b>Attitudes on the ideal relationship between public relations counsel and attorneys</b>	M	M	Max	SD
In most cases, the legal risk is greater than the need for public communications.	3.2 (A)	1	5	.95 (A)
	3.2 (PR)			1.12 (PR)
Public relations professionals expose the company to legal liability by being too open with the media and consumers.	3 (A)	1	5	.93 (A)
	3.1 (PR)			1.09 (PR)
A lawyer should scrutinize all public statements, written or oral, made by a company or its representative during a crisis.	3.1 (A)	1	5	1.1 (A)
	3.1 (PR)			1.2 (PR)
Public relations and legal counsel should keep their roles entirely separate during organizational crisis.	2.6 (A)	1	5	1.2 (A)
	2.6 (PR)			1.12 (PR)
It is imperative that public relations professionals become educated about legal issues and consider them in communication planning.	3.04 (A)	1	5	1.03 (A)
	3.3 (PR)			.99 (PR)
In an increasingly litigious society, there is a growing need for lawyers and public relations practitioners to work together.	2.9 (A)	1	5	1.16 (A)
	2.9 (PR)			1.12 (PR)



If legal and public relations counsels fail to work together during a crisis, the organization usually achieves its legal goals but loses public support.	3.2 (A)	1	5	.78 (A)
	3.3 (PR)			.91 (PR)

**RQ 4: What are the benefits of using Fitzpatrick & Rubin’s (1995) “mixed strategy” of crisis communication as opposed to purely legal or public relations strategies?**

Fitzpatrick & Rubin (1995) differentiated between traditional public relations strategy, traditional legal strategy, and mixed strategy. The traditional public relations advice for helping an organization manage a crisis is to (1) state company policy on the issue (if appropriate), (2) investigate the allegations, (3) be candid, (4) voluntarily admit that a problem exists, if true, then (5) announce and implement corrective measures as quickly as possible (Fitzpatrick & Rubin, 1995).

In implementing a traditional legal strategy, attorneys usually counsel clients to (1) say nothing, (2) say as little as possible and release it as quietly as possible; (3) say as little as possible, citing privacy laws, company policy, (4) deny guilt and/or act indignant that such charges could have been made; or (5) shift or share the blame with the plaintiff, as organizations are frequently instructed by attorneys to never admit blame (Fitzpatrick & Rubin, 1995).

A mixed method approach, also called a co-narrative, is some combination of the two traditional approaches (Kim et al, 2019). For example, an organization will adamantly refuse to admit or share blame as a part of a traditional legal approach, but also take a traditional public relations approach to expressing remorse that a problem occurred. Based on the survey results, using traditional public relations or traditional legal approaches are likely to weaken the relationship between public relations practitioners and legal counsel, particularly during organizational crisis.

Survey results suggest that public relations practitioners are more aware of legal counsel's values and motivations for their approaches than attorneys are of public relations counsel. Notwithstanding, both public relations practitioners and attorneys believe to varying extents that conflicts between them often arise out of both a lack of respect and understanding of their respective fields. If legal and public relations counsel make a conscious effort to suggest mixed method approaches to their organizational clients, this may further their understandings of each other's respective fields and may lead to a more effective working relationship, ultimately benefitting their client. There is ample evidence that working relationships improve as familiarity and trust are developed.

The survey results are also consistent with Kim, Avery & Lariscy (2009), who found that there is a pattern of organizations failing to choose and combine response strategies effectively. That denial was such a frequently employed response strategy in that study is consistent with this survey's findings that legal interests and traditional legal strategies are still taking precedence over public relations concerns. It is well researched that denial is one of the least effective crisis response strategies (Coombs, 2007; Coombs, 2014; Kim et al., 2006). Denial is only useful when the crisis challenge is unwarranted or when someone other than the organization is being held responsible for the crisis (Coombs, 2007; Heath & Coombs, 2006; Kim et al 2009; Benoit, 1997). In an analysis of organizations in public relations crisis research, however counterintuitive, organizations are still likely to use denial without considering context (Kim et al 2009). This is an example of the negative consequences of not employing a mixed strategy or co-narrative in a crisis response. Despite differences in their motives and approaches for crisis management, research has emphasized that both lawyers and public relations practitioners must work together to find a communications strategy that serves the best interest of their clients.

## **Limitations**

The limitations of this study are the relatively small sample size and that the research was conducted using attorneys and public relations professionals, who have been employed at those positions for more than five years and have been employed or retained by an organization in their capacity as public relations or legal counsel. A larger sample size surveying and interviewing attorneys and public relations professionals across the country may have represented their relationship more accurately.

The use of qualitative research, such as case study examples or interviews, would also have increased the internal validity of this study.

Another limitation is researcher bias, given the fact that the researcher is both a public relations and law student, having a certain perspective about the relationship between public relations professionals and attorneys and their respective decision-making authority.

Despite these limitations, valuable information can be taken from the research that may be used to further expand on this topic.

## CONCLUSIONS

This study offers insight into the relationship between public relations professionals and attorneys and how that relationship affects an organization's crisis communications strategy. The research establishes how public relations professionals view the role and authority of attorneys, and how attorneys view the role and authority of public relations professionals. This research offers conclusions about whether their relationship has become more adversarial as opposed to more complimentary in the past twenty years, laying a foundation for future research and solutions on this topic.

Ultimately, effective crisis management requires a balance between the two professions. Lawyers must be willing to overcome any tendencies that lead them to resist dealing with the media. At the same time, however, public relations practitioners must remain mindful of the serious legal risks that are present in almost every crisis. Public relations practitioners seem more willing to become educated on legal risks than attorneys are to be educated on media relations, reputation management, and other public relations concerns. As noted above, a cooperative relationship between attorneys and public relations departments in decision-making is critical to managing organizational crises effectively and the rise of social media has created new imbalances that make the importance of a cooperative relationship between these two organizational agents even greater than it was twenty years ago.

### **Future Research**

There are several ways researchers may expand on this topic and implement solutions. Future researchers may choose to improve upon this study with work that is not subject to the same limitations as this research. For example, future work may have a larger sample size that would allow for more control variables.

Future studies could also use this research to implement solutions regarding the divide between public relations professionals and attorneys. Those studies would create solutions and then conclude which solutions worked best at institutions as part of their crisis communication strategy.

# APPENDIX

## IRB Approval

**SYRACUSE UNIVERSITY**



### INSTITUTIONAL REVIEW BOARD MEMORANDUM

**TO:** Michael Meath  
**DATE:** November 19, 2018  
**SUBJECT:** Determination of Exemption from Regulations  
**IRB #:** 18-351  
**TITLE:** *A Study of the Relationship Between Attorneys and Public Relations Counsel During Times of Organizational Crisis in the 21st Century*

The above referenced application, submitted for consideration as exempt from federal regulations as defined in 45 C.F.R. 46, has been evaluated by the Institutional Review Board (IRB) for the following:

1. determination that it falls within the one or more of the five exempt categories allowed by the organization;
2. determination that the research meets the organization's ethical standards.

It has been determined by the IRB this protocol qualifies for exemption and has been assigned to category **2**. This authorization will remain active for a period of five years from **November 16, 2018** until **November 15, 2023**.

**CHANGES TO PROTOCOL:** Proposed changes to this protocol during the period for which IRB authorization has already been given, cannot be initiated without additional IRB review. If there is a change in your research, you should notify the IRB immediately to determine whether your research protocol continues to qualify for exemption or if submission of an expedited or full board IRB protocol is required. Information about the University's human participants protection program can be found at: <http://researchintegrity.syr.edu/human-research/> Protocol changes are requested on an amendment application available on the IRB web site; please reference your IRB number and attach any documents that are being amended.

**STUDY COMPLETION:** Study completion is when all research activities are complete or when a study is closed to enrollment and only data analysis remains on data that have been de-identified. A Study Closure Form should be completed and submitted to the IRB for review ([Study Closure Form](#)).

Thank you for your cooperation in our shared efforts to assure that the rights and welfare of people participating in research are protected.

Tracy Cromp, M.S.W.  
Director

**DEPT:** Public Relations, Newhouse – 215 University Place

**STUDENT:** Selin Demir

Research Integrity and Protections | 214 Lyman Hall | Syracuse, NY 13244-1200 | 315.443.3013 | [orip.syr.edu](http://orip.syr.edu)

## Consent Form

**Principal Investigator:** Selin Demir

**Study Title:** A Study Of The Relationship  
Between Attorneys And Public Relations  
Counsel During Times Of Organizational  
Crisis In The 21st Century **Institution:**  
Syracuse University

The following information is provided to inform you about the research project and your participation in it. Please read this form carefully and feel free to ask any questions you may have about this study and the information given below. You will be given an opportunity to ask questions, and your questions will be answered. Please print a copy or screenshot this consent form for your records.

Your participation in this research study is voluntary. You are also free to withdraw from this study at any time.

**You are 18 years of age or older. Your decision to participate in this study is completely voluntary and you have the right to terminate your participation at any time.**

In the event new information becomes available that may affect the risks or benefits associated with this research study or your willingness to participate in it, you will be notified so that you can make an informed decision whether or not to continue your participation in this study.

**For additional information about giving consent or your rights as a participant in this study, please feel free to contact Tara Prairie at the Office of Compliance at**

**(615) 494-8918.**

**1. Purpose of the study:**

You are being asked to participate in a research study that examines the relationship between attorneys and public relations counsel during times of institutional/organizational crisis

**2. Description of procedures to be followed and approximate duration of the study:**

You will read a brief definition of organizational/institutional crises, then proceed to answer questions based on your experiences. fu

**3. Description of the discomforts, inconveniences, and/or risks that can be reasonably expected as a result of participation in this study:**

Whenever one works with e-mail or the Internet there is always the risk of compromising privacy, confidentiality and/or anonymity. Your confidentiality will be maintained to the degree permitted by the technology being used. It is important for you to understand that no guarantees can be made regarding the interception of data sent via the Internet by third parties.



**4. Anticipated benefits from this study:**

An increased understanding of the relationship between attorneys and public relations counsel that will serve as the basis for suggestions on how to improve that relationships within institutions.

**5. Circumstances under which the Principal Investigator may withdraw you from study participation:**

Your participation in this project is completely voluntary, and you may exit the survey at any time you want.

**6. Contact Information.**

If you have any questions or complaints about the research, contact Selin Demir (sdemir@syr.edu). If you have any questions about your rights as a research participant; or if you have questions, concerns, or complaints that you wish to address to someone other than the researchers; or if you cannot reach the researchers, contact the Syracuse University Institutional Review Board at 315-443-3013.

**7. Confidentiality.**

All efforts, within reason, will be made to keep the personal information in your research record private. In particular, your name and email address will not be shared with anyone outside of the research team. It will also be removed from the

data set. You will never be identified in any presentations or papers that we might submit for publication.

STATEMENT BY PERSON AGREEING TO PARTICIPATE IN THIS STUDY

**I have read this informed consent document and the material contained in it has been explained to me verbally. I understand each part of the document, all my questions have been answered, and I freely and voluntarily choose to participate in this study.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of patient/volunteer

Consent obtained by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name  
and Title

## Survey

**The following information is provided to inform you about the research project and your participation in it. Please read this form carefully and feel free to ask any questions you may have about this study and the information given below. You will be given an opportunity to ask questions, and your questions will be answered. Please print a copy or screenshot this consent form for your records.**

**Your participation in this research study is voluntary. You are also free to withdraw from this study at any time.**

**You are 18 years of age or older. Your decision to participate in this study is completely voluntary and you have the right to terminate your participation at any time.**

**In the event new information becomes available that may affect the risks or benefits associated with this research study or your willingness to participate in it, you will be notified so that you can make an informed decision whether or not to continue your participation in this study.**

**For additional information about giving consent or your rights as a participant in this study, please feel free to contact Tara Prairie at the Office of Compliance at (615) 494-8918.**

**1. Purpose of the study:**

**You are being asked to participate in a research study that examines the relationship between attorneys and public relations counsel during times of institutional/organizational crisis**

**2. Description of procedures to be followed and approximate duration of the study:**

**You will read a brief definition of organizational/institutional crises, then proceed to answer questions based on your experiences.**

**3. Description of the discomforts, inconveniences, and/or risks that can be reasonably expected as a result of participation in this study:**

**Whenever one works with e-mail or the Internet there is always the risk of compromising privacy, confidentiality and/or anonymity. Your confidentiality will be maintained to the degree permitted by the technology being used. It is important for you to understand that no guarantees can be made regarding the interception of data sent via the Internet by third parties.**

**4. Anticipated benefits from this study:**

**An increased understanding of the relationship between attorneys and public relations counsel that will serve as the basis for suggestions on how to improve that relationships within institutions.**

**5. Circumstances under which the Principal Investigator may withdraw you from study participation: Your participation in this project is completely voluntary, and**

**you may exit the survey at any time you want.**

#### **6. Contact Information.**

**If you have any questions or complaints about the research, contact Selin Demir (sdemir@syr.edu). If you have any questions about your rights as a research participant; or if you have questions, concerns, or complaints that you wish to address to someone other than the researchers; or if you cannot reach the researchers, contact the Syracuse University Institutional Review Board at 315- 443-3013.**

#### **7. Confidentiality.**

**All efforts, within reason, will be made to keep the personal information in your research record private. In particular, your name and email address will not be shared with anyone outside of the research team. It will also be removed from the data set. You will never be identified in any presentations or papers that we might submit for publication.**

#### **\* 1. STATEMENT BY PERSON AGREEING TO PARTICIPATE IN THIS STUDY**

I have read this informed consent document and the material contained in it has been explained to me verbally. I understand each part of the document, all my questions have been answered, and I freely and voluntarily choose to participate in this study

Yes

No

2. Which of these most accurately describes your profession?

Attorney

Public Relations Professional

3. Have you ever been retained by an organization in solving or otherwise mitigating an organizational crisis?

Yes

No

For the following questions, please answer to the best of your ability based on your professional opinion and experiences. Rate your answer on a scale from 1 to 5; 1 being strongly disagree and 5 being strongly agree.

4. Legal counsel should be involved in determining message.

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5. Legal counsel encroaches on public relations in times of crisis to the detriment of public relations counsel

1

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6. Public statements made can prove detrimental or fatal in a later legal proceeding.

1

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5

7. Fighting back against critics is always an effective strategy.

1

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8. Acknowledging the concerns of your critics is always an effective strategy.

1

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9. Revealing as little as possible about a crisis is always an effective strategy.

1

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10. In most cases, the legal risk is greater than the need for public communications.

1

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3

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5

11. Public relations professionals expose the company to legal liability by being too open with the media and consumers.

1

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3

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12. A lawyer should scrutinize all public statements, written or oral, made by a company or its representative during a crisis.

1

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13. Public relations professionals don't understand legal counsel.

1

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14. Lawyers don't understand the importance of public attitudes.

1

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15. Saying "no comment" is tantamount to admitting fault and/or liability.

1

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16. During an organizational crisis, it is an effective strategy to defend the organization publicly, early and often.

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17. 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.

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18. It is imperative that public relations professionals become educated about legal issues and consider them in communication planning.

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19. Conflict between legal and public relations functions arise out of lack of respect for each other's function.

1

2

3

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20. Conflict between legal and public relations functions arise out of a fundamental lack of understanding of the other's discipline.

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21. In an increasingly litigious society, there is a growing need for lawyers and public relations practitioners to work together.

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22. Public relations counsel and legal counsel frequently offer adversarial approaches to problem-solving during organizational crises.

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23. When PR and legal counsel work together, public relations people do more compromising than lawyers.

1

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3

24. A client is best served if legal and communications counsel work harmoniously.

1

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3

25. When PR and legal counsel work together, lawyers do more compromising than public relations practitioners.

1

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5

26. Public relations and legal counsel should keep their roles entirely separate during organizational crisis.

1

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3

27. If legal and public relations counsels fail to work together during a crisis, the organization usually achieves its legal goals but loses public support.

- 1
- 2
- 3
- 4
- 5

28. The best crisis strategy is to voluntarily admit when a problem exists and then announce and implement corrective measures.

- 1
- 2
- 3
- 4
- 5

29. The best crisis strategy is to say as little as possible and release only necessary information as quietly as possible.

- 1
- 2
- 3
- 4
- 5

30. Any communication with any public could jeopardize the company's case.

- 1

- 2
- 3
- 4
- 5

## Survey Results

**Table 5. Measurement and Reliability Table (Attorney Responses)**

Variables	Measure	M (Attorney)	SD	$\alpha$
Legal counsel should be involved in determining message.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.84	.93
Legal counsel encroaches on public relations in times of crisis to the detriment of public relations counsel	Strongly Disagree (1) – Strongly Agree (5)	3.2	.96	.93
Public statements made can prove detrimental or fatal in a later legal proceeding.	Strongly Disagree (1) – Strongly Agree (5)	2.8	.9	.93
Fighting back against critics is always an effective strategy.	Strongly Disagree (1) – Strongly Agree (5)	3	.98	.93
Acknowledging the concerns of your critics is always an effective strategy.	Strongly Disagree (1) – Strongly Agree (5)	3.2	1.04	.93
Revealing as little as possible about a crisis is always an effective strategy.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.01	.93
In most cases, the legal risk is greater than the need for public communications.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.95	.93
Public relations professionals expose the company to legal liability by being too open with the media and consumers.	Strongly Disagree (1) – Strongly Agree (5)	3	.93	.93
A lawyer should scrutinize all public statements, written or oral, made by a company or its representative during a crisis.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.1	.93

Public relations professionals don't understand legal counsel.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.18	.93
Lawyers don't understand the importance of public attitudes.	Strongly Disagree (1) – Strongly Agree (5)	3.2	1.2	.93
Public relations and legal counsel should keep their roles entirely separate during organizational crisis.	Strongly Disagree (1) – Strongly Agree (5)	2.6	1.2	.93
Saying “no comment” is tantamount to admitting fault and/or liability.	Strongly Disagree (1) – Strongly Agree (5)	2.8	1.08	.93
During an organizational crisis, it is an effective strategy to defend the organization publicly, early and often.	Strongly Disagree (1) – Strongly Agree (5)	3	1.12	.93
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.	Strongly Disagree (1) – Strongly Agree (5)	2.9	1.04	.93
It is imperative that public relations professionals become educated about legal issues and consider them in communication planning.	Strongly Disagree (1) – Strongly Agree (5)	3.04	1.03	.93
Conflict between legal and public relations functions arise out of lack of respect for each other's function.	Strongly Disagree (1) – Strongly Agree (5)	3.4	1.01	.93
Conflict between legal and public relations functions arise out of a fundamental lack of understanding of the other's discipline.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.89	.93

In an increasingly litigious society, there is a growing need for lawyers and public relations practitioners to work together.	Strongly Disagree (1) – Strongly Agree (5)	2.9	1.16	.93
Public relations counsel and legal counsel frequently offer adversarial approaches to problem-solving during organizational crises.	Strongly Disagree (1) – Strongly Agree (5)	3.2	1.07	.93
When PR and legal counsel work together, public relations people do more compromising than lawyers.	Strongly Disagree (1) – Strongly Agree (5)	2.5	1.06	.93
When PR and legal counsel work together, lawyers do more compromising than public relations practitioners.	Strongly Disagree (1) – Strongly Agree (5)	3.3	.78	.93
A client is best served if legal and communications counsel work harmoniously.	Strongly Disagree (1) – Strongly Agree (5)	2.6	1.37	.93
If legal and public relations counsels fail to work together during a crisis, the organization usually achieves its legal goals but loses public support.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.78	.93
The best crisis strategy is to voluntarily admit when a problem exists and then announce and implement corrective measures.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.88	.93
The best crisis strategy is to say as little as possible and release only necessary information as quietly as possible.	Strongly Disagree (1) – Strongly Agree (5)	3.1	.93	.93

Any communication with any public could jeopardize the company's case.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.75	.93
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**Table 6. Measurement and Reliability Table (Public Relations Professional Responses)**

Variables	Measure	M	SD	$\alpha$
Legal counsel should be involved in determining message.	Strongly Disagree (1) – Strongly Agree (5)	3.3	.8	.82
Legal counsel encroaches on public relations in times of crisis to the detriment of public relations counsel	Strongly Disagree (1) – Strongly Agree (5)	3.2	.8	.82
Public statements made can prove detrimental or fatal in a later legal proceeding.	Strongly Disagree (1) – Strongly Agree (5)	3.4	1	.82
Fighting back against critics is always an effective strategy.	Strongly Disagree (1) – Strongly Agree (5)	3.5	.93	.82
Acknowledging the concerns of your critics is always an effective strategy.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.01	.82
Revealing as little as possible about a crisis is always an effective strategy.	Strongly Disagree (1) – Strongly Agree (5)	3.4	1	.82
In most cases, the legal risk is greater than the need for public communications.	Strongly Disagree (1) – Strongly Agree (5)	3.2	1.12	.82
Public relations professionals expose the company to legal liability by being too open with the media and consumers.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.09	.82

A lawyer should scrutinize all public statements, written or oral, made by a company or its representative during a crisis.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.2	.82
Public relations professionals don't understand legal counsel.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.09	.82
Lawyers don't understand the importance of public attitudes.	Strongly Disagree (1) – Strongly Agree (5)	3.2	.92	.82
Public relations and legal counsel should keep their roles entirely separate during organizational crisis.	Strongly Disagree (1) – Strongly Agree (5)	2.6	1.12	.82
Saying “no comment” is tantamount to admitting fault and/or liability.	Strongly Disagree (1) – Strongly Agree (5)	3.2	1.27	.82
During an organizational crisis, it is an effective strategy to defend the organization publicly, early and often.	Strongly Disagree (1) – Strongly Agree (5)	3.5	1.04	.82
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.	Strongly Disagree (1) – Strongly Agree (5)	3.1	.95	.82
It is imperative that public relations professionals become educated about legal issues and consider them in communication planning.	Strongly Disagree (1) – Strongly Agree (5)	3.3	.99	.82
Conflict between legal and public relations functions arise out of	Strongly Disagree (1) – Strongly Agree (5)	3.1	.87	.82



lack of respect for each other's function.				
Conflict between legal and public relations functions arise out of a fundamental lack of understanding of the other's discipline.	Strongly Disagree (1) – Strongly Agree (5)	3.4	1.1	.82
In an increasingly litigious society, there is a growing need for lawyers and public relations practitioners to work together.	Strongly Disagree (1) – Strongly Agree (5)	2.9	1.12	.82
Public relations counsel and legal counsel frequently offer adversarial approaches to problem-solving during organizational crises.	Strongly Disagree (1) – Strongly Agree (5)	3.5	.97	.82
When PR and legal counsel work together, public relations people do more compromising than lawyers.	Strongly Disagree (1) – Strongly Agree (5)	2.7	.94	.82
When PR and legal counsel work together, lawyers do more compromising than public relations practitioners.	Strongly Disagree (1) – Strongly Agree (5)	3.3	1.06	.82
A client is best served if legal and communications counsel work harmoniously.	Strongly Disagree (1) – Strongly Agree (5)	3.2	1.4	.82
If legal and public relations counsels fail to work together during a crisis, the organization usually achieves its legal goals but loses public support.	Strongly Disagree (1) – Strongly Agree (5)	3.3	.91	.82
The best crisis strategy is to voluntarily admit when a problem exists and then announce and	Strongly Disagree (1) – Strongly Agree (5)	3.5	.86	.82

implement corrective measures.				
The best crisis strategy is to say as little as possible and release only necessary information as quietly as possible.	Strongly Disagree (1) – Strongly Agree (5)	3.1	1.08	.82
Any communication with any public could jeopardize the company’s case.	Strongly Disagree (1) – Strongly Agree (5)	3.06	.94	.82

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### **Vita**

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