Winning in the Court of Public Opinion:

Exploring Public Relations-Legal Collaboration during Organizational Crisis

Abstract

Purpose - In this study, we explore how public relations professionals develop co-narratives with legal counsel when formulating crisis communication strategies.

Design/methodology/approach - Eleven semi-structured interviews with PR consultants, 6 in Korea and 5 in Singapore were conducted between May and August 2016. Data analyses revealed key points of interest for public relations education and practice.

Findings - First, PR consultants in both countries reported increased collaboration with legal counsel in times of crisis. Second, PR consultants report that legal professionals have begun to realize the significance of winning in the court of public opinion. However, the process by which public relations-legal collaboration takes place to develop co-narratives followed different patterns in the two countries.

Originality/value - This study was an attempt to (a) understand PR-legal collaboration particularly in times of crisis and (b) contribute to the development of Asia-centric models of public relations practice. There has been little research that explores how legal and PR counsels actually collaborate to devise optional crisis communication strategies for their clients (or organizations) in times of crisis. Given that crisis communication strategies have been shown to affect publics' perceptions of an organization's credibility and trustworthiness, it is important to understand how public relations work with legal practitioners to develop co-narratives for optimal crisis management, and understand how their different professional perspectives, practices, and approaches affect the collaboration.

Keywords- co-narratives, conflict resolution, crisis communication, legal strategy, public relations strategy

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In times of organizational crises, public relations (hereafter PR) managers face the dilemma of seemingly competing crisis management objectives – protecting organizational reputation, or reducing legal liability (Hoger & Swem, 2000). Although scholars have warned that the dominance of legal motives may be short-sighted and costly, organizations tend to place more weight on legal strategy than on PR strategy (Fitzpatrick & Rubin, 1995; McCann, 1994). Moreover, strained relationships between PR and legal counsel, stemming from inherent tensions (Cooper, 1992), and a lack of understanding of the other side's practice and approaches (Reber, Cropp, & Cameron, 2001) hinders effective crisis management (Fitzpatrick, 1996; Reber et al., 2001). However, effective collaboration between PR and legal is an essential element for crisis management (Fitzpatrick, 1996; Lee, Jares, & Heath, 1999). PR professionals should therefore find ways of facilitating smooth and efficient PR-legal collaboration for crisis management strategy development.

Yet, there has been relatively little research that explores how legal and PR counsels actually collaborate to devise optimal crisis communication strategies for their clients (or organizations) in times of crisis. Huang and Su (2009) identified the determinants of crisis communication strategies as being PR autonomy, legal dominance, strategic orientation, and organizational factors. Although their study discussed the dilemma of balancing legal and communication strategies faced by PR practitioners, how PR practitioners actually resolve these dilemma is a question that needs to be addressed. Furthermore, although previous research such as Reber et al.'s (2001) study on coorientation between PR practitioners and lawyers has improved our understanding of their working relationships and view each other, how PR consultants reconcile (possibly) contradictory positions with those of lawyers' when

devising crisis communication strategies for their client is a question that remains

unanswered.

Thus, this study explores the process by which PR professionals develop co-narratives

with their legal counterparts when formulating crisis communication strategies. Co-narratives

are communication messages that both legal and PR counsels can agree upon as being

optimal in addressing the crisis as well as aligning with the mission and goals of an

organization. It is becoming more complicated and challenging than before for PR managers

to create effective crisis communication messages that satisfy both publics and their

organization. The recent United Airlines reaccomodation case where CEO Oscar Munoz had

to issue an apology twice (Mutzabaugh, 2017) demonstrates how significant it is for

organizations to devise their communications messages carefully. It is important for counsel

to create crisis communication messages that allow organizations to take care of financial and

legal liabilities as well as liability for organizational reputation and public trust.

However, winning battles in the legal courts does not always guarantee that

organizational reputation will escape unscathed; instead, the "court of public opinion is often

much harsher than the court of law" (McCann, 1994, p.43). It is therefore important to

understand how PR professionals may effectively collaborate with their legal counterparts to

win not only in the legal courts but also in the court of public opinion. PR practitioners and

lawyers do not always agree on what to say (Lee et al., 1999). Understanding how PR

practitioners work with their legal counterparts may help lead to more advanced and effective

PR practice in the area of crisis communication and management.

We attempt to do so in this study through interviews conducted with PR practitioners

in two Asian countries, Singapore and South Korea. Our study is a departure from Reber et

al.'s (2001) work that investigated both PR and legal professionals. Instead, we seek to

compare how PR practitioners in two Asian countries perceive the PR-legal collaboration and

how they manage to devise an optimal crisis response strategy despite tensions,

dissimilarities, or challenges that come from collaborating with lawyers. In an attempt to

answer Halff and Gregory's (2014) call for more Asia Pacific-oriented models of public

relations, through this study we aim to bring Asian perspectives into explorations of PR-legal

collaboration dynamics. Participants from two Asian countries, Singapore and South Korea,

were selected for data collection, as these nations are considered to be in different phases of

development in terms of how their respective PR industries have progressed. According to

the Edelman Trust Barometer (2016), Singaporeans report a high level of trust in institutions

including government, while South Korea still suffers from levels of distrust. Although the

media are the least trusted institutions for Singaporeans, their trust in media and journalism is

still higher than South Korea. Furthermore, South Koreans' level of trust in business

continues to slide, while Singapore's remains steady. Many multinational PR firms, such as

Edelman and Fleishman-Hillard, have operations in both countries. Interestingly, 4 Korean

PR companies are part of global top 250 PR agencies while no Singapore companies were

included in the list (Holmes Report, 2018). All these elements create unique PR environments

for study in the two countries. Comparing the collaboration and practices reported by PR

professionals from the two nations may provide further insight into the fragmented nature of

PR practice in Asia, and further answer Halff and Gregory's (2014) call to investigate Asia

Pacific PR practice. The next section provides a review of the literature in which this study is

situated, especially interprofessional collaboration and public relations.

Literature Review

Interprofessional Collaboration

Although several definitions exist, collaboration is usually defined based on the

underlying concepts of sharing, partnership, power, interdependency and process (D'amour,

Ferrada-Videla, Rodriguez, & Beaulieu, 2005). According to D'Amour et al.'s (2005)

literature review on definitions, collaboration means (a) sharing responsibilities (Henneman, Lee, & Cohen, 1995; Henneman, 1995; Liedtka & Whitten, 1998;) and (b) shared decision making (Liedtka & Whitten, 1998). It requires (c) partnership, which implies two or more parties' collaborative undertaking (Sullivan, 1998) and (d) pursuit of common goals (Stichler, 1995). Collaboration also requires that (e) involved parties be interdependent (Evans, 1994) and (f) power be shared among participants (Sullivan, 1998). It is (g) a dynamic and evolving process (Hanson, et al., 2000) which follows negotiation and compromise in decision-making (Liedtka & Whitten, 1998). Compromise is considered part of the newer model of symmetry proposed by Plowman (1996) for public relations that also included accommodation and might be well considered in this study along with the concept of power. Collaboration is considered a win/win in the negotiation literature where both sides adapt to each other, and compromise is more of a 50/50 or split the difference proposition. Accommodation is closer to a lose/win concept where one side is willing to lose more than the other side to reach an agreement (Brooks, Wakefield & Plowman, 2017).

Interprofessional collaboration, specifically, is an idea that emerged out of increasingly complex medical and healthcare practice, which necessitates collaboration between practitioners from multiple (health-related) disciples and specialties (Bridges, Davidson, Odegard, Maki & Tomkowiak, 2011). The Canadian Interprofessional Health Collaborative defined interprofessional collaboration in the context of health care as "the process of developing and maintaining effective interprofessional working relationships with learners, practitioners, patients/clients/families and communities to enable optimal health outcomes" (Canadian Interprofessional Health Collaborative, 2010, p. 8).

Of note is Gray's (1985) listing of several conditions under which collaboration among stakeholders is guaranteed: (a) problems cannot be solved by a single organization, (b) limitations of traditional adversarial methods of problem solving, and (c) increasing

environmental turbulence. Dealing with organizational crises satisfies these conditions,

especially in case of organizational transgression (Coombs, 1995), particularly as the

business, political, regulatory, and social environments continue to become increasingly

complex and intertwined. For organizations to cope with these dynamic and complex

environments, interprofessional collaboration between practitioners (in-house or consultants)

is not just preferable, it is necessary.

Interprofessional collaboration takes different forms of interaction, engendering

tensions as well as opportunities. The complexities and problems associated with

interprofessional relations have been acknowledged by several scholars (e.g., D'Amour et al.,

2005). Freeth (2001) identified several issues in interprofessional collaboration, including

allocation of limited resources, ability and willingness to share power with the counterpart,

congruence of objectives between parties, resistance to change, and communication. Cottrell

and Sheldon (1963) classified problems in professional collaboration as: (a) cultural or

subcultural barriers to communication and collaboration, (b) social status and structure that

are associated with each occupation, and (c) role ambiguity and incongruent expectations.

Concerns about potential loss of identity (Beattie, 1995; Biggs, 1997) and inherent tensions

between parties (Grant, 1986) are also worthy of attention.

In this study, we examine PR-legal collaboration for crisis management as a specific

type of interprofessional collaboration, investigating whether the problems and complexities

of interprofessional collaboration identified in extant literature may also appear in PR-legal

collaboration, particularly as perceived by one party generally considered to be less powerful

in the dyadic relationship. Differentiating from Reber et al.'s (2001) study, which involved

interviews with both lawyers and PR practitioners to understand their coorientation, we focus

our attention on the perspectives of PR consultants across two nations.

PR-Legal Collaboration for Crisis Management

In dealing with organizational crises, PR-legal collaboration is a necessary collaborative problem solving process. Resolving an organizational crisis is a daunting task, and often requires immediate and intensive involvement of both PR and legal practitioners. While there is a growing need to encourage effective PR-legal collaboration, there is dearth of research that investigates how such collaboration happens and works for crisis management (Hoger & Swem, 2000), particularly from the PR consultants' perspective.

The PR-legal relationship has been generally known to be adversarial (Reber at el., 2001), like mixing oil and water (Simon, 1969), albeit with a few exceptions (e.g., Lee et al., 1999; Martinelli & Briggs, 1998), and often results in turf battles (Fitzpatrick, 1996; Huang & Su, 2008). PR literature defines this relationship as contention or competition, a win/lose scenario where one side wins and the other side loses (Brooks et al., 2017). There is a need, then, to emphasize the collaborative or win/win relationship between PR practitioners and legal counsel (e.g., Lee et al., 1999). As part of collaboration, other aspects should be considered, like compromise, a 50/50 splitting the difference in an agreement as well as accommodation, a lose/win scenario where one side loses what it does not consider essential to allow the other side to win in a dispute (Plowman, 1998). Fitzpatrick and Rubin (1995) suggested that more collaborative approaches be taken by both PR practitioners and lawyers. Considering that frequent professional interactions between PR practitioners and legal counsel have been reported to positively benefit their working relationship, and that crises are best handled by PR practitioners who already have built relationships with lawyers prior to the crisis (Fitzpatrick, 1996; Lee et al., 1999), it is important for scholarship to focus on understanding what PR consultants can do to ensure mutually beneficial relationships and effective collaboration with legal counsel.

Fitzpatrick and Rubin (1995) found that when it comes to crisis response strategy, legal considerations tend to dominate organizational decision making over public relations

considerations. As many organizations prioritize avoiding legal repercussions when managing crises, "no comment" or silence tends to be the most preferred communication strategy (Fitzpatrick & Rubin, 1995). However, to emerge from a crisis unscathed, it is becoming more and more important for organizations not just to avoid the arms of the law, but also protect organizational reputation by winning in the court of public opinion (McCann, 1994; Schneier, 2013). This is where the role of communication strategy comes in, as how and what to communicate to publics affect the formation of public opinion. Public opinion can be very powerful as "this court of public opinion is based on reputation, revenge, public shaming, and the whims of the crowd. *Having a good story is more important* than having the law on your side." (Schneier, 2013, para. 6, italics emphasis added). This necessitates a close and efficient collaboration between crisis professionals to ensure that selected crisis communication messages that are both public- and media-friendly are devised. Given that crisis communicative strategies have been shown to affect publics' perceptions of an organization's credibility and trustworthiness (Huang & Su, 2008), it is important to understand how public relations professionals work with lawyers to develop co-narratives for optimal crisis management, and understand how their different professional perspectives, practices, and approaches (Cooper, 1992; Hoger & Swem, 2000; Lee et al., 1999) affect the collaboration. Accordingly, the following research questions guide this exploratory, qualitative study:

RQ1: How do PR practitioners develop co-narratives in collaboration with lawyers?

RQ2: What differences and commonalities do PR practitioners identify from their collaboration with lawyers?

RQ3: How do PR practitioners ensure effective collaboration with lawyers?

Method

Selection of Countries: Singapore and South Korea

Singapore. The PR industry in Singapore has grown rapidly since the early 1950s when multinational corporations resumed their businesses after World War II (Institute of Public Relations of Singapore, n.d) and there was a "marked increase in the number of MNCs entering Singapore […] As one of Asia's leading financial, media, and industrial hubs, Singapore's public relations industry burgeoned in tandem with a competitive economy" (Lim et al., 2005, p. 319). Singapore's government was the main agent that influenced the formation and growth of its PR industry (Curtin & Gaither, 2012). Although PR in Singapore is not typically used as a strategic management function (Lim et al., 2005), Tan (2001) concluded that PR agencies' practices in Singapore were more strategic and advanced than corporations, where PR managers perform technician roles.

South Korea. South Korea's PR industry has also evolved dynamically with the entry of multinational corporations, and South Korean companies' pursuit of foreign markets (Key, 2014; Rhee, 2009). Similar to other Asian countries, the growth of the PR industry in South Korea has too been driven by its government (Halff & Gregory, 2014). Key (2014) found that although South Korean companies such as Samsung and LG have advanced the approach of public engagement like other developed countries, there is still room for improvement, particularly when PR is still seen as a means to controlling the story in the media. As Key pointed out, "with the opening of borders, the country also became vulnerable to international standards and learned the hard way that South Korea needed to shape up practices and regulations in order to take a place at the global level" (Key, 2014, para.14). One key area that will affect the growth of South Korea's PR industry in the future is crisis management (Benjamin, 2016, March 23).

Sampling

As the market for public relations-legal collaboration is still in its infancy, it was difficult to identify participants who have experienced such collaboration. Therefore, one of

researchers in this study combined two sampling methods: purposive, and snowball sampling. Given the exploratory nature of this study, such sampling techniques were considered appropriate. A purposive sample is a "non-probability sample that is selected based on the characteristics of a population and the objective of the study" (Crossman, 2017, para. 1). This sampling approach is often known as selective sampling, but it can be very useful when sampling for proportionality is not a concern for the purpose of the study (Crossman, 2017). It allows the researchers to reach the targeted sample efficiently (Crossman, 2017). Principles of homogeneous purposive sampling and expert purposive sampling were adopted in this study as the researchers sought to find one shared characteristic among public relations consultants, i.e., several instances of collaborating with legal counsel/lawyers for organizational crises. Additionally, expert purposive sampling was required in this study, which aims to gain knowledge and information about a specific expertise (i.e., public relations-legal collaboration).

There are five possible combinations of using internal and external sources for dealing with an organizational crisis. To explain, one team could consist of an internal PR manager and an internal lawyer. A second team could consist of an internal PR manager and an external lawyer. A third combination of an external PR consultant and an internal lawyer too is possible. Fourth, a company might retain both an external PR consultant and an external legal team. And finally, a company's internal PR manager may team up with external crisis communication consultants and lawyers and coordinate the process of crisis management. Although exploring these five combinations is worthy of investigation, in this study we chose to investigate interprofessional collaboration by external public relations experts given a common mission (with the legal team) from a client. Combining internal resource (i.e., either internal PR manager or internal lawyer) and external resource (i.e., either external PR consultant or external lawyer) involves new dynamics and contexts, i.e., a client-agency

relationship. This context is different from looking into the perspectives of external experts, whose views may be different from their clients' views.

Both PR consultants and lawyers from law firms are called in to resolve an organizational crisis as third parties. Furthermore, internal lawyers or internal PR managers may not be experts in dealing with an organizational crisis and reputational threat even with knowledge of the internal situation. Finally, we delimit the scope of our study to the perspectives of PR consultants, rather than comparing both PR consultants and lawyers. To differentiate from previous research, such as Reber et al.'s (2001) study, which involved interviews with both lawyers and PR practitioners to understand their coorientation, we focus our attention to PR consultants' perspective across two different countries, instead of replicating Reber et al's (2001) study in other two countries. Our intent is to build on previous research by exploring different cultural contexts.

Therefore, a) referring to information regarding public relations agencies such as the Global top 250 PR agency ranking (Holmes Report, 2016), Top 10 PR Agencies in Singapore (Focus Singapore, 2017), and the Korean Public Relations Consultancy Association (KPRCA, n.d.), one of authors contacted public relations firms in the two countries and approached her professional network of public relations firms in each country and asked them to recommend other consultants who may be interested in participating in this study (see Table 1 for background information of the participants).

Data Collection

Eleven semi-structured depth interviews with public relations consultants, 6 in South Korea between October to November 2015 and 5 in Singapore between May to August 2016 were conducted. Depth interviews are usually used to "obtain the point of view of the respondent on a topic, phenomenon or subject under study and seek as much detail as possible about the research subjects' views on the topic via their opinions expressed"

(Weerakkody, 2009, p.178). The interview protocol was created based on literature pertaining to the dynamics of public relations-legal collaboration for resolving organizational crisis (Fitzpatrick & Rubin, 1995; Fitzpatrick, 1996; Huang, & Su, 2009; Lee et al., 1999; Reber et al., 2001).

Participants were asked to share their experiences and opinions regarding the following topics: 1) their description of public relations-legal collaboration; 2) identification of motives between public relations and legal counsels; 3) their definition of relationship between public relations and legal counsels; 4) process of co-narrative development; 5) challenges and obstacles in finding the optional communication strategy; and 6) the ideal process for public relations-legal collaboration to identify the optimal strategy. Although the interviews followed the interview protocol in general, interviewees were free to speak about other topics they felt relevant during the interview.

Today, depth interviews can be conducted in various forms, such as face to face, phone, or email, to allow for the inclusion of global subjects and informants (Weerakkody, 2009). All interviews in Singapore were conducted via face-to-face meetings, while the ones in South Korea were conducted via one of three methods: face-to-face meetings (2), Skype video interviews (1), and emails (3). South Korean participants could choose the type of interview that best fit their schedules and situations. The face-to-face and Skype video interviews went for approximately two hours each. In the case of email interviews, follow-up email interviews were used when necessary for clarification.

Data Analysis

All interviews that used face-to-face meetings and Skype video calls in Singapore and South Korea were audio-recorded upon the permission of participants. Email interviews were saved as text-form data. Interviews in Singapore were conducted and recorded in English. Audio-recorded files were transcribed. Transcripts of South Korean interviews were

translated into English by professional translators, and one of authors of this study, a native

speaker of Korean, rechecked the quality of the Korean-English translation. Quotations have

been revised for clarity.

The interviews resulted in 135 pages of data, which were then analysed using a

thematic analysis to identify salient patterns from interviews in two countries (Braun &

Clarke, 2006). Themes pertaining to the research questions were specifically focused on in

this process. First, the first author read through the data to identify emergent themes

pertaining to the research questions. The data was read and re-read and initial codes were

identified. Then, the second author read through the data to further confirm and refine the

themes using the constant comparative method. The first two authors then discussed the

themes, reviewed them for resonance, and modified direct quotations for clarity while

ensuring that the meaning as conveyed by the participants remained intact.

Findings

The analyses of the data revealed key points of interest for public relations practice.

First, PR consultants in both countries reported increased collaboration with legal counsel in

times of crises, despite several issues for effective collaboration (RQ3). Second, PR

consultants report that legal professionals have begun to realize the significance of winning in

the court of public opinion. However, the process by which public relations-legal

collaboration takes place to develop co-narratives (RQ1) followed extremely different

patterns in the two countries (RQ2). The sections that follow are organized around seven

major themes to answer our research questions (1) increased collaboration; (2) from courts'

opinion to public opinion; (3) differences between motives of legal and PR practice; (4)

finding common ground (5) developing and finalizing co-narratives; (6) power relations; (7)

tactics to ensure effective collaboration. Due to the emergent and intersecting nature of the

findings, this section is organized thematically rather than by research question.

Increased collaboration

PR consultants who were interviewed in both Singapore and South Korea mentioned that they had noticed a change in the PR industry: increased collaboration between lawyers and PR consultants in the area of crisis management consulting. Respondents noted that the increasing demand for PR-legal collaboration may be attributed to the recognition of the importance of public opinion in crisis management by organizations as well as by society at large.

One crisis communication consultant in Singapore said, "We find that the most two important people whenever a crisis happens is the corporate communication person and the legal team" (SG participant #1). Another communication consultant who specializes in public affairs also discussed how he had been invited many times to work together with legal counsel during crises. He summarized his perspective on the collaboration as "So our job really is, to really become strategic in terms of how do you communicate the legal position?" (SG participant #5). For this participant, collaborating with the legal counsel to work out the best communication strategies to communicate the organization's legal position was crucial for effective crisis management.

South Korean participants discussed an incident that they considered to be pivotal in changing the PR industry: Korean Air's peanut U-turn crisis. One participant noted, "As seen in the Korean Air case - companies actually have started to recognize that the legal approach isn't everything, and to realize the importance of reputation management. I think this is a positive sign for crisis communication consultants. [….] There have been recent reports of successful collaboration between PR and legal, a rarity in the past" (KR participant #1). Participants noted that organizations in South Korea have begun to invite PR firms to resolve legal issues and to get support on media relations. "Recently, overall awareness on the importance of public opinion is increasing. Communication consultants are often invited to

provide advice on public opinion even in cases where reducing prison sentences [presumably for company executives] is being discussed" (KR participant #2). All Korean participants reported having recently experienced working with top-tier law firms to resolve client(s)' cris(e)s together (KR participants #1, 2, 3, 4, 5, and 6).

Interestingly, participants noted that this realization on the part of industry, i.e., the significant role of public opinion and PR in the area of crisis management, is not necessarily great news for PR; it has also resulted in non-PR consultants and/or agencies encroaching upon territory normally claimed by PR. One PR consultant discussed this by saying, "One other aspect is that big-scale law firms such as Kim & Chang have started to establish its own public opinion research function with academic partners, and even media team. Law firms have realized that they need public opinion management service for clients, so they have decided to recruit media related partners or to invest in their capabilities. I know a lawyer whose main job is managing public opinion. This is a recent trend for issue/crisis management" (KR participant #1).

In South Korea, the way PR firms are invited to collaboration projects with lawyers varies: "Some global companies hire both a PR firm and a law firm. As lobbying is illegal in Korea, law firms usually provide public affairs services. In terms of issue management or lawsuit, a client company hires a PR firm for issue management or to manage public opinion during a lawsuit. A law firm introduces a PR company to a client upon a client's request. However, a law firm usually does not involve a PR firm in the collaboration unless the legal firm has a strong relationship with a PR firm." (KR participant #5). In Singapore, PR-legal collaboration is usually initiated through referrals from legal or management consulting firms, i.e., such collaboration tends to stem from prior experiences that legal and/or management consulting firms have had with PR consultants. For example, two participants in Singapore said that they usually work with lawyers with whom they have worked before (SG

participants #3 and #4). One participant noted, "What we have found is, if we have a prior relationship with legal counsel before the crisis, it is more likely that they have professional respect for us to start with. And we can together develop solutions more quickly for the clients, which works better from a legal and reputational point of view. If we have worked hand-in-hand before, we can come together just when crisis breaks out." (SG participant #3)

From Courts' Opinion to Public Opinion

One Singaporean consultant (SG Participant #1) described how she helped resolve a litigation case by convincing the top management to act transparently, which subsequently affected other companies' behaviors too. In a situation where a company was debating whether or not to pursue a joint lawsuit with many other corporations that might have been perceived negatively by the general population, she noted, "I said if you want your money back, you should say something. [….] So I told lawyer, "are we allowed to say yes, we will pursue the lawsuit?" The lawyer said, "Sure, why not?" In the end, [*anonymous client name*] was the only company out of 12 who said that we will pursue the case to get back the money. I said, this is a strategy in order to convince the court that you are serious about the case. If you don't say anything, are you serious about pursuing the case? Because it is a joint suit, it is not only one company. […] So I said, "let's lead the way". So after the CEO said that we will pursue, the rest of them followed" (SG participant #1).

Consultants in South Korea discussed their impressions of the impact of public opinion on court cases, noting that,

> The fear of public opinion is about being publically criticized, while the fear of legal
> action means going to prison physically. Korean Air's peanut U-turn case is a classic
> example. It was not necessary for prosecutors to send Korean Air's vice president to a
> jail, considering the privileges Korean conglomerates usually have. But the intense
> media scrutiny and public criticism made prosecutors take notice and eventually take

legal action. One important point here is that public opinion definitely influences legal

decisions, such as immediate custody investigation with public uproar. Prosecution's

office is a political organization anyway[….] After the Korean Air "peanut U-turn"

case, many business leaders have been shocked into realizing the impact of ignoring

public opinion – they could go to jail. (KR participant #1)

Differences between Motives of Legal and PR Practice

PR consultants from both Singapore and South Korea echoed the findings of prior

literature, i.e., that lawyers and PR consultants have different perspectives and approaches to

crisis management (Cooper, 1992; Hoger & Swem, 2000; Lee, Jares, & Heath, 1999). One

major point of departure noted by participants #1 and #3 from Singapore was about

expressing empathy. Participant 1 from Singapore described this difference, saying,

So I find that the lawyers are very good at handling legal terms but they are not so

familiar in the compassionate part of managing situations. It is the communication

people to show compassion. The lawyers don't care about compassion; the lawyer just

wants to make sure that we don't get sued by another party because we said

something wrong."

Participant #3 in Singapore also compared lawyers and PR consultants regarding

differences in approaches:

I think what we have found is that especially among more junior lawyers the tendency

is to look only at legal frames and precedents. There is a clear right or wrong in their

minds, and this tends to be a very inflexible approach. If you look at communication

professionals, they tend to see more grey areas based on their experience; things are

not just either right or wrong." (SG participant #3)

Interestingly, one of the Korean consultants interviewed did not view this as a barrier, allowing for the win/lose nature of the legal profession, instead taking a more matter-of-fact approach to these seemingly discordant motives, saying

Naturally, all law firms' main interest is winning the case. Although they're not indifferent to public sentiment, lawyers maintain their position. It's not their scope of work to take care of public reaction and to take any action for public opinion. […] Law firm/legal counsel's argument has the purpose of preventing visible damage of the company. On the other hand, PR department concentrates on preventing relatively invisible damage. [….] They're (lawyers) fully aware of the importance or definition of communication during issue/crisis management. They just don't care about it because it's not their responsibility. Lawyers are strategically skilled at such "on and off," which means this is my job or that is your job. This is not the case in our field. (KR participant #3).

Finding Common Ground

Despite differences in their motives and approaches for crisis management, PR professionals emphasize that both lawyers and PR consultants need to work together to find solutions for their clients, a process which can be intense and often requires urgency. Consultants in Singapore try to understand the lawyers' positions and to create synergistic effect from working together with lawyers, saying

So I find that the advantage is that if you have a lawyer on your side, you can get things done easily, more easily than without a lawyer. Corporate communication people always say, 'when it comes to difficult situation, we can only say what we can, and up to a certain point'. The lawyer is there to reinforce…" (SG participant #1).

Participant #3 spoke in a spirit of compromise by saying,

And it is understanding how lawyers think their approaches, meeting them half-way

which I think it means that we often do get good results for a lawyer. We can

understand the constraints that the lawyers are under, and we can recommend

examples and language that have worked in the past, and also doesn't open too much

legal risk (SG participant #3).

Singaporean participants tended to place the agency of meeting half-way and finding

common ground upon themselves.

In contrast, South Korean consultants highlighted the importance of lawyers'

understanding of the impact of public opinion on reputation to come up with a solution for

their client(s). Interestingly, a consultant used the term 'war' to highlight the pressure of

public opinion organizations in crisis face, saying,

Legal counsel also have to understand the characteristics of the issues which involve

the *war against public opinion*. If it's a public case, legal counsel have to collaborate

with communication consultants. Recently, lawyers' mindsets have undergone a

change, and a lot of it has to do with how they've even seen prosecutors trying to

sway public opinion in their favour by leaking information to the media that favors

them." (KR participant #4).

Developing and Finalizing Co-Narratives

Within a limited timeframe, both PR consultants and lawyers have to agree upon a

key message for their client. Most of the South Korean PR consultants start drafting messages

based on what they have been told of the legal position, get a review from the legal team, and

then release these messages. However, South Korean PR consultants reported a few issues

related to finalizing co-narratives, such as limited roles and information secrecy.

The final decision about co-authoring a message is generally up to the CEO and top

management [as in the dominant coalition]; there is no set rule of thumb in place. In

general, the co-authoring process is decided by the client's priorities. When working

independently, it's desirable not to pay too much attention to conflicts with the law

firm for the sake of client. (KR participant #4).

Such a tentative view of the process of developing co-narratives, or a lack thereof,

was common across the South Korean participants. The participants did not indicate that the

process of developing key messages for crisis communication was collaborative; it is more

competitive in nature. One participant stated that

Legal counsel are reluctant to share related information due to the nature of their jobs,

thus PR managers often experience 'information vacuum' state [….] It's extremely

rare that law firms and PR firms draft consulting proposals together. Law firms are

not that much considerate towards other firms. PR firms don't receive enough

information from legal partners…" (KR Participant #3).

Singaporean participants shared a slightly different view of the nature of the process

of developing co-narratives in their practice. Participants reported that co-narrative

development was a far more collaborative process for them than it was for South Korean

practitioners. However, the collaborative nature of the process did not preclude it from being

difficult. Different participants reported different procedures that they followed to craft

messages during a crisis, the common thread being that there was no one best way. The

process seemed to be dependent on the case, more than anything else. PR consultants in

Singapore talked about a variety of procedures that they usually followed, including

preparing a statement first and then having the legal team check it (SG participant #3), and

sending the prepared statement to the CEO first and then the legal team (SG participant #1).

Some consultants noted that depending on the situation, they may be briefed by the

CEO or the legal prior to drafting a message (SG participant #4 and 5). This finding was in

direct contrast to South Korea, where PR consultants discussed being concerned about legal

teams' reticence about sharing information. Singapore-based consultants reported that they

can request briefings from the legal team, saying, "They have told us the entire story, we

have all the information possible. […] so it's that perfect balance of bringing all of those

things together in order to mitigate as much reputational risks as possible" [SG participant

#4]. So, in a collaborative manner, scenario planning and education may follow such briefing

sessions in an effort to combine the expertise of legal and PR counsel. Participant #3 reported

that her partner legal firms in general understand the importance of reputation and they listen

to her advice, as long as it is backed up by data and experience. She stated,

> We use our experiences, we come up with materials, and we share with lawyers. They
>
> might tweak it. We will come up with first drafted those key messages, then talk to
>
> the lawyers, we usually get broad agreements with lawyers, then it goes to the clients
>
> [SG participant #3].

> However, this process sometimes involves negotiation with lawyers. As one

participant explained,

> I think the strategy is to convince the lawyer that number one, the communication
>
> people know what they are doing and what they are saying and the communication
>
> people are offering the right counsel, in collaboration with the right counsel on the
>
> legal team. Because when the legal team sometimes, when they write the statements,
>
> it looks like very technical and I said nobody will understand! […] we are not going
>
> to court of law, we are going to the media. The media needs to understand what we
>
> are trying to say in simple English. So all this, I find that it is a… negotiation with the
>
> lawyers [SG Participant #1].

Power Relations

While Singaporean public relations consultants reported the collaboration to be

cooperative, balanced, and based on mutual respect for the objectives of each, Korean

consultants' experiences were the opposite, with collaboration reported as being driven by

significant power differences between PR and legal, with legal having the upper hand. For

example, participant #6 in Korea expressed his concern about PR firms being subordinate to

law firms, by saying, "partnership between those industries has not been industrialized. In

addition, the legal sector usually sees the communications expert as someone they merely

hired rather than a partner" (KR participant #6). Participant #1 was also very concerned about

the status and power discrepancy between two professional groups:

> I've been working as communication consultant for 18 years now, and I've
>
> experienced some situations of PR consultants being overruled [….] I think the PR
>
> consultant is still located at a lower level than lawyer when evaluated directly. One
>
> example is that communication consultants rarely have the authority for final say (KR
>
> participant #1).
>
> Participant #2 also argued that even if PR consultants can be part of the process, legal

counsel usually lead the discussion. Participant 3 attributed this power difference to the C-

suite's focus on protecting the company legally, saying,

> I don't think there's any superior-subordinate relationship between legal and PR. But
>
> top executives including the CEO tend to check corporate liability first from a legal
>
> perspective; legal counsel seem to hold a relatively dominant position for CEO
>
> accessibility compared to PR." (KR participant #3).

In the future, the court of public opinion could serve to balance the power between lawyers

and public relations practitioners.

Inn contrast, most participants in Singapore reported that they receive mutual respect

from their counterparts, with their relationships with lawyers being collaborative [SG

participant #1, 3, 4]. A few participants were reserved when discussing the collaborative

nature of their relationship with legal counsel, stating that the collaboration was contingent on

working with the right lawyer [SG participant #3, 4], and that external legal firms can be more powerful than PR firms [SG participant #5]. As one participant stated,

> You know I've been very lucky that I've worked with lawyers for the past two to three years whatever, that where we have a very good, mutual respect for one another. It's more about each person owning their expertise and giving the other person the right to you know, to do what they were hired to do. I think if you meet the right lawyers and the right situation, it's good. The clients should set the tone as well. [SG participant #4].

Interestingly, some companies may place more weight on PR than on legal [SG participant #1 and #5]. Participant #1 said,

> Some companies put more weight on communication because they think communication is important and lawyers should be kept in the background to approve documents. So I find that that is still the mentality…how to give equal weightage? I think it is a long…long way to go and it depends on the case. […] For [*anonymous client's name*] it was a lawsuit, at the same time, the challenge was also to maintain [*anonymous client's name*]'s credibility to its stakeholders. So to the CEO, he put both image and the lawsuit equally. For the [*another anonymous*] client, I was glad to see that the CEO placed communication people first because we had to assist him in all the so many issues and crises and they were all not lawsuits.

Having the PR/communication person considered more powerful than legal counsel is an exception (Participant #5).

Tactics to Ensure Effective Collaboration

PR consultants in both countries provided suggestions for PR practitioners to ensure effective collaboration. While consultants in Singapore highlighted building relationships

with lawyers before they work on a crisis together, the ones in Korea focused on communicating with top decision makers. One Singapore-based PR consultant said,

> I think what is very important for consultants, if you're consultant acting for a car company, an airline, a supermarket chain, is to make sure you have a good relationship with the legal team and the top management in advance, and there's no sort of ad hoc decisions being made without thinking them through." (SG participant #2).

Participants #3 and #4 also had a very similar view about forming and maintaining favourable relationship with lawyers in advance. One said,

> It is not in clients' interests to have two advisors providing contradictory advice, which is why we try to establish relationships with legal firms ahead of the crisis, so we understand where they are coming from where their role is, they understand where we are coming from, they also understand that we are looking at this holistic view" (SG participant #3)

> Meanwhile, South Korean consultants emphasized the role of and communicating with top decision makers for effective PR-legal collaboration.

> The only way to overcome this disparity (between legal and PR) is that top decision makers put themselves in a sense of public affairs, acumen for public opinion, sound sociality, and genuine stakeholder values. There's no option but to care for strategic collaboration to win the actual litigation case as well as in the court of public opinion [.....] when the top decision maker powerfully leads the collaboration, it's relatively easy for both parties to cooperate. In this case, there exist no power relations, but equal business collaboration. [...] What I suggest is that PR and legal heads hold meeting together with CEO" (KR participant #3)

said one South Korean PR consultant.

Discussion

This study was an attempt to (a) understand PR-legal collaboration in times of crisis from PR practitioners' point of view and (b) contribute to the development of Asia-centric models of public relations practice. To do so, we interviewed public relations consultants in two Asian countries, Singapore and South Korea, to understand the status of their interprofessional collaboration with legal counsel, and the process by which they develop co-narratives during crises. Analyses of the interviews revealed that PR-legal collaboration has increased in recent years in both Singapore and South Korea. Practitioners in South Korea in particular pointed to a specific event as the turning point in heightening the importance of PR among the C-suite complementing Plowman's (1998) and Berger's (2005) findings of power and public relations stemming from the dominant coalition (the core group of management decision-makers).

However, PR practitioners in South Korea and Singapore experienced different forms of interprofessional collaboration when working with legal teams on crisis management. This interprofessional collaboration operationalized through our participants trying to find common ground with their legal counterparts, and is known in the public relations literature as *motivating self-interests,* underlying values shared by both parties in a negotiation (Plowman, 1996). Furthermore, practitioners in the two countries noted different power dynamics with lawyers. While in Korea, PR-legal collaboration continues to reflect "power over relations," in Singapore, increasingly, is more reflective of a "power with relations" dynamic, where both professions use "dialogue, inclusion, negotiation, and shared power" for their decision making (Berger, 2005, p. 6). PR practitioners in Singapore reported having a fairly equal relationship with their legal counterparts and receiving respect from them, while South Korean PR consultants reported facing several challenges that hindered effective collaboration with their legal counterparts. In Singapore, more compromise and

accommodation were practiced. Compromise, a 50/50 split, or accommodation, where one side wins more than the other side, is in play here as long as all parties are satisfied with the results. In contrast, South Korean PR consultants experienced more contention, or competition, the win/lose aspect of PR negotiation theory models (Plowman, 1998).

This situation represents the difference between collaboration as a win/win strategy and competition as a win/lose strategy. It seems many consultants' views reflect their assumption of equal power relations as a desirable solution for effective crisis management, even though in reality two professions have different roles and expertise which may not always necessitate equal power relations. While lawyers may not agree with the views that PR consultants shared for this study, exploring their perspectives is beyond the scope of this research. Additionally, who has more says about the crisis may depend on types and nature of crisis.

Although PR-legal collaboration is necessary for successful crisis management, it still has a long way to go, particularly in South Korea. Issues of power relations, encroachment, secrecy, and different motives and expectations between PR and legal counsel came up consistently as tensions and conflicts that hindered effective collaboration. Although it was not identified as a salient pattern, one participant in South Korea (KR participant #6) advocated for professional accreditation of the PR profession to achieve mutual respect and professional collaboration between PR and legal experts. As PR professionals are not perceived to have the kind of legitimacy and power afforded to lawyers or doctors by social systems, professional accreditation may enhance the status of PR professions as KR participant #6 suggested. However, more important is whether or not the views and suggestions from PR consultants are considered seriously by their counterparts and clients. Therefore, we should be cautious in using the assumption of equivalence for effective PR-legal collaboration.

This study also redirects scholarly attention to the needs of incorporating legal elements into PR curricula at colleges and universities. Doing so may equip future PR professionals with knowledge and skills to work with their legal brethren, and add to their arsenal of skills. By understanding and adopting language and terms used by their legal counterparts, it may be possible for PR professionals in Singapore and South Korea to experience less resistance and inefficiency in their collaborations with lawyers. As our findings indicated, many lawyers in both countries have begun to recognize the power of communication strategy and to accommodate the communication function in their practices. It may therefore make sense for PR education to also recognize the synergies between the two functions and help equip future generations of PR professionals with knowledge of legalese to reflect such trends toward PR-legal collaboration. It would be worthwhile for the academy to revisit public relations as well as law curricula not only to identify gaps between two different worlds but also to find solutions to reduce such gaps. As our findings indicate, it is time for PR and law educators to collaborate to develop interdisciplinary programs that would benefit both PR and law students who are going to work together as partners in the future, and help advance future interprofessional collaboration.

Educators' efforts should be extended to the business and management schools, too. Another participant highlighted the importance of curriculum development at MBA schools that would allow top executives and businesses to learn about crisis management and public opinion management (KR participant #1). These notions are in line with previous literature on issues in interprofessional education, such as different prior educational experiences, incompatible curricula, and requirements for professional accreditation (Connor & Rees, 1997). Future research may explore and investigate how these issues in the context of PR-legal collaboration are addressed in different countries more in depth.

We believe that our findings refine and extend the arguments and suggestions made by previous literature on PR-legal collaboration (e.g., Fitzpatrick & Rubin, 1995; Lee et al., 1999) and on factors hindering organizational excellence (Grunig et al., 2002). We acknowledge that other functions' encroachment into PR (Lee et al., 1999) is not a new phenomenon; PR encroachment has been occurring from several functions or professions, such as accountancy firms or management consulting firms. Our findings indicated legal encroachment into PR, especially in South Korea. In previous research, several factors such as membership in dominant coalition, knowledge and skills in two-way symmetrical communication, and resource dependency have been identified as affecting encroachment by other functions into PR (Kelly, 1994; Lauzen, 1991; 1992; 1993; Lauzen & Dozier, 1992).

However, in our study, by focusing on PR-legal collaboration process on co-narrative development instead of encroachment into PR, we have tried to redirect attention to positive prospects and future directions for the PR industry. Although encroachment by lawyers into PR is still an obstacle to effective collaboration between PR and legal counsel in South Korea, it may be a positive sign for the industry as a whole that legal counsel are embracing the tenets of public relations and understanding the importance of winning in the court of public opinion. This court of public opinion can be represented by the power of the media, social media, and activist groups (Berger, 2005) to equalize power among key publics or stakeholders in any disputed situation.

Recently a participant wrote on his blog, "Many lawyers often say that the court of law and court of public opinion are different and that the verdict in the court of law is not affected by the verdict in the court of public opinion. However, you will not be able to tell until you experience this: how severe the court of public opinion is and how difficult it is for companies to recover from the negative verdict given at the court of public opinion." The

court of public opinion leverages the power of public relations to 'level the playing field' or equalize the power between lawyers and public relations practitioners.

Future study may need to consider the impact of different kinds of crises in the court of public opinion as well as in the court of law, particularly for challenges (Coombs & Holladay, 2012). Challenge crises can occur when stakeholders perceive an organization's conduct to be irresponsible, but such conduct may not necessarily be legally problematic (Lerbinger, 1997). When a challenge becomes a highly visible concern to stakeholders, it becomes a crisis (Coombs & Holladay, 2012). In this age of the social collective and criticism (Fournier & Avery, 2011), organizations are vulnerable to online petitions and challenges where stakeholders request their needs to be addressed as soon as possible. Online consumers have emerged as "ardent arbiters and commentators, providing authoritative judgment and critique of companies and brands" (Fournier & Avery, 2011, p. 200). With their social collective power, online consumers can cause unintended consequences on organizations (Fournier & Avery, 2011). Digital media technology makes it easier for those consumer publics to attract attention to a certain petition not only from media but also from other stakeholders. In such situations, how PR professionals formulate plans and strategies to handle social challenges while fending off legal challenges, and collaborate with legal counsel to do so, would be a key area for public relations scholars to explore.

This exploratory study is not exempt from limitations. Findings from this study may not be applicable to other countries. As data collection in both countries relied on snowball sampling techniques, the participants in the interviews may not be representative of PR consultants in South Korea and Singapore. Email interviews had limitations due to their lack of richness and details compared to other forms of interviews (i.e., face to face or Skype interviews). However, computer-mediated interviews including email interviews can still create good level of understandings about phenomenon in question (Lindlof & Taylor, 2011).

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