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5 **Lawyers, public relations and the media:  
a changing barter economy within a  
community of practice**

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16 **ABSTRACT** *We set out to explore the consequences of a new encounter between Israeli lawyers and PR people. This encounter occurred within a pre-existing barter economy between lawyers and legal journalists, composed of embedded and direct social ties. Using in-depth interviews and extensive archival research we analyse three strategies used by PR people to position themselves as brokers between lawyers and journalists: (1) commercialising social ties; (2) becoming translators; and (3) presentation of self as media advisors. Discussion centres on the consequences of the emerging barter economy to law and related occupations.*

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26 **Introduction**

30 Sociologists of work and occupations have long focused their attention on the professions. Whether listing their special qualities (Goode, 1969), describing their historical development (Wilensky, 1964; Haber, 1991) or mapping the political landscape of the fierce struggle for jurisdiction leading to their ascendance (Freidson, 1970, 1994, 1998), the minds of most students of the professions have grappled with what it is that has made them an elite occupational community. Freidson has recently suggested that professions are unique in their self regulating system for controlling work (Freidson, 1998). Other work has focused on intra- and inter-professional struggles over internal and external jurisdiction (Freidson, 1970; Abbott, 1988) and on the special relations between the professions and local elites and the state (Le Goff, 1993; Stern & Darr, 1996). The emphasis has been on the active role of members of an occupational community in creating, maintaining and extending a monopoly on a specified body of theoretical knowledge and a set of specialised skills and work practices.

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The stress on a political struggle among overlapping occupational groups for jurisdictional superiority is an important venue of study. However, the relations among occupations, and the growing role of professionals, consultants and media experts in our risk society (Beck, 1992), clearly widen these power struggles. Actually, the more mundane types of interactions between professions and occupations have nothing to do with jurisdiction. They come about due to an emerging global economy, vast communication networks, a changing division of labour and the blurring of ethical and cultural boundaries. New encounters between different occupations and professions are more frequent than ever, and deserve more research attention. The aim of this paper is to describe and explain the trajectories of one new encounter of this kind: that between lawyers and public relations people (hereinafter: PR people) in Israel.

The transformation of the socio-economic infrastructure, as well as globalisation and the development of massive communication networks foster new encounters among professions and occupations. Examples are those between law faculty members and computer technicians (Zabusky, 1997), radiologists and technicians (Barley, 1986), and design engineers and end-users (Darr, 2006).

Closely related to the topic of this paper, a few recent studies have focused on the growing interest of the media in legal trials, and on the challenge posed by media coverage to legal rationality (Gies, 2000), and to judicial work (Davis, 1994; Haltom, 1998). For example, Haltom acknowledges an inherent tension between the media's tendency to low cost coverage of sensationalist cases and the judges' attempts to rhetorically preserve the legitimacy of the courts. Peleg (2006) claims that the judicial ethos in Israel is very formal, and restricts interactions between judges and the media. Thus, the role of the courts' spokesperson is an important and active role. Peleg identifies a sense of disappointment among active judges as to the functioning of the courts' spokesperson who, in their opinion, should react faster and more forcefully on their behalf. In a similar vein, Gies (2005) explores the unique proactive media approach employed by the Dutch court. In the Netherlands the judiciary uses press judges and also communications advisers to deal with the media on all issues falling under the jurisdiction of the courts. These two unique functions, discussed by Geis (2005), might be seen as parallel to the PR people discussed in our paper since both are intermediaries used when dealing with the media which covers legal news. While the findings of these studies are important, in our study we focus on lawyers and the media, with the important emphasis on public relations people as intermediaries.

This paper describes a different encounter, more closely related to the expansion of the media and the relaxation of ethical roles, between a well established profession, law, and an emerging occupation in Israel, public relations. In Israel, our research site, these two communities were separated by rigid occupational norms and ethics strictly enforced by the legal establishment. To put the strict ethical boundaries into context and to describe how journalists were also intertwined in these relationships we offer a short history of lawyers, PR people and the media in Israel.

### Lawyers and the media in Israel

The relations that Israeli lawyers have had with the media over the years were always shaped by the regulations on advertising. The regulation on lawyers' advertising and that on lawyers' contact with the media were, and still are, very closely bound. The ban on lawyers' advertising began with the emergence of an organised legal profession even before the state of Israel was established in 1948. In 1938 the first statute to regulate the legal profession was enacted by the British authorities, which ruled Palestine between 1917 and 1948. This statute specified nine actions as 'unprofessional conduct', among them advertisements published by lawyers. That year the professional Association (*Histadrut*) of Jewish Lawyers in Palestine added an ethical rule, namely a "severe ban on lawyers to publish his [sic] name in the press or in any other way, directly or indirectly" (The Essences of Professional Ethics of the Association of Jewish Lawyers in Palestine, 1938 section 3). Indirect advertising included media interviews with the lawyer or articles in the media discussing the lawyer's work. The statute and the ethical rule remained in force after the establishment of the state of Israel in 1948.

In 1961, the Knesset enacted the Bar Association Law 5721-1961, which still regulates the legal profession today. Section 55 of the act prohibits lawyers from advertising themselves. The prohibition was further specified in 1966 when the mandatory ethical rules were enacted and became part of the obligatory law of the state. A detailed clause in the 1966 rules places a stringent ban on lawyers' advertising. The 1966 rules specified a wide range of situations in which the prohibition of advertising was assumed *prima facie*. For example, using the title 'a lawyer' when appearing in the media was defined as illegal advertising. Until 1986, when this rule was revised, whenever a lawyer was interviewed in the media only the general title 'jurist' accompanied his or her name. The 1966 rules were strictly enforced by the Israeli Bar Association through its autonomous disciplinary tribunals.

In consequence of this strict legal regime, until 1986 lawyers hardly ever appeared in the media. The new mandatory ethical rules of 1986 relaxed the total ban on lawyers' advertising by distinguishing 'advertising', which was still prohibited, from 'publication', which was allowed to some extent. For example, section 55 of the Bar Association Law stated that the prohibition on lawyers' advertising remained unchanged. Still, the 1986 rules did allow lawyers to use the title 'a lawyer' when appearing in the media.

The new 1986 rules revolutionised the form of interaction between lawyers and the media. Lawyers' appearances in the media became more frequent, soon becoming a flood, which the Bar Association could no longer control. Convicting lawyers for advertising offences became almost impossible since it was very difficult to prove that the lawyer had intended to advertise himself or herself, rather than simply giving a legal opinion on a public issue. In 1990 the chairperson of the ethics committee of the largest district of the Bar Association wrote that the phenomenon of lawyers appearing in the media had gone too far, causing damage to the image of the legal profession and bestowing on some lawyers an unfair advantage over others. He acknowledged that the new rules somewhat relaxed the ban on lawyers appearing in the media.

Yet he clearly stated that this did not mean that everything was permitted: the Bar Association would continue to fight against illegal advertising (*Et ve Etika*, 1990, p. xx).

140 At this stage the Bar Association received many complaints regarding prohibited advertising. In response, in 1996 the largest district of the Bar Association decided to stop charging lawyers with advertising offences. A year later the Bar Association relaxed its ethical rules on advertising by allowing lawyers to publish four areas of their practice in the *Yellow Pages* and in other classified guides. The following year the Bar Association made another change in the rules, allowing lawyers to advertise 145 on the Internet by having their own website, but limiting the content. Many lawyers violated this restriction.

The 'earthquake' in the area of lawyers' advertising erupted in 2000, when section 55 of the Bar Association Law was revised for the first time since it was 150 enacted in 1961. The change did away with the blanket ban on advertising by allowing some forms of advertising, later specified in special mandatory ethical rules (The Bar Association Rules—advertising, 2001). The change was forced on the Bar Association by the Knesset, which had voted to allow prohibited advertising in various professions, including medicine and dentistry. Nevertheless, the Bar Association's continued resistance has been fruitful in the sense that, unlike in the USA or the UK, 155 advertising is still controlled. The rules permit only a limited range of format and content. For example, radio and television commercials are not allowed and advertising of legal fees, the most relevant component in any ad, is strictly forbidden. Lawyers' advertising in Israel today is thus very limited. They rarely publish ads in the media, and in any case this form of marketing is considered ineffective in attracting new clients (Zer-Gutman, 2000). What the 2001 advertising rules did change was the 160 structure and form of interaction between lawyers and the media. As we intend to demonstrate below, these changes are rooted in the 1986 revision; so it is more accurate to say that the 2001 advertising rules continued to advance the process of opening the media to lawyers.

165 Two other major changes accelerated this process: the rising number of lawyers in Israel and the vast expansion of the Israeli media. For many decades only three Israeli universities were authorised to operate law faculties so the number of students, hence Bar Association members, was effectively monitored. In the early 1990s the Israeli Bar Association endorsed the opening of new law colleges outside the universities: the 170 number of lawyers almost tripled within a decade. During the 1990s six private law colleges were opened. While in 1995 there were 13,000 registered lawyers in Israel, the number increased to 27,000 by 2004. Today there is one lawyer per 202 people in Israel, while in the US the number is 1 per 272 (<http://duns100.dundb.co.il>). This dramatic rise created fierce competition among lawyers, whereupon media 175 appearances became very important. The second change was the rise in the number of media channels: venues such as the Internet, cable TV and local newspapers and magazines.

The use of PR people by lawyers has become evident in the past few years, for 180 example, in the striking enlargement of the legal sections in Israel's daily newspapers. When we held our first round of interviews, in late 2004, one daily newspaper had a

two-page legal section which was published three times a week. Early in 2005 the same paper began to publish the legal section daily. At the beginning of 2007 it decided to expand the legal section to four pages, published daily. Another daily had, at the end of 2004, a one-page legal section published once a week. In 2006  
 185 its legal section was two pages, and was published on a daily basis. From the interviews we learned that all these increases were due to the swelling flow of stories coming from PR people representing lawyers.

A second indication of the widening use of PR people by lawyers is the fact that at the beginning of 2008 the Israeli Bar first addressed the issue. The Bar's national  
 190 ethics committee issued a special opinion stating that lawyers are allowed to hire the services of PR people, but it is the lawyers' responsibility that those services be in accordance with the ethical rules required by law. Before this official opinion, at the beginning of 2007, the chairperson of the same Bar's national ethics committee instructed lawyers on their ethical obligations when hiring a PR person.  
 195 Interestingly, he thus acknowledged lawyers' needs to use the services of PR people (Arad-Ayalon, 2007). The significance of this evidence is that the PR people have become accepted as important actors in the legal field. Q2

#### 200 **Research design and methods**

We designed this study to capture the viewpoint of lawyers, PR people and legal journalists as to the outcome of the encounter between these three occupations. Since the 1990s Israel has experienced economic growth and a growing specialisation in work  
 205 organisations. As part of this broader trend, the media in Israel have expanded rapidly in size and scope, so we interviewed legal journalists working for newspapers, television, radio and the Internet. We also tried to cover medium and large law firms, as these were much more likely than small firms to hire a PR office. According to data provided by Dan and Bradstreet in 2007 (<http://duns100.dundb.co.il>), the top 20  
 210 largest law firms in Israel, based on the numbers of lawyers employed, have more than 38 lawyers. Only two law firms have more than 100 lawyers. These largest firms would be considered medium sized firms in the USA (see Galanter & Palay, 1991). Medium law firms in Israel range in size from 5 to 30 lawyers. Most lawyers in Israel work in small law firms. According to a yearly survey conducted by a  
 215 leading business newspaper (Roe, 2007), the rate of growth of law firms in Israel is positively correlated with the law office size. Thus, the largest offices grow the fastest. In addition, more mergers have taken place in recent years and there is a growing number of large offices offering comprehensive litigation services (one stop shops).

According to our informants, at the time of the study there were about ten PR  
 220 offices providing services to legal firms. These PR offices also ranged in size, so we interviewed representatives of all office sizes, some specialising only in the legal field and others representing a large variety of clients in different sectors, including law. The number of PR offices serving legal clients has grown rapidly, and today, about two years after we completed our study, we estimate that about 30 PR offices  
 225 operate in the legal field. PR persons have two professional bodies—both based on

voluntary memberships. The first professional body is The Israeli Association for PR, which is a member of the International PR Association (see: <http://ispra.org.il>). The second professional body is called the Spokespersons and Media Advisors' Forum.

230 Based on our interviews, written materials supplied by our informants, and on newspaper and media searches, we assume that the number of legal journalists operating in Israel during the time of our study was 25. Overall, we interviewed seven legal journalists (two of them were interviewed twice, bringing the total number of interviews to nine), nine lawyers, and six PR people (one key PR informant was interviewed three times, bringing the total number of interviews to eight). We employed  
235 a snowball sampling method, a methodological approach which might enhance voluntary participation given the fact that it builds on interpersonal networks among the interviewees. To reduce the risk of being captured within a clique of friends we used different initial sources to generate the snowball sampling. Each face-to-face interview lasted an hour on average; there were five phone interviews, which lasted  
240 about 30 minutes each. We took detailed notes during the interviews. The nine lawyers we interviewed worked at different law firms that used, or planned to use, the services of a PR office. This spread helped us understand the diverse perceptions in the legal field of the new encounter with PR people.

245 We also conducted a newspaper search for articles about lawyers' advertising and PR services for lawyers in Israel. We scanned three major dailies in Israel for the period 2000–2006 and the Bar Association's magazines for the past decade. We also searched two electronic legal databases, containing cases from all jurisdictions and court levels starting from the 1980s, for litigation in which lawyers sued PR people and vice versa. We found only one such case, but it proved a very informative  
250 source yielding many details of the contract between a PR office and a law firm and their mutual obligations and expectations.

## Findings

### 255 *The covert barter economy*

Despite the strictly enforced ban on advertising, a direct relationship between lawyers and journalists has always existed. These social ties constituted a covert barter economy, which was based on trust, mutual dependency and obligation. The ties  
260 were structured to serve the interests of the legal journalists and the lawyers. The legal journalists, who work under a very tight schedule and within a very specialised field, depend on reliable information and interpretation in a fleeting time-frame. To survive the fierce competition and their editors' pressure, legal journalists need updates about ongoing court cases, sometimes held in camera, and about negotiations  
265 over large business transactions. They also require assistance in interpreting new legislation or court rulings.

Journalists are gatekeepers, and lawyers depend on them to gain access to the media. The latter provide lawyers with visibility within their professional community and expose them and their success stories to prospective clients while enhancing their  
270 image among current clients. The ban on direct advertising enforced by the Israeli Bar

Association increased lawyers' dependence. After all, only newspaper articles and other publications considered by the Bar as being in the public interest were legitimate venues for achieving media exposure. Given these conditions, a lawyer's interest in sustaining ties with journalists is clear. In addition, lawyers not only supply but also  
 275 consume information. For example, through journalists with whom they had forged strong ties lawyers could learn about developments and strategies of competing law firms—information that the journalists had acquired through interactions with other sources in the legal field.

The mutual interests, dependence and obligations of lawyers and journalists  
 280 created a market hidden from all eyes, but especially those of the Israeli Bar Association, in which access to the media and to legal-gossip networks was traded for different types of legal and business information. In this market, the information and expert knowledge provided by lawyers were commodities traded at a well defined exchange rate. For example, information supplied non-exclusively by a lawyer about  
 285 an ongoing court case or an important ruling was worth a mention of the lawyer's name in the article or TV broadcast. Exclusive information or a legal interpretation of a ruling rated a mention of the lawyer's name plus her picture in the print media. The size of the picture depended on the importance of the information that the lawyer had imparted.

The barter economy between legal journalists and lawyers was shaped in part by the strict ethical rules imposed by the Israeli Bar. For example, the lawyers had to trust the journalists with whom they traded to respect the limits imposed by the obligatory rules. The journalists, for their part, had to trust the information and legal interpretations provided by the lawyers as usually they had little or no time to cross-check. Given the highly specialised legal field, the journalists were sometimes simply unqualified to evaluate the merits of an interpretation provided by a lawyer. This mutual dependency and the high costs of any breach of trust by the exchange partners created a network of personalised social ties between lawyers and journalists. This mutual dependence was further strengthened by what Zucker (1986) calls "process based trust", meaning that trust is constructed through ongoing exchange with positive outcomes. Once constructed, the social ties between individual lawyers and journalists were robust, given the high risk and cost associated with their construction. The structure and nature of the direct ties between the lawyers and the legal-journalists is presented in Figure 1.

This first stage, Stage 1, prior to the penetration of the PR people, had several structural attributes. The journalists held a pivotal position in this market, each possessing a small set of strong ties with lawyers in different echelons of large law firms and with solo practitioners. Their central position was a source of the journalists' power as it gave them control of the flow of information to the media channels.  
 310 Social ties during this early period were personalised in the sense that they existed between individual journalists and lawyers, not between journalists and law firms. A journalist might have ties with a number of lawyers from different law firms, representing different echelons of the professional hierarchy such as partners, hired lawyers and solo practitioners, and from diverse areas of practice (commercial law, criminal law, etc.).  
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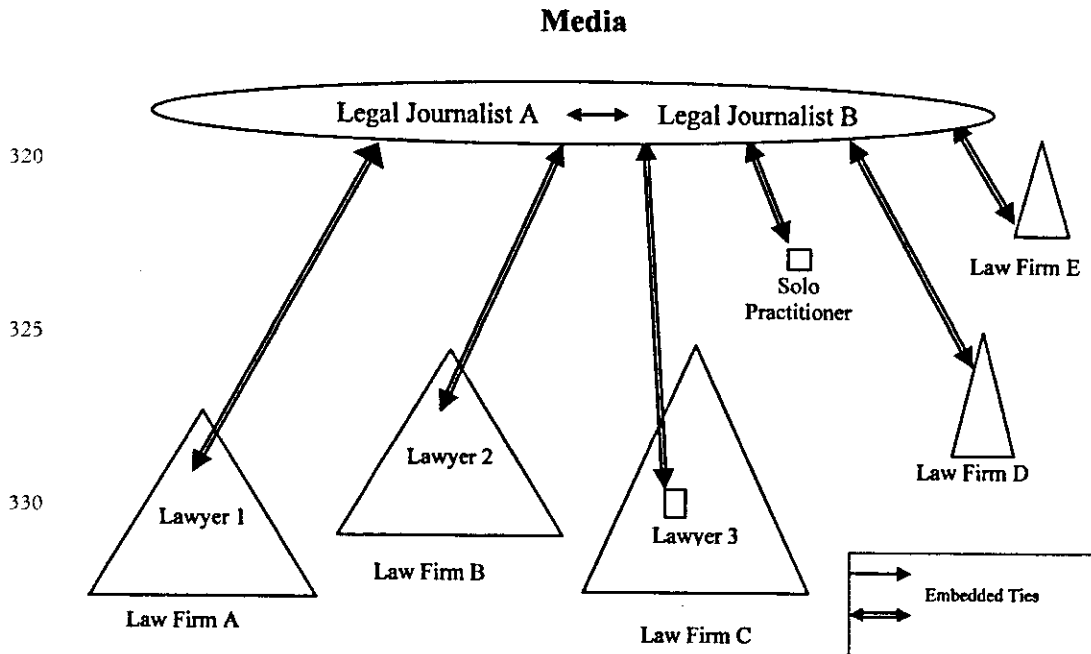


Figure 1. *The barter economy before the entry of PR*

Unlike market ties, where giving and receiving is typically both formal and simultaneous, the exchange between lawyers and journalists at this stage was informal, ongoing and spread out over time. One of our informants, a journalist working for a major broadcasting network, stated that in return for exclusive information provided by a lawyer he reciprocated over an extended period of time by mentioning the lawyer's name in numerous cases. Clearly, ties between the lawyers and the journalists were embedded, characterised by longevity, reciprocity and multiplicity (Uzzi, 1997). The entry of public relations people had a dramatic impact on this barter economy: it affected the direct ties between lawyers and legal journalists, changed the structure and nature of the barter economy, and signalled important structural shifts in the network of embedded social ties, as depicted in Figure 2.

Since the successful penetration of the PR people, the ties between lawyers and journalists have become mediated, and the network as a whole has become more centralised. Given their centrality and brokering position, the PR people are in a much better bargaining position with the journalists than the individual lawyers ever were. As Stage 2 in Figure 2 indicates, the ties between the PR people and the journalists have remained embedded, based on shared membership of a community of practice and on personal acquaintance through schooling. However, the ties between the PR people and the lawyers are not embedded (as the journalists' ties with the lawyers were in Stage 1) but are contractual market ties formalised by detailed retainer contracts [tk 8248/02 Golan v. Frenkel Adv.]. The PR people contract with the law firm rather than with any individual lawyer within it. Similarly, all the obligations of the PR



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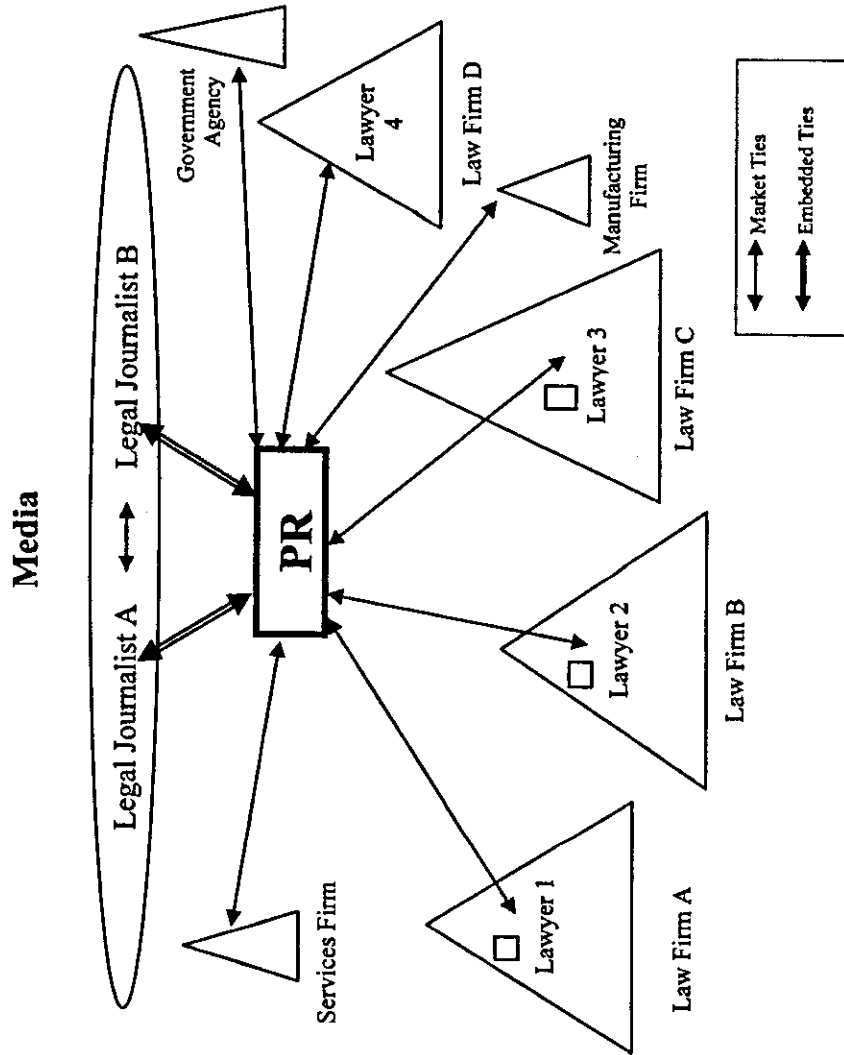


Figure 2. The barrier economy after the entry of PR

people, made explicit in the formal contract, are to the firm that hires them and not to individual partners or hired lawyers. The structural changes in the networks of ties between lawyers, PR people and legal journalists are the outcomes of the strategies employed by the PR people to position themselves as brokers in the barter economy between lawyers and the media. It is true that with the general growth, increased division of expert labour, and tight competition, law firms have started to see marketing more favourably. Yet, it is important to note that lawyers, in general, did not actively seek the help of the PR people. It was rather the PR people who searched for new areas of growth, and saw the change in the ethical rules regarding lawyers' advertising as a business opportunity. The next section will describe in detail the strategies employed by the PR people to gain a brokering position.

*Strategies of the PR people leading to their role as brokers*

**Commercialising social ties.** While the barter economy between lawyers and journalists remained tacit and based on embedded social ties, on entering the fray the PR people introduced explicit economic language and endeavoured to turn their strong ties with journalists into a commodity, in their attempts to convince the law firms to hire them as brokers. They also commercialised the ties with the lawyers who hired them by using formal contracts. These contracts make explicit the mutual obligation of the lawyers and the PR people [tk 8248/02 Golan v. Frenkel Adv.].

The PR people presented their personal acquaintance with journalists, with whom they had previously learned, worked and frequently consorted socially, as a major asset (see Key Example 1—all key examples can be found in Table 1). They sought to persuade lawyers that their strong ties with journalists would yield better access to the media and a better exchange rate in the barter economy. In this sense the PR people tried to cash in on their specialised social capital. They likewise presented themselves to lawyers as media strategists, and claimed to possess specialised knowledge and skills. Coupled with their social capital, the PR people claimed, their expert knowledge could offer lawyers a better choice of specialised venues for media exposure. The PR people pointed to the growing complexity of the media, and to the need to tailor a strategy as to the degree and type of publicity. Such a strategy meant not seeking media exposure at all costs, but refraining from over-exposure. The PR people claimed that the lawyers should consult with them as to the TV programme or newspaper section in which to appear in order to enhance their image as legal experts (see Key Example 2).

The most basic manifestation of the commercialisation of social ties is the introduction by the PR people of formal contracts signed with the law firms they represented. Obviously, no such contracts had existed when ties between lawyers and journalists were direct and when the agreements remained tacit and based on mutual dependence and trust. In contrast, PR people often made contracts with explicit undertakings to law firms to improve the quantity and quality of their media exposure. For example, it was common for a PR person to promise to insert

Table 1. A list of key examples

Theme	Key examples
455 PR people having social ties with the journalists	<p><i>Key Example 1, PR person:</i> "The most important asset that I have as a PR person is my deep and long friendships with the legal journalists . . . The legal journalists are my good friends; we go to one another's family events".</p> <p><i>Key Example 1a, journalist:</i> "During the years I have worked as a journalist I have established personal friendships with some of the PR people".</p>
460 PR people advising lawyers whether and where to publish their stories or articles	<p><i>Key Example 2, PR person:</i> "The PR person reviews all the media, thinking where he can fit his client in. The media are quite broad and you can always find a suitable spot for your client".</p> <p><i>Key Example 2a, journalist:</i> "A PR person who works properly knows which story will fit which newspaper".</p> <p><i>Key Example 2b, lawyer:</i> "My PR person advises me whether to publish an article, and in what newspaper".</p>
465 PR people writing ready-made articles for the journalist	<p><i>Key Example 3, PR person:</i> "The journalist has to write many articles; if he were to do the research and write it himself he could manage only one article. That's why they need someone to write the entire article for them, and that's what the PR person does".</p> <p><i>Key Example 3a, journalist:</i> "It's usually easier to work with PR people than lawyers since they learn quickly what exactly you need. It's more interesting to work with the briefs sent by the PR people than reading all the materiel such as court decisions".</p>
470 PR people using forms of gifts to journalists	<p><i>Key Example 4, PR person:</i> "No gifts are given to journalists, but invitations to lunch are very common and accepted".</p> <p><i>Key Example 4a, journalist:</i> "There are journalists who are connected to one particular PR person, so they will publish any news he provides them even when from a journalistic point of view the story is not worth much".</p>
475 A PR person being a translator	<p><i>Key Example 5, PR person:</i> "A PR person is a translator; he translates the legal language for the journalist. A lawyer may talk to another lawyer and be perfectly understood. But when a lawyer speaks in this language to a journalist, the lawyer is not understood because the journalist is not familiar with the legal language. So a translator is needed".</p> <p><i>Key Example 5a, PR person:</i> "When I started working with lawyers I hired a lawyer to work for me but he left the job after three weeks because the language was very difficult for him. Media language is different and difficult for lawyers".</p>
480 Translating legal language to media language	<p><i>Key Example 6, legal journalist:</i> "A PR person who works properly knows how to distinguish stories—which story will suit my paper and which will suit another paper. While my paper is interested in short and funny stories, another paper publishes long and 'heavy' stories that would never be published in mine".</p> <p><i>Key Example 6a, PR person:</i> "The PR person must be able to shape the information he has received from his lawyer-client to make it interesting news for the media. In some cases the parties' names make the case interesting, for example, if one party is the prime minister. In other cases, the sum of money involved in the case makes it interesting and at other times the case details themselves are interesting".</p> <p><i>Key Example 6b, PR person:</i> "The media are very broad; you can always find where to slot in your client. I'm always looking for the right niche to place my clients".</p>

Table 1 *Continued*

Theme	Key examples
500 Giving exclusivity to a journalist	<p><i>Key Example 7, journalist:</i> "It's hard for PR people to give me an exclusive story because then other journalists will be annoyed with him. Sometimes the PR's judgment is mistaken—he imposes exclusivity on information when his client's interests would be better served if that particular information were submitted to all the newspapers. For example, news about a merger between two law firms. All journalists would gladly publish this news on the front page, but the PR person, out of his own interests, gives it to one journalist alone, so that one will owe him and in return will publish less newsworthy items coming from that PR person. From the point of view of the PR clients it's a big loss to give exclusivity here".</p>
505 How PR people save the journalists time and energy	<p><i>Key Example 7a, journalist:</i> "It has already happened that a PR person has lost my trust. He gave me information claiming it was exclusive and he would not give it to another newspaper. Later I found out that he had lied and had given it to my competitor too".</p> <p><i>Key Example 8, PR person:</i> "A legal journalist cannot go over the court files every day; he must rely on a source. Someone must do the screening for the journalist. PR people are one of the sources a journalist needs".</p> <p><i>Key Example 8a, PR person:</i> "Most journalists in most cases like to get the information ready-made. Not all journalists are researchers".</p> <p><i>Key Example 8b, journalist:</i> "Technology has made journalists lazy. They get information by fax, SMS and electronic mail. With e-mail a journalist needs only to 'cut &amp; paste' and the editor will never know that his journalist has simply copied information he has received. Journalists are no longer field people but office people, who never leave their desk and get their information from communications sent by PR people ... A journalist must file with his newspaper a certain quota of news, and the PR people help him meet that quota ... The PR people save journalist time and running around. Instead of the journalist going to the courtroom to look for stories, the PR person does it for him".</p>
515 A PR person is able to write news like a journalist	<p><i>Key Example 9, journalist:</i> "In most cases the PR person sends the journalist the column fully ready, including the headline and the subhead. This column is of high quality since PR people used to be journalists".</p>
525 The three functions of PR people	<p><i>Key Example 10, PR person:</i> "I do not see myself as doing public relations. Commercial companies have PR people. I am a media advisor. A PR person deals with marketing while a media advisor builds a strategy for her client: thinking how to publicise the lawyer, when to release the news, whether to make it exclusive, and so on".</p> <p><i>Key Example 10a, PR person:</i> "My job is not to be a spokesman, every secretary can do that. We offer our clients much more than that".</p>
530 PR people commit themselves to maximum effort	<p><i>Key Example 11, PR person:</i> "The contract between a PR person and his client is a commitment to do his best. A constructor has a result-based contract promising to build a house. Lawyers and physicians can only try, they can't always cure a person of his illness, they can only try hard to do so. So it is with a PR person: the result does not depend on him".</p>

(Table continued)

Table 1 *Continued*

Theme	Key examples	
545	Building up the lawyer's reputation	<i>Key Example 12, lawyer.</i> "We hired a PR person to help us brand the firm as a leader in our legal field. To be known as one of the top ten firms in our field. If a group of people sit down and state the names of lawyers they would consider turning to, they will always come up with the names they have heard in the media. If you've heard about them, it means that they're good. This is the idea in branding".
550	Lawyers consulting with PR people about public events	<i>Key Example 13, lawyer.</i> "The PR person I employ does not deal only with publicising our firm in the media. I consult with him, on a regular basis, about which events I should attend; which events should I organise and who should I invite to them".
555	PR people portraying their services as complex and valuable for lawyers	<i>Key Example 14, PR person.</i> "I do not see myself as a PR person but as a strategic thinker, one who helps set the policy and as a media advisor who implements that strategy. The PR-strategist sees other aspects, such as what is really good for the client". <i>Key Example 14a, lawyer.</i> "Lawyers tend to believe that they can perform any task—managing, accounting. But this is not true, it is better to hire a professional who will do it for you. PR people are the professionals in dealing with the media".
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565 monthly in the Israeli media a specified number of items mentioning the given law firm's name. The PR people also promised the lawyers in writing to initiate articles and TV coverage proactively that would include reference to the law firm they represented.

570 To promote the interests of their clients, and to position themselves better as brokers, the PR people themselves initiated and wrote newspaper articles in which they interviewed members of the different law firms they represented, publicly presenting them as experts in a specific legal field. Such an initiative could be launched in response to a new legislation or ruling. Next the PR people offered the ready-made article to journalists with whom they had previous ties (see Key Example 3). Given the journalists' tight schedule and low pay, some of them published the article 'as is', without doing any journalistic work. Others made a few changes and additional inquiries before publication, depending on their degree of trust in the PR person. The image of journalists as the watchdogs of democracy proved far removed from the daily realities of media work in Israel.

580 Although eased, the ethical rules still posed a threat to lawyers in dealing with the PR people since they had to trust the PR offices not to breach these rules in their dealings with the media. The formal contracts provided some protection, as they formed what Zucker (1986) calls "institutionalized trust". Here the PR people became formally responsible for adhering to the Bar's rules in representing the law firms. Still, the Bar made it clear that the lawyers, not the PR people they hired, held full responsibility for any breach of the ethical rules (Arad-Ayalon, 2007). Large PR offices tried to enhance the lawyers' trust by hiring a lawyer

themselves to ensure adherence to the Bar's ethical rules. So we witness the birth of a new position in the PR office, the outcome of the interaction between lawyers and PR people within the institutional environment of the legal profession.

590 As part of the commercialisation of social ties, the PR people presented the lawyers with an economic argument based on the economy of scale. Most PR people penetrating the legal field had other clients in the public and private sectors. Their ability to assemble and apply their other clients' bargaining power in dealing with the media strengthened their role as brokers. First, some PR  
595 people with diverse clientele traded information that they had acquired from non-legal clients and that was very valuable to journalists, especially if it was offered exclusively, to improve media exposure of the law firms they represented. In return for the information the PR people demanded more than a mention of just that client's name. They extended the barter economy by asking journalists  
600 to publish an article about other clients such as the law firms they represented. The journalists, pressed by their editors for exclusive information and possessing limited bargaining power given the growing monopoly of PR people on information, sometimes agreed. For example, one of our informants told us how he was able to push favourable information about one of the law firms he represented  
605 by offering a journalist exclusive information received from a different client in the service sector.

Occasionally large PR offices that represented law firms as well as firms in other sectors used brute economic force in furthering their clients' interests. A legal journalist told us in an interview how a large PR office bypassed him by pressuring his editor  
610 to publish information favourable to one of the law firms it represented. The PR people simply threatened to reduce the amount of money they spent on newspaper ads. Such threats were also used, other informants claimed, to prevent the publication of information damaging to the PR people's clients.

While the ties between the PR people and the law firms were commercialised, those between the PR people and the journalists remained informal and socially embedded. Journalists and PR people are part of the same community of practice (Lave & Wenger, 1990), and people commonly moved from one role to the other. Q3  
615 Some of our informants started their career as journalists, then became PR people, and later went back to being journalists. Membership of the same community and the same labour market created the social basis for cooperation and trust. Low paid  
620 journalists often aspired to join a PR office, where the pay was much higher, and had little incentive not to cooperate with the PR people. Furthermore, the PR people used gifts, mainly in the form of lunch invitations and product samples, to enhance the journalists' obligation to reciprocate [for the use of gifts in market exchange see Darr (2003, 2006)] (see Key Example 4). Instead of introducing market-like ties, the PR people retained and even deepened the social  
625 embeddedness of their relationships with journalists. The combination of formalised ties with clients on the one hand, and the enhancement of informal social ties with the journalists on the other were a defining feature of the emerging  
630 barter economy.

The previous barter economy, which involved a distinct exchange rate between the lawyers and the journalists, did not disappear. Instead, the PR people and the journalists instituted this system even further. A journalist we interviewed pointed to the 'give and take' relations: "The PR person grants you exclusivity on a big story, and in return at a different time the journalist will publish a less important story". This journalist further indicated that he and other journalists instituted special columns composed of gossip items which served as payback to the PR people. *Becoming translators.* As part of their attempt to penetrate the network of direct ties between lawyers and journalists, the PR people marketed themselves as translators and brokers, positioned between the legal community and the increasingly complex media. They argued that lawyers spoke in 'legal language', very different from the 'media language' used by journalists. In their view the different languages reflected distinct systems of meaning grounded in different interests and work practices. PR people explained that lawyers were accustomed to speaking in a convoluted way, where every word was carefully weighed and each phrase carefully considered, due to their legal training and practice. Journalists, by contrast, looked for pithy and sensational news, something that a lawyer could not provide even when she had interesting news. Therefore, an experienced translator was needed, who could easily render the legal information newsworthy for publication by the journalists. More precisely, according to the PR people, to improve the dialogue between the two communities someone was needed who would act as a translator (see Key Example 5).

Lawyers have traditionally occupied a mediating position, for example between clients and the state. This mediating role creates a high dependency of clients, and often serves as a major source of professional power (Abbott, 1988; Cain & Harrington, 1994). Our findings show that the PR people, rather than the lawyers, occupied a brokerage position by becoming translators. Brokers can determine who will know what, and which media venue will yield the highest benefit for which client in the reconstructed barter economy. As part of the formal contract, the lawyer-client is expected to provide the PR person with information about the firm's clients and cases. Information, according to the lawyers' obligatory ethical rules, can be provided to the PR person only with the client's permission. Note that this paper does not deal with the ethical problems that might arise on account of the lawyers' contact with PR people. One such problem might be a breach of the ethical duty of confidentiality when the lawyer delivers information about a client to the PR person without obtaining the client's permission first (Arad-Ayalon, 2007; Erika Mikzoit, 2008). The PR people claimed that they screened the information they received from their clients in order to decide what news would be of interest for what type of media venue, and even which newspaper section or TV programme best suited the news item (see Key Example 6).

The PR people would also decide if the information they received from their clients was to be sent to all the journalists or be given exclusively to one journalist only. If they chose exclusivity, it was up to them alone to decide which journalist it was to be. We learned from the interviews that such decisions were made not on their merits but by perusal of a kind of list that a PR person kept of those whom he

owed favours to, or those who would 'thank' him later by publishing other less worthy news that the PR person would send them. The PR people used this technique of exclusivity to manipulate the journalists, sometimes even at the high price of losing the journalists' trust (see Key Example 7).

680 Translation is about transforming information from one system of meaning into another. The PR people claimed to know how to write or present news so that it would be attractive to different types of journalists. By this means the PR person enhanced the chances that the news about her lawyer-client would eventually appear in the media. One of our informants told us that in some cases he would direct the news  
685 he received from his lawyer-client not to the legal column but to the business column or even the major news column.

For PR people, translating is more than transforming information from one system of meaning into another. It also means a proactive role in shaping media coverage in a way that benefits their clients. The PR people do not necessarily create headlines, but they try effectively to surf the media waves. They scan the media daily, on  
690 the lookout for legal issues that have made the headlines, and then write follow-ups on this news in a way that presents their lawyer-client as an expert in the legal field behind the headlines. The most frequent example is writing an article or a legal column where a lawyer-client explains some new legislation or an important court  
695 decision, in response to headlines about these topics. The PR people asserted that they approached the journalist, offering him the article that explained the ramifications of the matter in hand. The lawyer-client would appear as an expert and gain publicity. Another example was given by one of our informants: when a local politician was investigated by the police for alleged criminal offences, this PR person recalled  
700 that this politician was also a lawyer, hence still subject to the Bar's disciplinary power. He called one of his lawyer-clients suggesting that he file a complaint with the Bar against that politician. The lawyer followed the advice and got his name mentioned in all the news columns that followed the police investigation, and even reached the TV news broadcasts. This is a clear instance of proactive shaping of media coverage  
705 by the PR people, designed to promote their clients' interests. Another creative idea of PR people is to initiate articles about topics such as 'lawyers' methods to relax from their intensive work' or 'lawyers on the golf course' and then to offer them to journalists. Q7

PR people also adopt a proactive approach to the journalists, employing utilitarian argumentation. They try to convince journalists that speaking directly with  
710 lawyers is relatively time-consuming as well as ineffective, since lawyers are unable to deliver the news in a way that the journalist can easily publish without the extra work of rewriting (see Key Example 8). This argument is very appealing to journalists, who are low paid and subject to strong pressure to produce great quantities of quality  
715 news. Having the PR people prepare the information for publication is significantly time-saving. The journalist trusts the PR people to perform this task satisfactorily since most of them were themselves journalists once so they are well versed in media language (see Key Example 9). The utilitarian argument is also very appealing to lawyers since it relieves them of the burden of the daily management of direct  
720 relations with journalists, which requires the investment of precious time and energy.



An indication of the success of this strategy can be found in the Bar's national ethics committee opinion from early 2008 which clearly adopts the PR arguments. This opinion officially allows lawyers to hire the services of PR people, and explains this need in the following words:

725 The media world has rules of the game which lawyers neither employ properly nor have they sufficient time to make the required effort. As a solution there are lawyers who pay to receive this service from a professional person in the fields, that hereafter will be called: a PR person. The PR person delivers professional information about the lawyer to the media. (Etika Mikzoit, 730 2008)

*Presentation of self as media advisors.* All the PR people we interviewed had a clear and uniform view of the stratified field in which they operated. They made a distinction between a spokesperson, a public relations person and a media advisor—the last of 735 these constituting the elite of their occupation. They explained that a spokesperson only delivers news to the media and sends press releases about her clients to the various media channels. A public relations person deals mostly with marketing. The role of a media advisor, our informants claimed, is to increase the clients' revenues by enhancing media exposure. In addition, a media advisor provides her clients with deep strategic analysis of how to use media exposure to their best advantage. 740 All but one of the PR people we interviewed acknowledged that in practice they supplied their lawyer-client with all three functions: they send press releases, deal with marketing and provide strategic analysis. But they all stated that their main value to the lawyer-client rested in the third function. They added that with prospective clients PR people present their professional identity as media advisors (see Key 745 Example 10). The high status of their clients, lawyers, has apparently elevated PR people's self-perception and status within their field of practice. Interestingly, researchers have noticed how the power and status of clients can influence lawyers and law firms. For example, the rise of the 'Big Law Firm' in the United States is partly explained by a growing interdependency between lawyers and large corporate 750 clients (Galanter & Palay, 1991). This interdependency fosters close personal ties and shared interests between lawyers and economic and political leaders (Haber, 1991; Heinz & Laumann, 1978). We find that PR people benefit from their ties with their new clients, Israeli law firms.

755 The PR people explained that the first function—spokesperson—can be very easily preformed by one of the lawyer's own employees such as a secretary. In fact, through our interviews with the lawyers we found that a few law firms already pay an employee to act as spokesperson and get good media exposure without hiring a PR person. This made PR people acknowledge that in the near future most law 760 firms would have their in-house employee in that role so their services for this function would no longer be needed.

The PR people we interviewed tried to avoid the second function—public relations, which deals with marketing to increase the law firm revenues—by claiming that law firms do not sell a commodity that can be marketed. While they did introduce 765 into the legal discourse marketing language (as we discuss below), two of our PR

informants stated that they never promised the lawyer-client complete success but instead committed themselves to exerting maximum effort. PR people compared themselves to lawyers or physicians, who never promise a favourable verdict or a successful operation, but guarantee only their wholehearted effort and expertise (see Key Example 11). Here again we see how the clients' occupational ideology is used manipulatively by the PR people in an attempt to bolster their own standing and to limit their direct responsibility for any failure.

The third function, media advisor, is the one most frequently mobilised by PR people to construct a professional identity during their initial interactions with the lawyer-client. They explained that as media advisors their aim was to build the lawyers' reputations as experts in their field. They asserted that law firms were similar to commercial companies wanting to establish themselves as the number one brand in the field (see Key Example 12). To attain this long-term and complex goal, PR people must use strategic thinking, a tool, they claim, only they possess. While the lawyers see only the legal point of view, the PR person can survey all the aspects of the situation and advise the lawyer accurately. PR people know that not the amount of exposure in the media is the important factor but its quality. Therefore, in some cases the best strategy is not to be exposed but to keep quiet. The PR person will find out from the lawyer-client what type of clientele she wishes to attract (commercial companies, criminal defendants) and will tailor a select exposure that will reach this audience. For example, if the lawyer-client wishes to enhance her reputation as an expert tax lawyer, the PR people will aim all publicity at the commercial and business journals, or, as one of our PR informants told us, he will offer a business journalist an entire column on certain tax problems, in which his lawyers appear as experts who can explain and solve them.

Media advisors can be very helpful to lawyers litigating a case in court; here the PR person offers lawyers litigation support. The PR person's broader perspective of the case can influence lawyers to take certain steps they otherwise would not have thought of. One of our PR informants told us that in some cases he would advise the lawyer to threaten filing a suit but not to do so, using the threat as a bargaining point for negotiation with the other side. The PR person's experience lets him know that the fear of a possible lawsuit can actually soften the other side in the negotiations.

Media advisors can also help lawyers in dealing with crises in their own firms; here the PR person offers crisis management or even crisis prevention if the lawyer seeks the PR person's advice prior to the crisis. Such crises may harm the law firm's reputation when it becomes known that the partners are engaged in disputes or that a few of them might leave the firm. Similarly, PR people functioning as media advisors see it as their duty to try to prevent the publication of information about salary cuts, which might signal the firm's decline and keep new clients away.

The success of the PR people in introducing marketing language and in bolstering their professional image as advisors became clear when we compared interviews from the first round with the second. In the first round the PR people spoke about branding and market share of law offices, language that the lawyers at first rejected. In fact, at the first stage the lawyers seemed to be experimenting with the image of

the PR people and often could not clearly specify why they hired the PR person in the first place. By contrast, in the second round of interviews the lawyers, who already employed PR people, had adapted the marketing language and even consulted with the PR people about which public events they should attend, and which events they should initiate and whom to invite (see Key Example 13). This is a clear indication that for the profession of law the PR function applies not only to the media but to public relations broadly construed.

Marketing their professional identity as media advisors enables the PR people to portray their services as more complex and valuable for lawyers (see Key Example 14). Litigation support or crisis management is much more difficult to perform than serving as a spokesperson. They require skills and expertise that PR people have already gained by working with other types of clients.

### Discussion and conclusions

This paper set out to explore the consequences of a new encounter between Israeli lawyers and PR people. It took place within a pre-existing barter economy between lawyers and journalists, which was composed of embedded and direct social ties. The emerging relationship between the lawyers and the PR people did not focus on claims for wider professional jurisdiction, a topic thoroughly investigated by sociologists of work and occupations. The PR people did not struggle with lawyers over parallel professional roles but tried to relate to them in a way that would bolster their own position within a network of social ties composing the pre-existing barter economy. Kritzer (1999) has dealt with what he called postprofessionalism, and identified "... direct encroachment of a variety of service providers" as an emerging threat to the professions. It seems safe to say that the lawyers in our case did not see the PR people's encroachment as a threat, and failed to resist their mobilisation strategies. The strategies of the PR people were aimed at gaining a brokerage position between the lawyers and the media. This middle position strengthened the power of the PR people as against both the lawyers and the journalists. Law emerged as a powerful profession in early modern England partly by assuming a brokerage and translation position between a growing middle class and the state (see Sugarman, 1994). Now, it is the PR people who assumed this translation position, this time between the law firms and the media. The PR people's success seems evident given that a powerful profession with a long history and a strong occupational jurisdiction such as the law seems to be manipulated by a fledgling occupation such as PR. The PR people were able to penetrate the pre-existing networks of personal ties between individual lawyers and journalists, and to introduce a market logic and language into a territory previously relatively buffered from market exigencies. Through their symbolic struggle, in which they presented themselves as efficient mediators, translators and media experts, they made the law firms dependent on them.

The Israeli Bar originally intended to protect the image of the profession by allowing only restricted and 'dignified' publicity. Consequently, lawyers could not use advertising effectively, and came to depend on mediators, PR people, who could effectively use indirect means to publicise them. The paradoxical result is

that instead of a 'dignified' image, lawyers are now promoted in the Israeli media just like any other commercial project (displayed, e.g. in gossip columns, etc.).

Finally, this study, which focused on work practice, revealed a great gap between the lawyers, the journalists and the PR people in their professional ideology and daily work realities. The journalists proved far removed from their public image as democracy's watchdogs. They were willing to publish under their own byline articles by PR people without engaging in any journalistic work of their own. The lawyers, despite their public claim to dignity and honour, revealed their weakness in allowing the PR people to manoeuvre them into an inferior position to the one they held during the first phase. What underpinned this weakness, we argue, was their urge to appear in the media. The PR people, despite their pretence of bringing more efficiency into the field, augmented their power and applied it to journalists and editors to promote their clients' interests. Some even betrayed their clients too, by trading information generated by one to further the interests of another. Finally, this study has demonstrated the need to delve deeper into the daily realities of work practice to uncover the outcomes of new encounters between occupations brought about by technological change, globalisation and the blurring of cultural and ethical boundaries.

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